



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 3065/1
Permit Holder:	Gandy Timbers Pty Ltd
Duration of Permit:	11 July 2009 – 11 July 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 horticulture.
- 2. Land on which clearing is to be done**
LOT 8860 ON PLAN 140468 (DIAMOND TREE 6258)
LOT 5110 ON PLAN 229254 (DIAMOND TREE 6258)
LOT 11799 ON PLAN 229254 (DIAMOND TREE 6258)
- 3. Area of Clearing**
The Permit Holder must not clear more than 65.5 hectares of native vegetation within the area hatched yellow on attached Plan 3065/1.
- 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. 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.

7. Dieback and weed control

- (a) 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*:
- (i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
 - (ii) shall not move soils in wet conditions;
 - (iii) ensure that no *dieback* or *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
 - (iv) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

8. Watercourse 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 3065/1.

PART III - RECORD KEEPING AND REPORTING

9. 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 species composition, structure and density of the cleared area;
- (b) 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;
- (c) the date that the area was cleared; and
- (d) the size of the area cleared (in hectares).

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 11 May 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:

dieback means the effect of *Phytophthora* species on native vegetation;

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

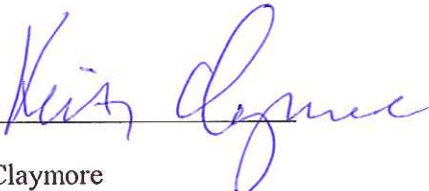
mulch means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation

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

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

weed means a species listed in Appendix 3 of the "Environmental Weed Strategy" published by the Department of Conservation and Land Management (1999), and plants declared under section 37 of the *Agriculture and Related Resources Protection Act 1976*.

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.

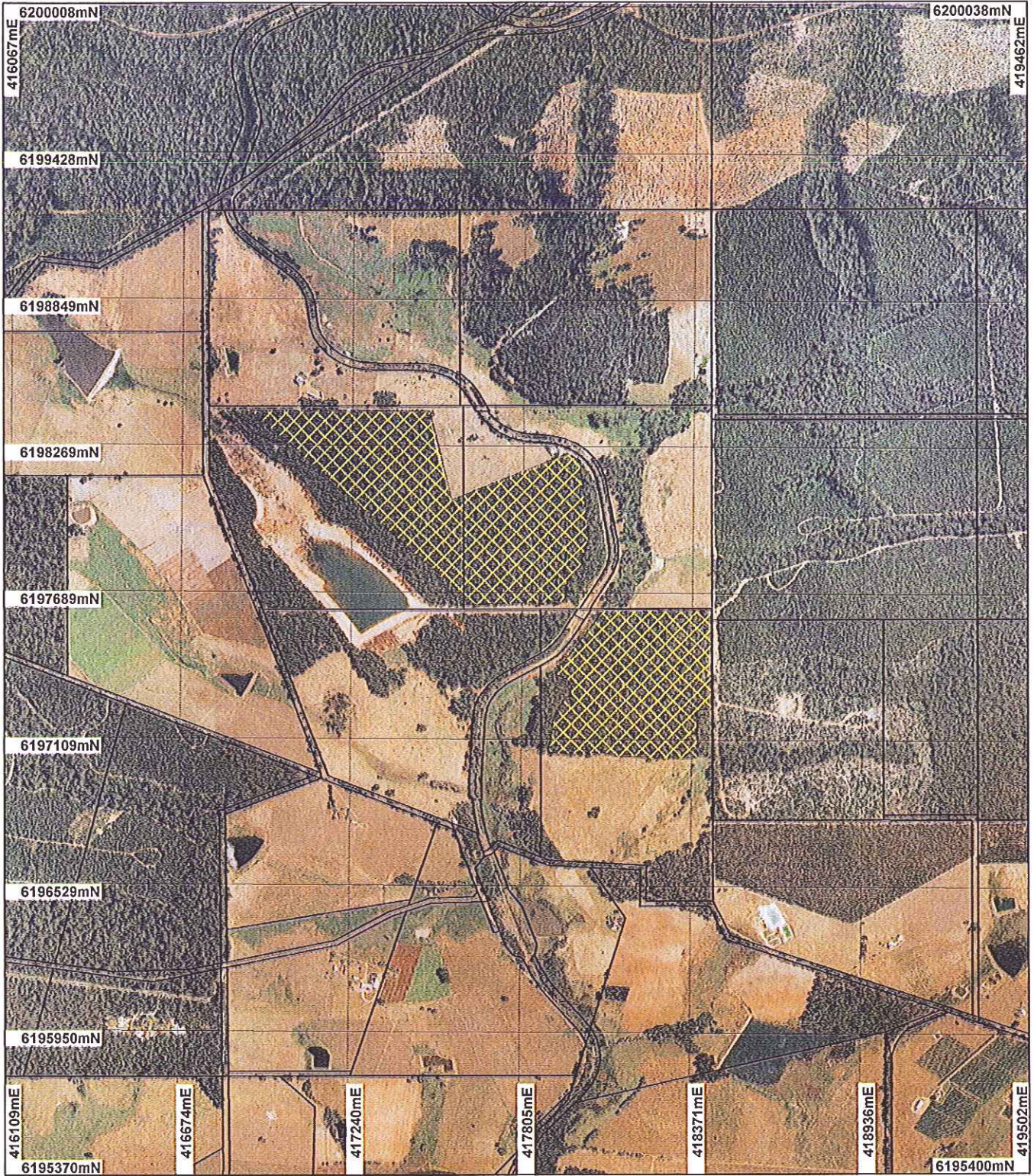


Keith Claymore
A/ ASSISTANT DIRECTOR
NATURE CONSERVATION DIVISION

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


11 June 2009

Plan 3065/1



LEGEND

Clearing Instruments

-  Areas Approved to Clear
-  Cadastre
-  Man/Imp 50cm
-  Orthomosaic - Landgate 2004



Scale 1:21188

(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. Claymore Date *11/6/09*

K Claymore

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

WA Crown Copyright 2002



1. Application details

1.1. Permit application details

Permit application No.: 3065/1
 Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Gandy Timbers Pty Ltd

1.3. Property details

Property: LOT 8860 ON PLAN 140468 (DIAMOND TREE 6258)
 LOT 5110 ON PLAN 229254 (DIAMOND TREE 6258)
 LOT 11799 ON PLAN 229254 (DIAMOND TREE 6258)
 Local Government Area: Shire Of Manjimup
 Colloquial name:

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
65.5		Mechanical Removal	Horticulture

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 Associations; Nornalup (3 & 1112): Medium forest; jarrah-marri & Mosaic: Tall forest; karri / Tall forest; jarrah & marri Shepherd et al. (2001).	The proposal involves clearing approximately 65.5 hectares of native vegetation that varies in condition from good to very good (Keighery, 1994) condition.	Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery 1994)	The description of the clearing application area is based on a site inspection conducted by DEC officers on 26 July 2007 and aerial imagery.
Pemberton Complex (PM1): Tall open forest of Eucalyptus diversicolor with mixtures of Corymbia calophylla on valley slopes and low forest of Agonis juniperina-Banksia seminuda-Callistachys lanceolata on valley floors in the perhumid zone.	The vegetation under application comprises karri, marri and mixed karri-marri pole forest over an understorey including Trymalium floribundum (DEC Site Visit, 2007).		
Crowea Complex (CRy): Tall open forest of Corymbia calophylla with mixture of Eucalyptus marginata subsp. marginata and Eucalyptus diversicolor on uplands in hyperhumid and perhumid zones; Matiske Consulting (1998).	The area under application was heavily logged approximately 50 years previous; the resulting regrowth varies from high quality, even-aged karri to more mixed age, predominantly marri forest. The area is long unburnt and comprises thick leaf covering the forest floor.		

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 likely to be at variance to this Principle**
 The proposed clearing of 65.5 hectares of native vegetation is for the purpose of horticulture. The applied area is considered to contain vegetation that varies from good to very good condition (Keighery, 1994; DEC, 2007).

The area has been historically logged and thinned, with regrowth jarrah, karri and mixed jarrah-karri forest.

The local area (10 km radius) is approximately 70% vegetated, with approximately 95% of that vegetation managed by DEC for conservation purposes (including National Parks, State Forests and Nature Reserve).

Several occurrences of the priority ecological community (PEC) "Epiphytic Cryptogams" are located within close proximity of the proposed clearing, however due to the minimal understorey the application area has limited biological diversity in epiphytic cryptogams when compared to the adjacent conservation areas (Treetec Consulting Pty Ltd, 2008).

Due to the application area's position in the landscape and given the historical clearing that has occurred within the application area, it is considered unlikely that the vegetation under application is representative of an area of outstanding biodiversity. To further reduce the impacts of clearing on the local area, dieback and weed control conditions will be imposed on the permit.

Methodology Keighery (1994)
DEC (2007)
Treetec Consulting Pty Ltd (2008)
GIS DataSets:
- CALM Managed Lands and Waters - CALM 01/06/05
- Clearing Regulations, Environmentally Sensitive Areas 30 May 2005
- Interim Biogeographic Regionalisation of Australia - EA 18/10/00
- SAC Biodatasets - accessed 17 April 09

(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**
The area proposed for clearing was heavily logged in the 1950s. Many of the larger (karri) trees were harvested during this time, however, some still remain and may contain nesting hollows suitable for local fauna (DEC, 2007). Three fauna species that have a vulnerable status have been recorded within the local area (10km radius). *Calyptorhynchus banksii naso* (Forest Red-tailed Black Cockatoo) has been recorded 3km west of the application area, while there are historic records of *Setonix brachyurus* (Quokka) and *Phascogale tapoatafa* (Brush-tailed Phascogale).

The local area is well vegetated (approximately 70% remaining), with up to 50% of this being protected in the form of DEC managed lands.

Due to the high representation of conservation areas (National Parks, State Forest and Nature Reserves) within the local area, which are likely to offer equal or better habitat than that within the area under application, it is considered unlikely that the vegetation under application provides significant habitat for local fauna species.

Methodology DEC (2007)
GIS DataSets:
- CALM Managed Lands and Waters - CALM 01/06/05
- Manjimup Orthomosaic 50cm - 9/10/2007
- SAC Biodatasets - accessed 17 April 09

(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**
The rare flora species *Caladenia christineae* has been recorded in and on the margins of winter-wet flats, swamps and freshwater lakes. The nearest recorded occurrence is 7.5km south east of the proposed clearing area, on the banks of the Eastbrook River. The area under application is located on an upland Karri forest, therefore it is considered unlikely that this species is present in the area.

The priority one species *Thomasia brachystachys* was recorded 7.3km from the application area. *Xanthoparmelia xanthomelanoides* (P2) was recorded 1.89km south east of the application area and occurs on the same vegetation and soil types as the applied area. This taxon is known from two disjunct populations, to the north of Geraldton and Manjimup. Non-vascular plants are very poorly collected and there is great potential for this species to be found within a range greater than is presently known. While it is not possible to rule out the presence of this species within the applied area, the proposed clearing would be unlikely to affect the conservation significance of this taxa (DEC, 2009).

The area proposed to be cleared is considered unlikely to be at variance to this principle.

Methodology GIS DataSets:
- CALM Managed Lands and Waters - CALM 01/06/05
- SAC Biodatasets - accessed 17 April 09

(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 occurrences of Threatened Ecological Communities (TECs) within the application area or local area (10km radius), therefore it is considered unlikely that the proposed clearing is at variance to this principle.

Methodology GIS DataSets:
 - SAC Biodatasets - accessed 17 April 09
 - Soils, Statewide DA 11/99

(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 at variance to this Principle**
 As the table below illustrates none of the vegetation types present within the application area are below the 30% recommended threshold for remaining pre-European levels of vegetation (Commonwealth, 2001).

Given that the surrounding area has a high proportion of land managed for conservation including National Parks, State Forests and Nature Reserves, the applied area is not considered to be a significant remnant.

The proposed clearing is not considered to be at variance to this principle.

	Pre-European (ha)*	Current extent (ha)*	%Remaining
IBRA Bioregions - Warren	835,925	675,925	80.85
Shire of Manjimup	697,359	595,561	85.40
Vegetation type:			
Beard: Unit 3			
Within shire	287,390	244,323	85.01
Within bioregion	252,196	204,295	81.01
Beard: Unit 1112			
Within shire	10,029	9,695	96.67
Within bioregion	11,085	10,728	96.78
Mattiske:			
Pemberton (PM1)	258,061	169,317	65.6
Crowea (CRy)	337,605	236,268	70.1

(Shepherd et al. 2007)

Methodology Commonwealth (2001)
 Shepherd et al (2007)
 GIS DataSets:
 - CALM Managed Lands and Waters - CALM 01/06/05
 - Manjimup Orthomosaic 50cm - 9/10/2007
 - Mattiske Vegetation (01/03/1998)
 - SAC Biodatasets - accessed 17 April 09

(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**
 Several minor watercourses occur within close proximity to the area under application. Sections of the vegetation under application are considered to be growing in association with watercourses. To reduce the impacts on riparian vegetation, a 30 metre vegetated buffer and fencing of riparian vegetation will be conditions placed on the permit.

Methodology CAWS (2009)

GIS DataSets:

- Hydrography linear - DOW 13/7/06
- Hydrography linear (hierarchy) - DoW 13/7/06
- Geomorphic Wetlands (Mgt Categories), Augusta to Walpole - DEC

(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 will result in approximately 28% of vegetation remaining on the land holding, which is above the required 10% necessary to reduce salinity in a catchment area (CAWS, 2009).

The risk of water erosion is greatest on the slopes greater than 10%. The applicant has excluded these areas from clearing. As long as the moderate slopes maintain good ground cover and steep slopes are excluded, then no significant change is expected. The risk of further land degradation resulting from the proposed clearing, if these measures are followed is considered to be low (DAFWA, 2009a).

The northern section of the applied area was found to have slopes of between 2.4% - 8.8%. These areas are unlikely to present a serious soil erosion risk. All areas that have been identified as erosion risk areas have been removed from the application area and the proposed clearing is considered unlikely to be result in degradation (DAFWA, 2009b). The applicant has agreed to exclude steep slopes present along the eastern boundary of the application area.

- Methodology** CAWS (2009)
DAFWA (2009a)
DAFWA (2009b)
GIS DataSets:
- Soils, Statewide DA 11/99
- Topography, statewide

(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 may be at variance to this Principle

The property under application is surrounded by the Donnelly State Forest and the local area (10km radius) contains conservation areas, including several nature reserves. Approximately 50% of the land within the local area is DEC managed for conservation purposes.

The proposed clearing is unlikely to compromise any linkages within the local area. To further reduce the impacts of clearing on the local area, die back and weed control conditions will be imposed on the permit.

- Methodology** GIS DataSets:
- CALM Managed Lands and Waters - CALM 01/06/05

(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 property is within Zone D of the Warren River Water Reserve, Zone D is of low salinity risk.

The property is also located within the proclaimed groundwater area for the Warren River area which is classified as a Public Drinking Water Source Area (PDWSA), also managed under the CAWS Act. This area has been identified for future assessment of the catchment.

The application area has a low salinity risk (DoW, 2007). The rainfall within the local area is between 1100 and 1150mm annually. Water erosion is considered low, thus an increase in sedimentation is unlikely (DAFWA, 2009a).

If steeper slopes are not cleared and moderate slopes maintain good ground cover then no significant change is expected on the property (DAFWA 2009a). Areas of steep slopes have been removed from the application area.

This being considered, the proposal is unlikely be at variance to this Principle.

- Methodology** DAFWA (2009a)
DoW (2007)
GIS DataSets:
- Country Area Water Supply Act (Part IIA) - Clearing Control Catchments -DoW 26/06/06
- Groundwater Salinity Statewide DoW 13/07/06

- Hydrographic catchments, catchments - DoW 01/06/07
- Public Drinking Water Catchment Areas- DoW 07/02/06

(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

Due to the large amount of surrounding vegetation and the application areas position in the landscape, the proposed clearing is unlikely to result in an increase in food peak or duration.

Methodology GIS DataSets:

- 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

A previous application to clear the same area of land was refused based on the possibility of PECs occurring within the application area and due to areas of slopes greater than 15% being included as areas to be cleared. An appeal lead to the determination that the issues relating to PECs had been adequately dealt with, areas of slopes greater than 15% required more detailed attention and a fresh application should be assessed (Trim Ref: DOC75432). All areas of steep slopes, where the clearing of native vegetation may increase the risk of erosion have been removed from the application area.

Methodology

4. Assessor's comments

Comment

The application has been assessed against the clearing principles, planning instruments and other matter in accordance with s510 of the Environmental Protection Act 1986 has found:

- principles (a), (b), (c), (d), (g), (i) & (j) are not likely to be at variance
- Principle (f) is at variance
- Principle (h) may be at variance
- Principle (e) is not at variance

5. References

- CAWS (2009a) Advice, Department of Water, Western Australia. TRIM Ref DOC35950
 CAWS (2009b) Advice, Department of Water, Western Australia. TRIM Ref DOC85063).
 Commonwealth of Australia (2001) National Targets and Objectives for Biodiversity Conservation 2001-2005, AGPS, Canberra.
 DAFWA Land Degradation Assessment Report (2009a). Office of the Commissioner of Soil and Land Conservation, Department of Agriculture and Food Western Australia. TRIM Ref: DOC84442
 DAFWA Land Degradation Assessment Report (2009b). Office of the Commissioner of Soil and Land Conservation, Department of Agriculture and Food Western Australia. TRIM Ref: DOC85063
 DEC (2007) DEC Fauna Habitat Notes.xls. February 2007. Department of Environment and Conservation, Western Australia.
 DEC (2007) Site Inspection Report for Clearing Permit Application CPS 1856/1, Lot 5109, 11799 & 5110 on Plan 229254 & Lot 8860 on Plan 140468, Eastbourne Rd, Diamond Tree. Site inspection undertaken 26/07/2007. Department of Environment and Conservation, Western Australia (TRIM Ref. DOC34130).
 DEC (2009) Flora Advice, Department of Water, Western Australia. TRIM Ref DOC87190
 DoW advice (2007). Department of Water, Western Australia. TRIM Ref: DOC35950.
 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. (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.

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)