

CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number: CPS 8752/1

Permit Holder: Marsh WA Pty Ltd

Duration of Permit: 28 April 2020 to 28 April 2025

The Permit Holder is authorised to clear native vegetation subject to the following conditions of this Permit.

PART I – CLEARING AUTHORISED

1. Purpose for which clearing may be done

Clearing for the purpose of road construction and upgrades and a firebreak.

2. Land on which clearing is to be done

Bald Island Road Reserve (PIN 1328978), Cheynes

3. Area of Clearing

The Permit Holder shall not clear more than 0.13 hectares of native vegetation within the area cross-hatched yellow on attached Plan 8752/1.

4. Application

This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

PART II – MANAGEMENT CONDITIONS

5. Directional Clearing

The Permit Holder shall conduct clearing in a slow, progressive manner from North to South to allow fauna to move into adjacent native vegetation ahead of the clearing activity.

6. Avoid, minimise and reduce the impacts and extent of clearing

In determining the amount of native vegetation to be cleared authorised under this Permit, the Permit Holder must have regard to the following principles, set out in order of preference:

- (a) avoid the clearing of native vegetation;
- (b) minimise the amount of native vegetation to be cleared; and
- (c) reduce the impact of clearing on any environmental value.

7. Dieback and weed control

When undertaking any clearing or other activity authorised under this Permit, the Permit Holder must take the following steps to minimise the risk of the introduction and spread of *weeds* and *dieback*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared:
- (b) ensure that no known *dieback* or *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and

(c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

PART III - RECORD KEEPING AND REPORTING

8. Records must be kept

The Permit Holder must maintain the following records for activities done pursuant to this Permit, in relation to the clearing of native vegetation authorised under this Permit:

- (a) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
- (b) the date that the area was cleared;
- (c) the size of the area cleared (in hectares);
- (d) actions taken in accordance with Condition 1;
- (e) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 2 of this Permit; and
- (f) actions taken to minimise the risk of the introduction and spread of *dieback* and *weeds* in accordance with condition 3 of this Permit.

9. Reporting

The Permit Holder must provide to the *CEO* the records required under condition 4 of this Permit, when requested by the *CEO*.

DEFINITIONS

The following meanings are given to terms used in this Permit:

CEO: means the Chief Executive Officer of the Department responsible for the administration of the clearing provisions under the *Environmental Protection Act 1986*;

dieback means the effect of Phytophthora species on native vegetation;

fill means material used to increase the ground level, or fill a hollow;

mulch means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation;

weed/s means any plant -

- (a) that is a declared pest under section 22 of the *Biosecurity and Agriculture Management Act* 2007; or
- (b) published in a Department of Biodiversity, Conservation and Attractions Regional Weed Rankings Summary, regardless of ranking; or
- (c) not indigenous to the area concerned.

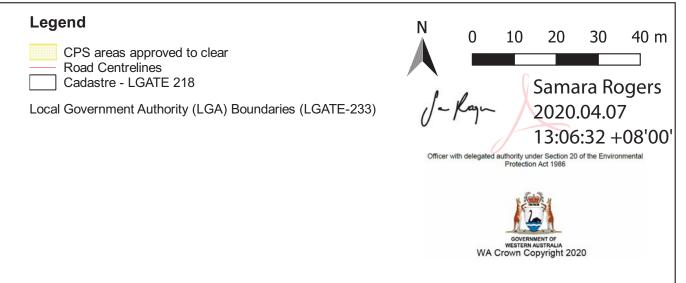
Samara Rogers MANAGER

NATIVE VEGETATION REGULATION

Officer delegated under Section 20 of the Environmental Protection Act 1986

7 April 2020

118°24′21.600″E 118°24'25.200"E 34°53′2.400″S 34°53′2.400″S 34°53'6.000"S 34°53′6.000″S 118°24′21.600″E 118°24'25.200"E Legend 10 20 30 40 m CPS areas approved to clear Road Centrelines Cadastre - LGATE 218





Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 8752/1

Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Marsh WA Pty Ltd
Application received date: 9 December 2019

1.3. Property details

Property:

ROAD RESERVE - 1328978, CHEYNES

Local Government Authority: City of Albany Chevnes

1.4. Application

Clearing Area (ha) No. Method of Clearing Purpose category:

Trees
0.13 (revised from 0.24) Mechanical Remova

Mechanical Removal Road construction/upgrades and a fire break

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 7 April 2020

Reasons for Decision:

The clearing permit application has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the Environmental Protection Act 1986 (EP Act). It has been concluded that the proposed clearing is at variance with principle (f), may be at variance with principles (a) and (h) and is not likely to

be at variance with the remaining principles.

During assessment, it was determined the vegetation within the application area includes riparian vegetation associated with a nearby watercourse or wetland, however no significant impacts to the environmental values of any watercourse or wetlands are expected given the small scale of clearing.

Through assessment it was identified that the proposed clearing may have an impact on the adjacent Arpenteur Nature Reserve and adjacent remnant vegetation. A condition to implement weed and dieback management measures has been placed on the permit to assist in mitigating potential impacts to adjacent vegetation and the conservation area.

Through assessment it was identified that the proposed clearing may indirectly impact fauna utilising the vegetation within the application area. A directional clearing condition has been placed on the permit to mitigate any impacts to fauna, to allow them to safely move into adjacent native vegetation.

Through assessment it was also identified that the application area may comprise a high level of biodiversity. The Delegated Officer had regard to soil and vegetation types mapped within the application area and the advice from DBCA that the vegetation was not likely to comprise significant habitat for threatened and priority flora.

Given the above, the Delegated Officer considered that the proposed clearing is not likely to lead to an unacceptable risk to the environment and decided to grant a clearing permit subject to directional clearing, weed management and wind erosion management conditions.

2. Site Information

Clearing Description: The application is to clear 0.13 hectares of native vegetation within Bald Island Road reserve (PIN

1328978), Cheynes, for the purpose of road upgrades (Figures 1 and 2).

Vegetation Description: The vegetation within the application area is mapped as the Beard vegetation association 989

Shrublands; Albany blackbutt mallee-heath (Shepherd et al., 2001).

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A site inspection undertaken by DWER staff on 14 February 2020 (DWER, 2020) noted that vegetation in the application area was comprised of a mixed community of sedges (including Lepidosperma spp. and Anarthria spp.), rushes (including Lyginia spp. and Desmocladus spp.), Dasypogon bromeliifolius, and shrubs (including Adenanthos cuneatus, Calothamnus gracilis, Melaleuca spp., Acacia spp., Spyridium globulosum, Astroloma spp., Olearia axillaris, Beaufortia empetrifolia., Jacksonia spp., Isopogon spp. and other unidentified Proteaceae spp.) up to approximately 1-2 metres tall with only occasional small (<2.5 metre) trees (Agonis flexuosa). No Threatened or priority flora species were identified during the site inspection (DWER, 2020).

Vegetation Condition:

The vegetation condition of the native vegetation within the application area was determined during a site inspection undertaken by DWER staff (DWER, 2020; Figure 4 – 9) to be:

Completely Degraded (existing access track areas): Structure is no longer intact and the area is completely without native species.

to

Good (vegetation adjacent to the access tracks); Vegetation structure significantly altered, obvious signs of multiple disturbance (Keighery, 1994).

Soil type:

One soil type has been mapped within the application area: Gardner sandy Phase (Mapping unit: 242MmGAs), which is characterised as leached sands and podzols; mallee-heath (Schoknecht et al., 2004).

A site visit undertaken by DWER staff (DWER, 2020) identified the presence of light grey sand. Gravel, likely introduced, comprising mainly of limestone was present within soils within the access tracks.

Comments:

The local area referred to in the assessment of this application is defined as a 20 kilometre radius measured from the perimeter of the application area.

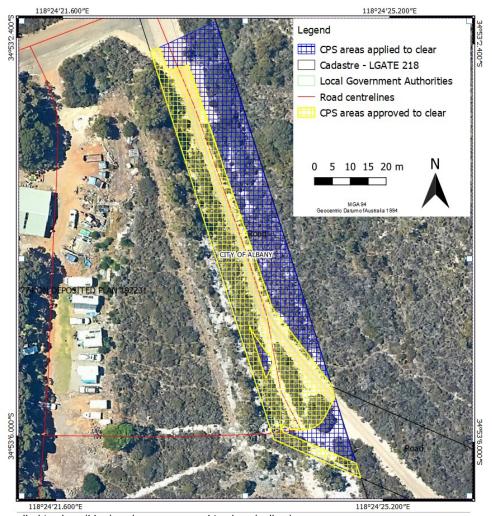


Figure 1: Area applied to clear (blue) and area approved to clear (yellow)

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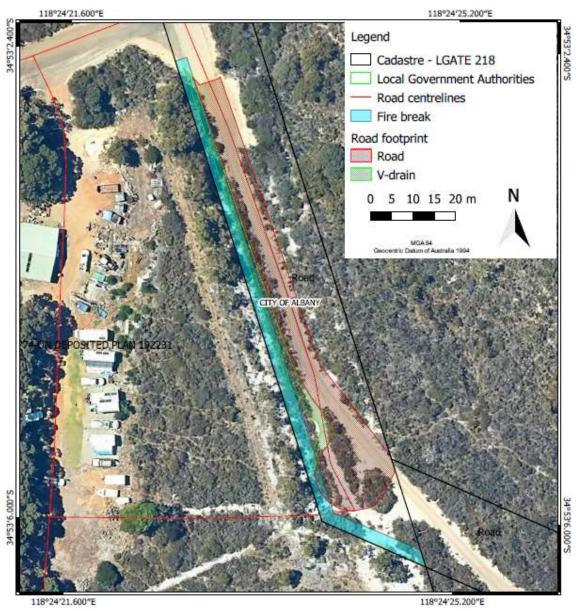


Figure 3: Road, V-drain and fire break within area approved to clear



Figure 4: Vegetation with signs of disturbance within application area west of the existing track (DWER, 2020)



Figure 5: Vegetation within application area west of the existing track (DWER, 2020

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Figure 6: Agonis flexuosa within application area west of the existing track (DWER, 2020



Figure 7: Vegetation within application area west of the existing track (DWER, 2020



Figure 8: Vegetation within application area east of the existing track (DWER, 2020



Figure 9: Vegetation within application area east of the existing track (DWER, 2020

3. Minimisation and mitigation measures

The applicant has advised that they had initially proposed a narrower road, however this proposal was rejected by the City of Albany. The City of Albany advised that the road was required to be increased to a minimum of 6 metre width to comply with the access requirements under State Planning Policy 3.7 – Planning in Bushfire Prone Areas (City of Albany, 2020).

DWER wrote to the applicant and requested further avoidance and mitigation. DWER recommended that the application area be amended to align with the area approved to be to be cleared for the road (6 m wide and a turnaround area), associated drainage and the fire break by the City of Albany (3 metres along the western and southern boundary of the road reserve) (Figure 3). The applicant agreed to this request and the approved clearing area has been amended to reflect this and has avoided a majority of the better quality vegetation adjacent to the Arpenteur Nature Reserve. The application was reduced from 0.24 hectares to 0.13 hectares and is identified in figure 1.

4. Assessment of application against clearing principles

According to available databases, 59 conservation significant flora species have been recorded within the local area, including 48 priority species and 11 threatened flora. Based on the available information, the habitat was determined likely to be suitable for four species and may be suitable for a further fourteen species (Western Australian Herbarium, 1998-).

Species which have been recorded in similar habitats to the application area:

- Andersonia pinaster (Threatened)
- Caladenia granitora (Threatened)
- Chordifex abortivus (Threatened)
- Pleurophascum occidentale (Priority 4)

Species for which the habitat within the application area is possibly suitable:

- Banksia brownii (Threatened)
- Banksia verticillata (Threatened)
- Daviesia ovata (Threatened)
- Isopogon uncinatus (Threatened)
- Chamelaucium sp. Waychinicup (D. Davidson s.n. PERTH 01486527) (Priority 2)

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- Stylidium articulatum (Priority 2)
- Calectasia obtusa (Priority 3)
- Calothamnus robustis (Priority 3)
- Leucopogon altissimus (Priority 3)
- Poa billardierei (Priority 3)
- Adenanthos x cunninghamii (Priority 4)
- Lysinema lasianthum (Priority 4)
- Stylidium gloeophyllum (Priority 4)
- Thomasia solanacea (Priority 4)
- Thysanotus glaucus (Priority 4)

Four other flora species listed as Threatened under the *Biodiversity Conservation Act 2016* (WA), *Banksia anatona*, *Banksia montana*, *Conostylis misera* and *Sphenotoma drummondii*, have been previously recorded in the local area, however these species are associated with different habitats (slopes in sandy soil over shale and sandstone (Department of Parks and Wildlife, 2014), sandstone, metamorphosed sandstone and metamorphosed siltstone (Gilfillan et al, 2005), seasonally waterlogged flats of sandy loam over clay duplex soils (Hartley and Barrett, 2008) and skeletal peat soil (Hutton et al 1996) or shallow soil over schist quartzite and granite (Brown et al., 1998) respectively).

DBCA have stated that "the area of proposed clearing does not have any known threatened flora values" (DBCA 2020). Noting this, the level of disturbance present in the application area and its small size, it is not considered likely that the aforementioned Threatened or priority species are present within the application area.

The application area is mapped as the 'Proteaceae Dominated Kwongkan Shrublands of the Southeast Coastal Floristic Province of Western Australia', which is listed as an endangered Threatened Ecological Community (TEC) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and listed as a Priority Ecological Community (PEC) (Priority 3) under the *Biodiversity Conservation Act 2016* (WA). DBCA have advised that the application area is unlikely to meet the diagnostic criteria for this PEC (DBCA, 2020). Although some Proteaceae species (*Adenanthos cuneatus, Isopogon* spp., other unidentified *Proteaceae* species) were identified within the application area during the site inspection (DWER 2020), these species did not appear to comprise 30 per cent of the vegetation cover, and as such, according to the *Approved Conservation Advice for Proteaceae Dominated Kwongkan Shrublands of the southeast coastal floristic province of Western Australia* (Department of the Environment, 2014) vegetation within the application area is not considered likely to constitute this PEC/TEC. The application area is not likely to comprise, or be necessary for the maintenance of a threatened ecological community.

A total of 46 conservation significant fauna species have been recorded in the local area. Based on available data on habitat type, ecological linkages and existing records, the application area was determined likely to be suitable for three species, and may be suitable for a further two species.

Species which the habitat is likely to be suitable:

- Atrichornis clamosus (Noisy Scrub-bird) (EN);
- Dasyornis longirostris (Western Bristlebird) (EN);
- Psophodes nigrogularis nigrogularis (Western Whipbird (Western heath)) (EN);

Species which the habitat may be suitable:

- Setonix brachyurus (Quokka) (VU); and
- Isoodon fusciventer (Quenda) (P4).

DBCA South Coast region (DBCA 2020) have advised that the area is known to constitute habitat for the noisy scrub-bird and western bristlebird, however that the application area does not contain suitable nesting habitat (*Lepidosperma* sedge) for the noisy scrub-bird (DBCA 2020). DBCA South Coast region also advised that the proposed clearing would not result in a loss of connectivity for fauna as there is continuous habitat around the boundary of the Cheynes Beach Caravan park (DBCA, 2020). Noisy scrub-bird calls were heard in the area east of the site during the DWER site inspection, but no signs of noisy scrub-bird nesting was identified within the application area (DWER, 2020). Noting the DBCA advice, the DWER site inspection findings and the presence of better quality vegetation along the eastern border of the application area, the proposed clearing is not likely to have a significant impact on the noisy scrub-bird and western bristlebird.

It is noted that, although Carnaby's cockatoo roost sites have been reported in land immediately east of the application area, no trees within the application area are able to provide breeding or roosting habitat for threatened black cockatoos (including Baudin's black cockatoo (*Calyptorhynchus baudinii*), Carnaby's black cockatoo (*Calyptorhynchus latirostris*) and forest red-tailed black cockatoo (*Calyptorhynchus banksii naso*)) were recorded within the application area. Although a minor river (non-perennial) is mapped within the application area, the site inspection (DWER; 2020) identified that this falls outside the site boundary. As such the application area was not considered likely to be habitat for conservation significant aquatic fauna species. Although the application area is mapped within the South Coast Management zone for *Pseudocheirus occidentalis* (Western ringtail possum) and several *Agonis flexuosa* trees were present within the application area, these trees were considered too small and sparsely distributed to provide connectivity and habitat for this species, which prefers mature trees with a dense canopy (Department of Parks and Wildlife 2017).

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Overall, based on the level of disturbance present in the application area and its small size, the application area is unlikely to contain significant habitat for fauna. A condition has been placed on the permit to undertake the clearing in a north to south direction so that any fauna present have the opportunity to move into the vegetation to the south of the application area.

The national objectives and targets for biodiversity conservation in Australia has a target to prevent clearance of ecological communities with an extent below 30 per cent of that present pre-1750, below which species loss appears to accelerate exponentially at an ecosystem level (Commonwealth of Australia, 2001). The Esperance Plains region currently has 51.53 per cent of the pre-1750 extent remaining, with the 989 Beard vegetation complex having 84.94 per cent vegetation remaining (Government of Western Australia, 2019). Within the local area, approximately 50 per cent of the area that was vegetated pre-1750 remains. Based on the high level of vegetation cover in the local area and the small size of application area, the proposed clearing is not likely to be significant as a remnant of native vegetation in an area that has been extensively cleared.

Although a minor river (non-perennial) is mapped close to the north-eastern portion of the application area, the site inspection (DWER; 2020) confirmed that this falls outside the site boundary, and based on the vegetation present and topography, appeared to be an infrequently flooded watercourse. However, given the proximity of the watercourse and the presence of sedges and other flora species associated with watercourses within the application area, it is considered that vegetation within the application area may be consistent with riparian vegetation. The application area is also mapped as 'swan lake' under the consanguineous wetland suites between Walpole and Fitzgerald Inlet, Southern Western Australia (Semeniuk et al., 1998). However, noting the extent of the clearing, impacts to this mapped wetland and watercourse are likely to be minimal.

The application area is located immediately west of Arpenteur Nature Reserve. As such, the proposed clearing may have an impact on the environmental values of this area by increasing the potential to introduce dieback and weeds into the adjacent nature reserve, and as such measures to be taken during clearing to minimise these impacts will be ensured via permit conditions. Considering the abundance of habitat and ecological linkages in the local area, the proposed clearing is not likely to result in reduced connectivity of natural areas for biota.

The mapped soil type within the application area has a moderate to high risk of wind erosion, and the proposed clearing may cause land degradation unless mitigation measures are implemented. The clearing and road construction should occur successively when there is a low likelihood of high wind events to minimise wind erosion. The mapped soil type within the application area also has a moderate to high risk of subsurface acidification, however, based on the small size of the application area the proposed clearing is not likely to result in significant subsurface acidification. There is a low risk of water erosion, salinity, flooding and waterlogging within the application area.

Based on the size of the application area and low flood risk of the mapped soil type, the proposed clearing is not likely to cause, or exacerbate, the incidence or intensity of flooding.

Based on the above assessment, the proposed clearing is at variance to principle (f), may be at variance to principles (a) and (h) and is not likely to be at variance to the remaining clearing principles.

Planning instruments and other relevant matters.

The application area is not located within a Proclaimed Groundwater Area, Proclaimed Surface Water, Public Drinking Water Source Area or an area subject to clearing controls under the *Country Areas Water Supply Act 1947*.

No Aboriginal sites of significance have been mapped within the application area, with the closest registered site 260 metres northeast from the application area.

Development approval for a caravan park immediately west of the application area was issued 22 February 2019 (City of Albany 2020). A condition of this development approval was that Bald island Road be upgraded/constructed to a minimum gravel standard. Plans for this road were submitted to the City of Albany and approved on 22 November 2019. The approved plans indicate that the majority of the vegetation in to the west of the application area will be cleared to facilitate the caravan park extension (City of Albany, 2020).

It is noted that the clearing area includes a 3 metre wide fire break along the western and southern boundaries of the application area. The placement of this fire break was approved by the City of Albany. It is considered that clearing for this fire break is not an exempt purpose for clearing under Schedule 6, Clause 1 of the EP Act as the fire break is not within the boundaries of the property owned by the applicant.

The clearing permit application was advertised on the DWER website on 23 January 2020 with a 21 day submission period. One submission was received providing two recommendations regarding the proposed clearing, which have been considered by DWER as follows:

- That DWER insist on a narrower clearing envelope because the northern section of Bald Island Road, adjoining Cheyne Road, which is not the subject of this Clearing Permit application, is currently considerably narrower than the width of the proposed clearing envelope (Submission, 2020); this has been addressed in the minimisation and mitigation measures section above. It is further noted here that the wider footprint
- Surveys for Threatened and priority species should therefore be performed prior to any clearing being approved (Submission, 2020).

The submissions concerns have ben address under Section 3: Avoidance and mitigation, of this report and under Section 4: Assessment against the clearing principles

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5. References

- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- Brown, A, Thomson-Dans, C & Marchant, N (eds) (1998) Western Australia's Threatened Flora, CALM, Como.
- Department of the Environment (2014). Approved Conservation Advice for Proteaceae Dominated Kwongkan Shrublands of the southeast coastal floristic province of Western Australia. Canberra: Department of the Environment. Available from: http://www.environment.gov.au/biodiversity/threatened/communities/pubs/126-conservation-advice.pdf
- Department of Parks and Wildlife (2014) Cactus Banksia, *Banksia anatona* Interim Recovery Plan 2014–2019. Interim Recovery Plan No. 346. Department of Parks and Wildlife, Western Australia.
- Department of Parks and Wildlife (2017) Western Ringtail Possum (Pseudocheirus occidentalis) Recovery Plan. Wildlife Management Program No. 58. Department of Parks and Wildlife, Perth, WA. Available from: http://www.environment.gov.au/biodiversity/threatened/publications/recovery/western-ringtail-possum-recovery-plan.
- Department of Water and Environment Regulation (DWER) (2020) Site Inspection Report for Clearing Permit Application CPS 8752/1. Site inspection undertaken 14 February 2020. Department of Water and Environment Regulation, Western Australia (DWER Ref: A1870857).
- Government of Western Australia (2019) 2018 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of March 2019. WA Department of Biodiversity, Conservation and Attractions, Perth
- Gilfillan, S., S. Barrett, R. Hartley & C. Yates (2005) Stirling Range Dryandra (*Dryandra montana*) Recovery Plan. Department of Environment and Conservation, Western Australia. Available from: http://www.environment.gov.au/resource/stirling-range-dryandra-dryandra-montana.
- Hartley, R. & S. Barrett (2008). Grass Conostylis (*Conostylis misera*) Recovery Plan. Department of Environment and Conservation, Western Australia. Available from: http://www.environment.gov.au/resource/grass-conostylis-conostylis-misera-recovery-plan. In effect under the EPBC Act from 19-Jul-2008.
- Hutton, B.J., Sivasithamparam, K., Dixon, K.W. and Pate J.S. (1996) Pectic Zymograms and Water Stress Tolerance of Endophytic Fungi Isolated from Western Australian Heaths (Epacridaceae), Annals of Botany, vol. 77, pp. 399-404
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Semeniuk, C et al (1998) Preliminary delineation of consanguineous wetland suites between Walpole and Fitzgerald Inlet, Southern Western Australia (V & C Semeniuk Research Group 1998) reports
- Shepherd, D.P., Beeston, G.R. and Hopkins, A.J.M. (2001) Native Vegetation in Western Australia, Extent, Type and Status. Resource Management Technical Report 249. Department of Agriculture, Western Australia.
- Schoknecht, N., Tille, P. and Purdie, B. (2004) Soil-landscape mapping in South-Western Australia Overview of Methodology and outputs' Resource Management Technical Report No. 280. Department of Agriculture.
- City of Albany (2020) Supporting Information for clearing permit application CPS 8752/1. City of Albany. Received by DWER in January to March 2020 (DWER Ref: A1849472, A1871223, A1873795).
- Submission (2020) Submission regarding clearing permit application CPS 8752/1. Received by DWER on 24 February 2020 (DWER Ref: A1870523).
- Western Australian Herbarium (1998-). FloraBase the Western Australian Flora. Department of Biodiversity, Conservation and Attractions. https://florabase.dpaw.wa.gov.au/ Accessed February 2020.

Publicly available GIS Databases used (data.wa.gov.au):

- Soil and Landscape Mapping Best Available
- Directory of Important Wetlands in Australia Western Australia (DBCA-045)
- IBRA Vegetation Statistics
- Remnant Vegetation
- Groundwater Salinity Statewide (DWER-026)
- Contours (DPIRD-073)
- Hydrography Inland Waters Waterlines
- Soil and Landscape Quality Wind Erosion Risk (DPIRD-016)
- Soil and Landscape Quality Water Erosion Risk (DPIRD-013)
- Soil and Landscape Quality Salinity Risk (DPIRD-009)
- Flood Risk (DPIRD-007)
- DBCA Lands of Interest (DBCA-012)
- DBCA Legislated Lands and Waters (DBCA-011)
- Regional Parks (DBCA-026)
- Aboriginal Heritage Places (DPLH-001)
- Local Planning Scheme Zones and Reserves (DPLH-071)
- CAWSA Part 2A Clearing Control Catchments (DWER-004)
- South Coast Linkage
- South Coast Macro corridor

Restricted GIS Databases used:

- Threatened Flora (TPFL)
- Threatened Flora (WAHerb)
- Threatened Fauna
- TECs and PECs
- TECs and PECs (buffered)
- Black Cockatoo roost sites
- Statewide Vegetation Complex Statistics

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