



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 2778/1
Permit Holder:	Antonio Franco Valerie Joy Franco
Duration of Permit:	16 April 2009 – 16 April 2014

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 grazing and pasture.

2. Land on which clearing is to be done

Lot 6040 on Plan 226616

3. Area of Clearing

The Permit Holder must not clear more than 29.25 hectares of degraded *condition* native vegetation within the area hatched yellow on attached Plan 2778/1.

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.

5. Compliance with Assessment Sequence and Management Procedures

Prior to clearing any native vegetation under conditions 1, 2 and 3 of this Permit, the Permit Holder must comply with the Assessment Sequence and the Management Procedures set out in Part II of this Permit.

PART II – ASSESSMENT SEQUENCE AND MANAGEMENT PROCEDURES

6. Clearing not authorised

This Permit does not authorise the Permit Holder to clear native vegetation for grazing and pasture where:

- the native vegetation is in excess of 1.2 metres in height; and
- the native vegetation occurs on *rocky outcrops*.

7. Avoid, minimise etc 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.

8. Vegetation management

The Permit Holder shall not clear native vegetation within 30 metres of the *riparian vegetation* of any *watercourse* or *wetland* within the area cross-hatched yellow on Plan 2778/1.

PART III - RECORD KEEPING AND REPORTING

9. Records to be kept

The Permit Holder must maintain the following records for activities done pursuant to this Permit:

- (a) In relation to the clearing of native vegetation authorised under this Permit:
 - (i) the species composition, structure and density of the cleared area;
 - (ii) 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;
 - (iii) the date that the area was cleared; and
 - (iv) the size of the area cleared (in hectares).
- (b) In relation to the retention of a buffer of areas pursuant to condition 8 of this Permit:
 - (i) the commencement date of buffer retention;
 - (ii) the location of any area buffered recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings;
 - (iii) a description of the buffering activities undertaken;
 - (iv) the size of the area buffered (in hectares); and
 - (v) the species, structure and composition of buffered vegetation measured.

10. Reporting

- (a) The Permit Holder must provide to the CEO, on or before 30 June of each year, a written report of records required under condition 9 of this Permit and activities done by the Permit Holder under this Permit between 1 January and 31 December of the preceding year.
- (b) Prior to 16 January 2014, the Permit Holder must provide to the CEO a written report of records required under condition 9 of this Permit where these records have not already been provided under condition 10(a) of this Permit.

Definitions

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

Condition means the rating given to native vegetation using the Keighery scale and refers to the degree of change in the structure, density and species present in the particular vegetation in comparison to undisturbed vegetation of the same type;

riparian vegetation has the meaning given to it in Regulation 3 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004;

rocky outcrops means an area which has a portion of bedrock or other stratum protruding through the soil level;

watercourse has the meaning given to it in section 3 of the *Rights in Water and Irrigation Act 1914*; and

wetland/s means an area of seasonally, intermittently or permanently waterlogged or inundated land, whether natural or otherwise, and includes a lake, swamp, marsh, spring, dampland, tidal flat or estuary.

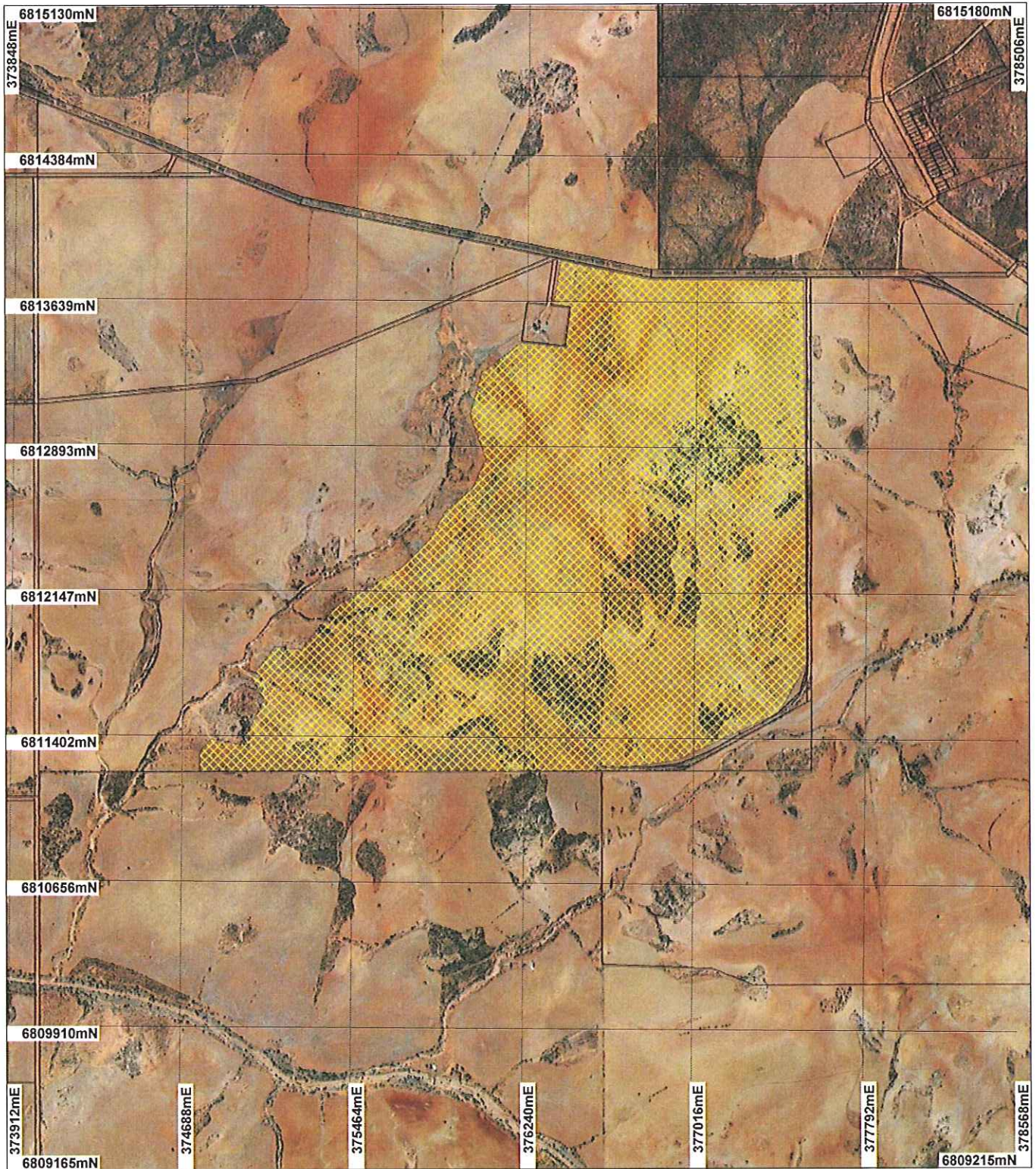
A handwritten signature in black ink, appearing to read 'Kelly Faulkner', is written over a horizontal line. The signature is stylized and includes a long horizontal stroke extending to the right.

Kelly Faulkner
MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

*Officer delegated under Section 20
of the Environmental Protection Act 1986*

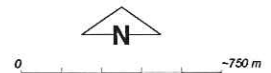
16 April 2009

Plan 2778/1



LEGEND

Clearing Instruments
Cadastral
Mullawa 50cm Orthomosaic



Scale 1:26712

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

K Faulkner Date 16/4/2009

K Faulkner

Officer with delegated authority under Section 20 of the Environmental Protection Act 1986

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.



Department of Environment and Conservation

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1. Application details

1.1. Permit application details

Permit application No.: 2778/1
 Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: MR Anthony Franco

1.3. Property details

Property: LOT 6040 ON PLAN 226616 (TARDUN 6628)
 Local Government Area: Shire Of Mullewa
 Colloquial name:

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
29.25		Mechanical Removal	Grazing & Pasture

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 Vegetation Unit: 684: Mosaic: Shrublands; Shrublands; jam scrub with scattered York gum in the valleys / Allocasuarina campestris thicket 1413: Shrublands; acacia, casuarina & melaleuca thicket	The proposal is to clear 29.25 hectares of native vegetation within a 440ha area for the purpose of grazing and pasture.	Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994)	Condition of the vegetation under application was determined by Department of Environment and Conservation Midwest Region (DEC, 2008).

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 may be at variance to this Principle

The proposal is to clear 29.25ha of native vegetation in degraded (Keighery, 1994) condition within a 440ha area for the purpose of grazing and pasture.

The local area (10km radius) has been extensively cleared with approximately 15% native vegetation remaining.

The area under application is part of a locally significant stepping stone linkage between two larger native vegetation remnants.

The applicant amended the application to exclude areas of significant vegetation on the property. These areas will be retained within rocky outcrops, within 30m of watercourses, on slopes to watercourses and hills and in addition no vegetation over a height of 1.2m will be cleared (Amendment Advice, 2009).

On this basis the proposed clearing may be at variance to this principle.

Conditions will be placed on the permit to reflect this amendment in order to maintain biodiversity on the property and within the local area.

Methodology References:

Amendment Advice (2009)
Keighery (1994)

GIS Database:
SAC Bio datasets accessed 15 December 2008

(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 may be at variance to this Principle

The local area (10km radius) is extensively cleared (approximately 15% of native vegetation remaining).

The vegetation under application forms part of a stepping stone linkage between larger nearby areas of remnant vegetation and thus vegetation under application may be significant habitat for native fauna as part of an ecological linkage.

Given the highly cleared condition of the local area and taking into account that the vegetation under application is in degraded condition the vegetation under application may be at variance to this principle.

On this basis the proposed clearing may be at variance to this principle.

Conditions will be placed on the permit to reflect this amendment in order to retain areas of significant fauna habitat on the property and within the local area.

Methodology References:
Amendment Advice (2009)

GIS Database:
SAC Bio Dataset - accessed 25 November 2008

(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

There is one known record of rare flora within the local area (10km radius), namely *Eremophila viscida*.

E. viscida is known to occur on stone gullies and sandplains (Herbarium, 1998-) while the area under application is mapped as being chiefly neutral red earths (DAFWA, 2008; Northcote et al., 1980).

As *E. viscida* is considered unlikely to occur within the applied area and as there are no other known records of rare flora within the local area, the clearing as proposed is not likely to be at variance to this principle.

Methodology References:
DAFWA (2008)
Herbarium (1998-)
Northcote et al. (1980)

GIS Database:
SAC Bio Dataset - accessed 25 November 2008

(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 likely to be at variance to this Principle

There are no known records of Threatened Ecological Communities (TECs) within the local area (10km radius).

Therefore the clearing as proposed is not likely to be at variance to this principle as clearing is not likely to be part of, or necessary for the maintenance of a TEC.

Methodology GIS Database:
SAC Bio Datasets - accessed 25 November 2008

(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 may be at variance to this Principle

..	Pre-European	Current	Remaining %	% in
reserves/DEC-	area (ha)	extent (ha)	managed land	

IBRA Bioregion **				
- Avon Wheatbelt (AW)	9,518,411	1,444,595	15.18	11.12
LGA				
- Shire of Mullewa*	811,106	367,782	45.34	9.83

Beard vegetation associations**

- 684				
state wide	213,758	33,602	15.72	1.34
in AW	213,291	33,523	15.72	1.34
- 1413				
state wide	1,679,917	1,247,101	74.24	17.35
in AW	546,676	135,264	24.74	7.89

* (Shepherd et al., 2001; Hopkins et al., 2001)

** (Shepherd, 2007)

The local area (10km radius) has approximately 15% native vegetation remaining therefore the local area has been extensively cleared.

The area under application falls within EPA Position Statement No.2 agricultural area, which has a general presumption against clearing within the agricultural area for agricultural purposes. Beard vegetation association 684 has a current extent within the bioregions that is lower than the desirable 30% threshold level target identified by the EPA (2000). The EPA states that below the threshold level species loss appears to accelerate exponentially at an ecosystem level.

The applied area forms part of a stepping stone linkage to nearby larger areas of remnant vegetation in an extensively cleared landscape therefore the vegetation under application is part of significant vegetation within the local area.

The applicant amended the application to exclude areas of significant vegetation on the property. These areas will be retained within rocky outcrops, within 30m of watercourses, on slopes to watercourses and hills and in addition no vegetation over a height of 1.2m will be cleared (Amendment Advice, 2009).

On this basis the clearing as proposed may be at variance to this principle.

Conditions will be placed on the permit to reflect this amendment in order to maintain significant vegetation on the property and within the local area.

Methodology

References:

Amendment Advice (2009)

EPA (2000)

Hopkins et al (2001)

Shepherd et al (2001)

Shepherd (2007)

GIS Database:

Interim Biogeographic Regionalisation of Australia - EA 18/10/00

Local Government Authorities - DLI 8/07/04

Pre European Vegetation - DA 01/01

NLWRA, Current Extent of Native Vegetation 20 Jan 2001

(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 at variance to this Principle

The area under application is adjacent to and in close proximity to a number of minor, non-perennial watercourses.

Some of the vegetation under application is growing in association with these watercourses.

Therefore the clearing as proposed is at variance to this principle.

The applicant amended the application to exclude areas of significant vegetation on the property. These areas will be retained within rocky outcrops, within 30m of watercourses, on slopes to watercourses and hills and in

addition no vegetation over a height of 1.2m will be cleared (Amendment Advice, 2009).

Conditions will be placed on the permit to reflect this amendment in order to prevent clearing from impacting on watercourses within the property and within the local area.

Methodology References:
Amendment Advice (2009)

GIS Database:
Hydrography linear - DOW 13/7/06

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

Comments **Proposal may be at variance to this Principle**

The area under application is mapped as having chiefly neutral red earths.

Removal of 29 hectares of native vegetation is likely to contribute to wind erosion (DAFWA, 2008) however impacts are expected to be short term given the land use of the property (return to pasture).

The clearing as proposed includes sloped areas in association with watercourses, clearing of vegetation within these areas may result in appreciable water erosion (DAFWA, 2008).

The applicant amended the application to exclude areas of significant vegetation on the property. These areas will be retained within rocky outcrops, within 30m of watercourses, on slopes to watercourses and hills and in addition no vegetation over a height of 1.2m will be cleared (Amendment Advice, 2009).

On this basis the clearing as proposed may be at variance to this principle.

Conditions will be placed on the permit to reflect this amendment in order to minimise the impact of land degradation such as water erosion on the property and within the local area as a result of clearing.

Methodology References:
Amendment Advice (2009)
DAFWA (2008)

GIS Database:
Hydrogeology, Statewide 05 Feb 2002
Hydrographic catchments, catchments - DoW 01/06/07
Salinity Risk LM 25m - DOLA 00
Soils, Statewide DA 11/99
Topographic contours statewide - DOLA and ARMY 12/09/02

(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**

The closest conservation area is approximately 5.7km south west of the applied area.

Due to the distance between the applied area and the conservation area the clearing as proposed is not likely to be at variance to this principle as clearing is not likely to impact on the environmental values of this conservation area.

Methodology GIS Database:
CALM Managed Lands and Waters - CALM 01/06/05
Register of National Estate - Environment Australia, Australian and world heritage division 12 Mar 02
System 1 to 5 and 7 to 12 areas DEC 11/7/06

(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 may be at variance to this Principle**

The area under application is adjacent to and in close proximity to multiple minor watercourses, clearing of vegetation in association with these watercourses may cause a deterioration in the quality of surface water in the stream network.

The applicant amended the application to exclude areas of significant vegetation on the property. These areas will be retained within rocky outcrops, within 30m of watercourses, on slopes to watercourses and hills and in addition no vegetation over a height of 1.2m will be cleared (Amendment Advice, 2009).

On this basis the clearing as proposed may be at variance to this principle.

Conditions will be placed on the permit to reflect this amendment in order to minimise the impact of clearing on the quality of surface and underground water on the property and within the local area.

Methodology References:
Amendment Advice (2009)

GIS Database:
Evapotranspiration Isopleths - WRC 29/09/98
Groundwater Salinity Statewide DoW 13/07/06
Hydrography, linear - DOW 13/7/06
Salinity Risk LM 25m - DOLA 00

(j) 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

The area under application is mapped as receiving approximately 400mm rainfall per annum with 400mm evapotranspiration per annum.

As the area under application receives little excess rain and is situated on a slope it is unlikely that the clearing as proposed will cause or exacerbate the incidence or intensity of flooding in the local area.

Methodology GIS Database:
Evaporation Isopleths - WRC 29/09/98
Mean Annual Rainfall Isohytes (1975 - 2003) - DEC 02/08/05
Topographic Contours, Statewide - DOLA 12/09/02

Planning instrument, Native Title, Previous EPA decision or other matter.

Comments

The area under application falls within EPA Position Statement No.2 agricultural area, which has a general presumption against clearing within the agricultural area for agricultural purposes (EPA, 2000).

The area under application is within a Rights in Water Irrigation Groundwater Area (Gascoyne) which currently has no plan approved over the area.

Methodology Application has been amended to a Purpose Permit application.
References:
EPA (2000)

GIS Database:
RIWI Act, Groundwater Areas - DoW 13/07/06

4. Assessor's comments

Comment

The application has been assessed against the clearing principles, planning instruments and other matters in accordance with s51O of the Environmental Protection Act 1986, and the proposed clearing is at variance with principle (f) and may be at variance with principles (a), (b), (e) (g) and (i) and is not likely to be at variance with principles (c), (d), (h) and (j).

5. References

- Amendment Advice (2009) Advice from applicant approving amendments detailed in Department of Environment and Conservation letter dated 23 December 2008. DEC Trim Ref DOC74659
- DAFWA (2008) Department of Agriculture and Food Western Australia Land Degradation Advice. Commissioner of Soil and Land Conservation. DEC Trim Ref DOC72179.
- 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, Western Australia.
- 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.
- Northcote, K. H. with Beckmann G G, Bettenay E., Churchward H. M., van Dijk D. C., Dimmock G. M., Hubble G. D., Isbell R. F., McArthur W. M., Murtha G. G., Nicolls K. D., Paton T. R., Thompson C. H., Webb A. A. and Wright M. J. (1960-

68): 'Atlas of Australian Soils, Sheets 1 to 10, with explanatory data'. CSIRO and Melbourne University Press: Melbourne.

Shepherd, D.P. (2007). 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.

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)