



**1. Application details**

**1.1. Permit application details**

Permit application No.: 1818/1  
 Permit type: Area Permit

**1.2. Proponent details**

Proponent's name: MR Giovanni Leusclatti

**1.3. Property details**

Property: LOT 1929 ON PLAN 123161 ORCHID VALLEY 6394  
 Local Government Area: Shire Of Kojonup

**1.4. Application**

Clearing Area (ha)	Method of Clearing	For the purpose of:
1.2	Mechanical Removal	Fence Line Maintenance and Firebreak

**2. Site Information**

**2.1. Existing environment and information**

**2.1.1. Description of the native vegetation under application**

Vegetation Description	Clearing Description	Vegetation Condition	Comment
Beard: Unit 3 - Medium Forest; Jarrah-Marri	The vegetation under application consists of 1.2ha of sparse native vegetation predominantly consisting of <i>Corymbia calophylla</i> (Marri) with some <i>Eucalyptus wandoo</i> (Wandoo) and <i>Xanthorrhoea preissii</i> (Grass Tree). There is very little to no native understorey within the proposed clearing area.	Completely Degraded: No longer intact; completely/almost completely without native species (Keighery 1994)	Vegetation condition established through photographs taken at site visit conducted by a DoW officer (for related CAWS Licence to Clear) on the 12th March 2007 (TRIM ref DOC27043) and aerial photography (Dinninup 50cm Orthomosaic - DLI04).
Beard: Unit 4 - Medium woodland; Marri & Wandoo		Completely Degraded: No longer intact; completely/almost completely without native species (Keighery 1994)	

**3. Assessment of application against clearing principles**

**(a) Native vegetation should not be cleared if it comprises a high level of biological diversity.**

**Comments**

**Proposal is not at variance to this Principle**

The proposed clearing area lies within the EPA Position Statement No. 2 area whereby further clearing within these areas is discouraged for the purposes of agriculture. It has been negotiated with the proponent, in conjunction with their CAWS Licence, for an area along the creekline (Mettabinup Brook) which runs through the property to be planted with 300 tree seedlings of native species in order to mitigate any potential impact the clearing of this applied area may have and to ensure an environmental benefit. As the area under application is relatively small (1.2ha) for the purposes of fence line construction and maintenance and firebreak and in the context of the area would not be deemed as being of significant value, it is concluded that this proposal complies with the circumstances outlined within the position statement.

The proposed clearing area is completely degraded (Keighery, 1994 & DoW Site visit, 2007) with no to very little native understorey species remaining due to having had a history of heavy grazing and previous clearing on the property.

The proposal is therefore not considered to be at variance to this principle.

**Methodology**

DoW Site visit (2007)  
 EPA (2000)  
 Keighery (1994)  
 GIS Databases:  
 - EPA Position Paper No 2 Agriculture Region - DEP 12/00

**(b) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia**

**Comments Proposal is not likely to be at variance to this Principle**

Four species of priority or threatened fauna are known to occur within the local area (10km radius) of the proposed clearing including the Chuditch (*Dasyurus geoffroii*), the Western Brush Wallaby (*Macropus irma*), the Water Rat (*Rikali*) (*Hydromys chrysogaster*) and the Quokka (*Setonix brachyurus*).

The proposed clearing area consists of an area of 1.2ha along the southern property boundary. The area is predominantly parkland cleared, with a history of heavy grazing and is in completely degraded condition (Keighery, 1994 & DoW Site visit, 2007). Although the vegetation proposed for clearing may provide habitat for some bird species, due to the lack of understorey species and the fact that there are areas of vegetation in better condition adjacent to and nearby the proposed clearing area, it is unlikely that this area would be considered to be significant habitat for fauna.

It is therefore concluded that the proposal is not likely to be at variance to this principle.

**Methodology** DoW Site visit (2007)  
Keighery (1994)  
GIS Databases:  
- Dinninup 50cm Orthomosaic - DLI04  
- SAC Bio datasets - Threatened and Priority Fauna - DEC

**(c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora**

**Comments Proposal is not likely to be at variance to this Principle**

One rare and two priority flora species have been recorded within the local area (10km radius) of the proposed clearing, with the closest record being the rare flora species, *Caladenia dorrienii*, within 1km of the proposed clearing and within similar vegetation and soil types.

The proposed clearing area however, is in a completely degraded condition (Keighery, 1994 & DoW Site visit, 2007) with no to very little native understorey due to a history of heavy grazing, with stock still being allowed to graze within this area. It is therefore, unlikely that any of the rare or priority flora species exist within the proposed clearing area.

It is therefore concluded that the proposal is not likely to be at variance to this principle.

**Methodology** DoW Site visit (2007)  
Keighery (1994)  
GIS Databases:  
- SAC Biodatasets - defl  
- SAC Biodatasets - gtsouthern\_waherb

**(d) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community**

**Comments Proposal is not at variance to this Principle**

There are no records of Threatened Ecological Communities (TEC), Priority Ecological Communities (PEC) or Threatened Plant Communities (TPC) within the vicinity (10km radius) of the proposed clearing area.

Given the completely degraded (Keighery, 1994) condition of the vegetation, it is unlikely that the proposed clearing area is necessary for the maintenance of, or would be considered to be, a threatened ecological or plant community.

It is therefore concluded that the proposed clearing area is not at variance to this principle.

**Methodology** Keighery (1994)  
GIS Databases:  
- SAC Bio datasets - Threatened & Priority Ecological Communities - DEC  
- Threatened Plant Communities - DEP 06/95

**(e) Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared**

**Comments Proposal is not likely to be at variance to this Principle**

The proposed clearing lies within the Jarrah Forest IBRA bioregion of the Shire of Kojonup which have 53.8% ('least concern') across the state and 15.2% ('vulnerable') of their pre-European vegetation extent remaining respectively (Shepherd *et al*, 2001; Shepherd, 2006 & Department of Natural Resources and Environment,

2001).

The vegetation at the site is a component of two Beard Vegetation Associations: 3 - Medium forest; jarrah-marri and 4 - Medium woodland; marri and wandoo (Hopkins *et al*, 2001) of which there is 70% and 23.3% of the pre-European extent remaining across the state and therefore are of 'least concern' and 'vulnerable' for the purposes of biodiversity conservation (Shepherd, 2006 & Department of Natural Resources and Environment, 2002).

The percentage of pre-European vegetation remaining within the Shire of Kojonup and for the Beard vegetation association 4 are both of a 'vulnerable' status with percentages below the 30% National Objective Targets for Biodiversity Conservation 2001-2005 (AGPS, 2001) and therefore the vegetation could be considered important to retain vegetation within this Shire and for this association. However, as the property has a history of heavy grazing resulting in no to very little native understorey remaining within the applied clearing area, the clearing area is not considered to be a good representation of the corresponding vegetation associations.

It is also a condition of the CAWS licence that 300 seedlings of native tree species indigenous to 50km of the site be planted and maintained along the creekline on the property (DoW, 2007).

Given that the applied area is parkland cleared with no to very little native understorey and stock are still allowed to graze within this area, it is concluded that the applied area is not likely to be considered significant as a remnant of native vegetation within an extensively cleared area.

**Methodology** AGPS (2001)  
DoW (2007)  
Hopkins *et al* (2001)  
Shepherd *et al* (2001)  
Shepherd (2006)  
Department of Natural Resources and Environment (2002)  
GIS Databases:  
- Interim Biogeographic Regionalisation of Australia - EA 18/10/00  
- Local Government Authorities - DLI  
- Pre-European Vegetation - DA 01/01

**(f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.**

**Comments** **Proposal is not likely to be at variance to this Principle**

The closest watercourse to the proposed clearing area is the Mettabinup Brook which runs through Lot 1929 Tenner Road, with the closest point being approximately 500m north of the proposed clearing area. The Gnoweagerup and Scott Brooks are also within a 4km radius of the proposed clearing area. There are no mapped wetlands within the local area (10km radius).

From aerial photography, portions of the creekline already show signs of salinity. However, due to the small size of the proposed clearing area and the fact that it is predominantly parkland cleared in a completely degraded condition (Keighery, 1994) as well as it being a condition of the CAWS licence to plant 300 tree seedlings in the vicinity of the creekline, it is unlikely that the clearing of the proposed area will cause further depreciation on the nearby watercourses.

Therefore, this proposal is not likely to be at variance to this principle.

**Methodology** Keighery (1994)  
GIS Databases:  
- ANCA, Wetlands - CALM 08/01  
- EPP Areas - DEP 06/95  
- EPP Lakes - DEP 28/07/03  
- Hydrography Linear - DoE 1/2/04  
- Hydrography, linear (hierarchy)- DoW  
- RAMSAR, Wetlands - CALM 21/10/02

**(g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.**

**Comments** **Proposal is not likely to be at variance to this Principle**

The proposed clearing area lies within the Warren River Water Reserve CAWS catchment area (Zone A) however, the purpose of clearing for fenceline construction and maintenance is considered to be compatible within these areas (Water and Rivers Commission, 1996). Due to this property having been compensated in the past, both an EP Permit and CAWS licence are required by the proponent to undertake the clearing. A CAWS licence was issued by the Department of Water for this proposal on the 18th April 2007.

The area has no mapped acid sulfate soil risk, with a low salinity risk and a groundwater salinity of 7000-14000mg/L. From aerial photography there appears to be signs of salinity occurring in areas along the existing creekline on the property.

Due to the area proposed for clearing being relatively small and in a completely degraded condition (Keighery, 1994 & DoW Site visit, 2007) it is not likely that the proposed clearing will cause or exacerbate appreciable land degradation and therefore is not likely to be at variance to this principle.

**Methodology** DoW (2007)  
DoW Site visit (2007)  
Keighery (1994)  
Water and Rivers Commission (1996)  
GIS Databases:  
- Salinity Risk LM 25M - DOLA 00  
- Groundwater Salinity, Statewide - 22/02/00  
- CAWSA Part IIA Clearing Control Catchments - DOW  
- Topographic Contours, Statewide - DOLA 12/09/02  
- Rainfall, mean annual - BOM 30/09/01

**(h) Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.**

**Comments** **Proposal is not likely to be at variance to this Principle**

Two DEC managed lands exist within a 10km radius of the proposed clearing area with the closest being Mettabinup Nature Reserve which is approximately 3.9km east of the proposed clearing area.

There are no Register of National Estate, System 6 or 1-5 & 7-12 conservation areas within the local area (10km radius).

Given the distances to the conservation areas and that the proposed clearing area is only 1.2 ha of native vegetation in a completely degraded condition (Keighery, 1994), it is unlikely that the native vegetation within the clearing area contributes to the environmental values of these nature reserves.

It is therefore concluded that the clearing of this vegetation is unlikely to have an impact on the environmental values of the nearby conservation areas.

**Methodology** Keighery (1994)  
GIS Databases:  
- CALM Managed Lands and Waters - CALM 1/06/04  
- Register of National Estate - EA 28/01/03  
- System 6 Conservation Reserves - DEP 06/95  
- System 1 to 5 & 7 to 12 areas - DEP 06/95  
- Dinninup 50cm Orthomosaic - DLI04

**(i) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.**

**Comments** **Proposal is not likely to be at variance to this Principle**

The proposed clearing area lies within the Warren River Water Reserve Public Drinking Water Source Area (PDWSA). This PDWSA has not been assigned a priority at this stage however, the proposed clearing area is also within a CAWS Zone A catchment which sees clearing for fenceline maintenance and construction as an acceptable purpose. As this property has been compensated the Department of Water (DoW) has negotiated with the applicant to revegetate and fence an area along Mettabinup Brook.

The area proposed to be cleared is within the Warren River Hydrographic Catchment area and the Tone River sub catchment, with a low salinity risk mapped for the area under application, and is not within a RIWI surface or groundwater area.

Due to the small size of the proposed clearing and the completely degraded (Keighery, 1994) condition of the area, further degradation of local water quality is unlikely to occur as a result of the clearing of 1.2ha along the southern boundary of this property.

**Methodology** Keighery (1994)  
GIS Databases:  
- Evaporation Isopleth - BOM 09/98  
- Hydrographic Catchments - Catchments - DOW  
- Hydrographic Catchments - Subcatchments - DOW  
- Public Drinking Water Source Areas (PDWSAs) - DOW  
- Rainfall, Mean Annual - BOM 30/09/01

- RIWI Act, Groundwater Areas - WRC 13/06/00
- RIWI Act, Surface Water Areas - WRC 18/10/02
- CAWSA Part IIA Clearing Control Catchments - DOW

**(f) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.**

**Comments Proposal is not likely to be at variance to this Principle**

Flooding impacts are unlikely to occur as a result of the proposed clearing due to it being for only 1.2 hectares as well as it being a condition of the CAWS clearing licence (DoW, 2007) that the applicant revegetate an area along the creekline on the property in order to assist in mitigating any potential for increase in peak flood height or duration.

It is therefore concluded that this proposal is not likely to be at variance to this principle.

- Methodology** DoW (2007)  
GIS Databases:  
- Topographic Contours, Statewide - DOLA 12/09/02  
- Dinninup 50cm Orthomosaic - DLI04

**Planning Instrument, Native Title, Previous EPA decision or other matter.**

**Comments**

The location of the proposed clearing area is zoned Rural within the Town Planning Scheme.

The clearing required for the road reserve is vested with the Shire of Kojonup. On the 23rd April 2007, the Shire of Kojonup sent a copy of the letter submitted to the Department of Water advising that the "Shire of Kojonup offers no objections to the proposed application for clearing of Shire land bordering Lot 1929 Tenner Road, Orchid Valley to maintain a fenceline," " Pending approval by the Department of Water the Shire authorises Mr Giovanni Leusciatti to clear up to 1.5m into the Shire managed land immediately adjacent to the nominated fence."

The proponent has applied for an area of 1.2ha for the purposes of fenceline construction and maintenance and firebreak. The firebreak is proposed to be 15m in width from the fenceline. The Shire "only requires firebreaks around buildings and houses, not paddocks" (Shire of Kojonup, 2007) and therefore given that the property is substantially cleared, particularly around any buildings, the 15m wide firebreak is considered to be slightly excessive in relation to the needs of the property.

The location of the proposed clearing has a memorial on the Certificate of Title due to the land being compensated, therefore both a CAWS licence and a Clearing Permit under the Environmental Protection Act are required for this proposal (DoW Site visit, 2007). An application for a CAWS clearing licence was submitted to the Department of Water on the 23rd October 2006. A CAWS licence (CPS1785/1) was granted for the removal of 300 native trees to the applicant on the 18th April 2007 (DoW, 2007).

A submission was received by the Department on the 8th August 2007 which stated that they have "no serious objection to the clearing along proposed fenceline, however, would like to see revegetation of at least three or four rows of native vegetation outside the fence line, to offset the clearing." This matter has been addressed within principle a.

- Methodology** DoW Site visit (2007)  
DoW (2007)  
Shire of Kojonup (2007)  
GIS Database:  
- Town Planning Scheme Zones - MFP8/98

**4. Assessor's comments**

Purpose	Method	Applied area (ha)	Comment
Fence Line Maintenance and Firebreak	Mechanical Removal	1.2	The assessment of this application has identified the proposal for the clearing of 1.2ha for fenceline construction and maintenance and firebreak to not be at variance to principles a and d and not likely to be at variance to principles b, c, e, f, g, h, i and j.

**5. References**

- AGPS (2001) The national objective and targets for biodiversity conservation 2001-2005. Commonwealth of Australia, Canberra.
- Department of Natural Resources and Environment (2002) Biodiversity Action Planning. Action planning for native biodiversity at multiple scales; catchment bioregional, landscape, local. Department of Natural Resources and Environment, Victoria.

- DoW (2007) Licence to Clear For the Warren River Water Reserve Zone A, Country Areas Water Supply Act 1947, Department of Water, South West Region, W.A. TRIM ref DOC26675.
- DoW Site visit (2007) Site visit to Lot 1929 Tenner Road, Orchid Valley - Warren Catchment - 12th March 2007, Department of Water, Bunbury, W.A. TRIM ref DOC27043.
- EPA (2000) Environmental protection of native vegetation in Western Australia. Clearing of native vegetation, with particular reference to the agricultural area. Position Statement No. 2. December 2000. Environmental Protection Authority.
- Hopkins, A.J.M., Beeston, G.R. and Harvey J.M. (2001) A database on the vegetation of Western Australia. Stage 1. CALMScience after J. S. Beard, late 1960's to early 1980's Vegetation Survey of Western Australia, UWA Press.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Shepherd, D.P. (2006). Adapted from: Shepherd, D.P., Beeston, G.R., and Hopkins, A.J.M. (2001), Native Vegetation in Western Australia. Technical Report 249. Department of Agriculture Western Australia, South Perth. Includes subsequent updates for 2006 from Vegetation Extent dataset ANZWA1050000124.
- 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.
- Shire of Kojonup (2007) Firebreak Order, Shire of Kojonup, Western Australia. TRIM ref DOC28708.
- WRC (1996) Policy and Guidelines: Granting of Licences to Clear Indigenous Vegetation in Catchments Subject to Clearing Control Legislation. Water and Rivers Commission, Western Australia.

## 6. Glossary

Term	Meaning
BCS	Biodiversity Coordination Section of DEC
CALM	Department of Conservation and Land Management (now BCS)
DAFWA	Department of Agriculture and Food
DEC	Department of Environment and Conservation
DEP	Department of Environmental Protection (now DEC)
DoE	Department of Environment
DoIR	Department of Industry and Resources
DRF	Declared Rare Flora
EPP	Environmental Protection Policy
GIS	Geographical Information System
ha	Hectare (10,000 square metres)
TEC	Threatened Ecological Community
WRC	Water and Rivers Commission (now DEC)