

### **CLEARING PERMIT**

Granted under section 51E of the Environmental Protection Act 1986

### PERMIT DETAILS

Area Number:

3186/1

File Number:

DEC11791

Duration of Permit: From 28 September 2009 to 28 September 2014

### PERMIT HOLDER

Shire of Manjimup

# LAND ON WHICH CLEARING IS TO BE DONE

Lot 13005 on Plan 240244 (MIDDLESEX 6258)

### **AUTHORISED ACTIVITY**

Clearing of up to 3.27 hectares of native vegetation within the area hatched yellow on attached Plan 3186/1.

### CONDITIONS

Any clearing undertaken in accordance with this Permit must be completed by 28 September 2011, being 2 years from the date which this Permit becomes valid.

#### 2. 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:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (b) ensure that no 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.

## Offsets

If part or all of the clearing to be done is or may be at variance with one or more of the clearing principles, then the Permit Holder must implement an offset in accordance with conditions 3(a) and 3(b) of this Permit with respect to that clearing.

# (a) Determination of offsets:

- in determining the offset to be implemented with respect to a particular area of native vegetation proposed to be cleared under this Permit, the Permit Holder must have regard to the offset principles contained in condition 3(b) of this Permit;
- once the Permit Holder has developed an offset proposal, the Permit Holder must provide (ii) that offset proposal to the CEO for the CEO's approval prior to undertaking any clearing to which the offset relates, and prior to implementing the offset;
- clearing may not commence until and unless the CEO has approved the offset proposal to which the clearing relates;
- the Permit Holder shall implement the offset proposal approved under condition 3(a)(iii); (iv)
- each offset proposal shall include a direct offset, timing for implementation of the offset (v) proposal and may additionally include contributing offsets.

- (b) For the purpose of this condition, the offset principles are as follows:
  - (i) direct offsets should directly counterbalance the loss of the native vegetation;
  - (ii) contributing offsets should complement and enhance the direct offset;
  - (iii) offsets are implemented only once all avenues to avoid, minimise, rectify or reduce environmental impacts have been exhausted;
  - (iv) the environmental values, habitat, species, ecological community, physical area, ecosystem, landscape, and hydrology of the offset should be the same as, or better than, that of the area of native vegetation being offset;
  - (v) a ratio greater than 1:1 should be applied to the size of the area of native vegetation that is offset to compensate for the risk that the offset may fail;
  - (vi) offsets must entail a robust and consistent assessment process;
  - (vii) in determining an appropriate offset, consideration should be given to ecosystem function, rarity and type of ecological community, vegetation condition, habitat quality and area of native vegetation cleared;
  - (viii) the offset should either result in no net loss of native vegetation, or lead to a net gain in native vegetation and improve the condition of the natural environment;
  - (ix) offsets must satisfy all statutory requirements;
  - (x) offsets must be clearly defined, documented and audited;
  - (xi) offsets must ensure a long-term (10-30 year) benefit; and
  - (xii) an environmental specialist must be involved in the design, assessment and monitoring of offsets.

# 4. 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;
  - 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 offset of areas pursuant to condition 3:
  - (i) the location of any area of offsets recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings;
  - (ii) a description of the offset activities undertaken; and
  - (iii) the size of the offset area (in hectares).

### 5. 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 4 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 28 June 2014, the Permit Holder must provide to the CEO a written report of records required under condition 4 of this Permit where these records have not already been provided under condition 5(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;

contributing offset/s has the same meaning as is given to that term in the Environmental Protection Authority's Position Statement No.9: Environmental Offsets, January 2006;

direct offset/s has the same meaning as is given to that term in the Environmental Protection Authority's Position Statement No. 9: Environmental Offsets, January 2006;

ecological community/ies means a naturally occurring biological assemblage that occurs in a particular type of habitat (English and Blythe, 1997; 1999);

environmental specialist means a person who is engaged by the Permit Holder for the purpose of providing environmental advice, who holds a tertiary qualification in environmental science or equivalent, and has experience relevant to the type of environmental advice that an environmental specialist is required to provide under this Permit;

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;

offset/s means an offset required to be implemented under condition [#] of this Permit;

offset proposal means an offset determined by the Permit Holder in accordance with condition [#]of this Permit;

weed/s 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

Kelly Faulkner

**MANAGER** 

NATIVE VEGETATION CONSERVATION BRANCH

Officer delegated under Section 20 of the Environmental Protection Act 1986

28 August 2009

# Plan 3186/1

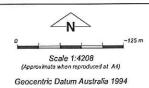


### **LEGEND**

Clearing Instruments

Areas Approved to Clear

Cadastre
Manjimup 50cm Orthomosaic Landgate 2004



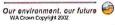
Note: the data in this map have not been projected. This may result in geometric

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 acknowleged by the agency acronym in the legend.



Department of Environment and Conservation





# **Clearing Permit Decision Report**

### 1. Application details

1.1. Permit application details

Permit application No.:

3186/1

Permit type:

Area Permit

1.2. Proponent details

Proponent's name:

Shire of Manjimup

1.3. Property details

Property:

LOT 13005 ON PLAN 240244 ( MIDDLESEX 6258)

Local Government Area:

Colloquial name:

Shire Of Manjimup

1.4. Application

Clearing Area (ha)

No. Trees

Method of Clearing

For the purpose of: Building or Structure

3.27

Mechanical Removal

### 2. Site Information

# 2.1. Existing environment and information

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

## Vegetation Description

The vegetation under application is comprised of:

- Beard vegetation complex 3: Medium forest; iarrah-marri
- Beard vegetation complex 1144: Tall forest; karri & marri (Corymbia calophylla)
- Mattiske vegetation complex CRb: Tall open forest of Corymbia calophylla-Eucalyptus diversicolor on upper slopes with Allocasuarina decussata-Banksia grandis on upper slopes in hyperhumid and perhumid zones
- Mattiske vegetation 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.

# Clearing Description

The vegetation is considered to be in a very good (Keighery, 1994) condition within the large section in the south east of the application area and the remaining areas (including proposed fence line clearing) is in a good (Keighery, 1994) condition. Some of the vegetation that is proposed to be cleared is replanted Karri, which is located along the north west corner of the applied area. Rubbish is also scattered throughout parts of the application area (DEC, 2009).

The vegetation has been disturbed in the past, with logging activities occurring 25-30 years ago. As a result mature trees are mainly Marri regrowth/Marri Jarrah mix. The ground cover consists of Leucopogon sp, Pteridium esculentum and patersoina sp (DEC, 2009).

## Vegetation Condition

Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery 1994)

### Comment

The description and condition of the vegetation under application was determined by aerial imagery, photos supplied by the applicant (Shire of Manjimup 2009) and a DEC conducted site inspection (DEC 2009).

# 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 3.27 hectares of native vegetation is for the purpose of upgrading speedway facilities. The vegetation is considered to be in a very good (Keighery, 1994) condition within the large section in the south east of the application area and the remaining areas (including proposed fence line clearing) is in a good

(Keighery, 1994) condition. Some of the vegetation that is planned to be cleared is replanted Karri (DEC, 2009).

The vegetation has been impacted by past disturbance, with logging activities occurring 25-30 years ago. As a result mature trees are mainly Marri regrowth/Marri Jarrah mix. The ground cover consists of Leucopogon sp, Pteridium esculentum and Patersonia sp (DEC, 2009a).

Priority flora species Xanthoparmelia xanthomelanoides has been recorded approximately 8.6km south of the applied area and is know to occur on the same soils and vegetation as is under application (DEC, 2009b; DEC, 2009c). This species is known from only 2 populations (one in Geraldton and one in Manjimup), given this limited information in known about the distributions and habitat of this species, therefore it is possible this species occurs in within the applied area. However, both records of this species are of it growing on the soil or rock in the ground storey layer of vegetation cover. It is unlikely that this species occurs within the applied area as a site visit identified that the applied area has a healthy ground cover layer (thus competition is likely to prevent lichen establishment). In addition Lichens are generally sensitive to manufactured pollutants and that the applied area is exposed to pollutants such as rubbish dumping and vehicle fumes (speedway fumes). Given the noise impacts (on race nights) fauna species are likely to be deterred from establishing stable home ranges in the vegetation surrounding the speedway.

The local area has approximately 45% remaining native vegetation. The vegetation shows multiple signs of disturbance and the local area has vegetation in a better condition to that of the area under application. Given this, it is considered unlikely that the vegetation under application is representative of an area of high biodiversity.

### Methodology

References:

DEC (2009a)

DEC (2009b)

DEC (2009c)

Keighery (1994)

GIS DataSets:

- Manjimup 50cm Orthomosaic 9/10/2007
- CALM Managed Lands and Waters CALM 01/06/05
- SAC Biodatasets accessed 20 July 09
- Mattiske Vegetation (01/03/1998)
- Pre European Vegetation DA 01/01
- Clearing Regulations, Environmentally Sensitive Areas 30 May 2005
- NLWRA, Current Extent of Native Vegetation 20 Jan 2001

# (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 local area is well vegetated (approximately 45% remaining) and there are several conservation areas located nearby. The applied area is in good to very good (Keighery, 1994) condition (DEC, 2009a).

The applied area is currently being used as a speedway site and given the noise disturbance (on race nights) it is unlikely that native fauna have established stable home ranges within the vegetation under application.

Within the local area (10km radius) twelve records of conservation significant fauna species were recorded, including Western Ring-tailed Possums and the Brush-tailed Phascogale (DEC, 2009a). Given the vegetation under application it is not likely that the structure of the applied area would support these or other fauna of conservation significance.

Given the size of the applied area in an area retaining approximately 45% native vegetation cover the applied area is not likely to be significant as fauna habitat as there are areas in similar or better condition nearby within DEC secure tenure.

Therefore the clearing as proposed is not likely to be at variance to this principle.

### Methodology

DEC (2009a)

GIS DataSets:

- Manjimup 50cm Orthomosaic 9/10/2007
- SAC Biodatasets accessed 20 July 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

No rare or priority listed flora were observed within the areas applied to be cleared during a DEC conducted site inspection in July 2009 (DEC, 2009a), however no flora survey was undertaken.

Two rare flora species have been recorded within the local area, namely Andersonia annelsii and Caladenia christineae. It is unlikely either species occurs within the applied area as the vegetation complex and soils within the applied area is not known to be suitable habitat for these species (DEC, 2009b; DEC, 2009c).

In addition priority flora species Xanthoparmelia xanthomelanoides has been recorded approximately 8.6km south of the applied area and is know to occur on the same soils and vegetation as is under application (DEC, 2009b; DEC, 2009c). This species is known from only 2 populations (one in Geraldton and one in Manjimup), given this limited information in known about the distributions and habitat of this species, therefore it is possible this species occurs in within the applied area. However, both records of this species are of it growing on the soil or rock in the ground storey layer of vegetation cover. It is unlikely that this species occurs within the applied area as a site visit identified that the applied area has a healthy ground cover layer (thus competition is likely to prevent lichen establishment). In addition Lichens are generally sensitive to manufactured pollutants and that the applied area is exposed to pollutants such as rubbish dumping and vehicle fumes (speedway fumes).

All other locally recorded priority flora species are not likely to occur within the applied area as the soil and vegetation under application is not known to be suitable habitat for these species. (DEC, 2009c).

Given the above the clearing as proposed is not likely to be at variance to this principle.

### Methodology

DEC (2009a)

DEC (2009b)

DEC (2009c)

GIS DataSets:

- Manjimup 50cm Orthomosaic 9/10/2007
- CALM Managed Lands and Waters CALM 01/06/05
- Mattiske Vegetation (01/03/1998)
- Pre European Vegetation DA 01/01
- Clearing Regulations, Environmentally Sensitive Areas 30 May 2005
- NLWRA, Current Extent of Native Vegetation 20 Jan 2001
- Soils, Statewide DA 11/99
- SAC Biodatasets accessed 20 July 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) recorded within the local area (10km radius) and none were observed during DEC's site inspection (DEC, 2009a).

### Methodology

DEC (2009a)

GIS DataSets:

SAC Biodatasets - accessed 20 July 09

# (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 Pre-European Current extent Remaining % In reserves **DEC Managed** (ha) (%)(ha) Land IBRA Bioregions\* Warren^ 835,925 675,836 80.85 82.37 Shire\* Manjimup 697,359 595,561 85.40 92.17 Mattiske Vegetation Complex\*\* CRb 527,433 428,454 81.2 N/A PM<sub>1</sub> 258,061 169,317 65.6 N/A Beard Vegetation Association\* 1144 160,314 81.97 91.08 (statewide) 131,412 (In Warren) 159,668 131169 82.15 91.09

(statewide) (in Warren) 2,803,140 252,196 2,002,263 204,295 71.43 81.01 81.37 84.97

- \* (Shepherd et al. 2007)
- \*\* (Mattiske Consulting 1998)
- ^ Area within Intensive Land Use Zone

Note: only a small portion of PM1 is within applied area

The local area (10km radius) retains approximately 45% native vegetation cover much of which is held in secure tenure on DEC managed lands.

Given the above clearing as proposed is not likely to be at variance to this principle.

#### Methodology

Mattiske (1998)

Shepherd et al (2007)

GIS DataSets:

- Interim Biogeographic Regionalisation of Australia EA 18/10/00
- Local Government Authorities DLI 8/07/04
- Mattiske Vegetation CALM 1/03/1998
- Pre European Vegetation DA 01/01
- SAC Biodatasets accessed 20 July 09
- Manjimup 50cm Orthomosaic 9/10/2007
- 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 not likely to be at variance to this Principle

There are two minor watercourses near the application area (modified by dam use) which are located 45 metres to the north and 210 metres to the south. An earth dam is located within the applied area. No riparian vegetation is considered to be present within the applied areas and none was noted during DEC's site inspection (DEC, 2009a).

Given the above the proposed clearing is not likely to be at variance to this principle.

### Methodology

DEC (2009a)

GIS DataSets:

- CALM Managed Lands and Waters CALM 01/06/05
- EPP Lakes Policy Area DEP 14/05/97
- EPP, Wetlands 2004 (DRAFT) EPA 21/7/04
- Clearing Regulations, Environmentally Sensitive Areas 30 May 2005
- Hydrography linear DOW 13/7/06
- Hydrography linear (hierarchy) 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 contains hard acidic yellow mottled soils with some hard acidic red soils and brown earth (Northcote et al. 1960-68), these soils are not known to be highly susceptible to wind and/or water erosion.

The applied area is within the Country Areas Water Supply Act Zone C which has a moderate salinity risk (DoW, 2009). Further removal of native vegetation within this area is likely to increase salinity in the Warren River Water Reserve.

Given the above the clearing as proposed may be at variance to this principle.

Offset conditions will be placed on the permit to mitigate the potential for clearing to cause appreciable land degradation in the form of increased salinity.

### Methodology

References:

DOW (2009)

GIS DataSets:

- Hydrographic catchments, catchments DoW 01/06/07
- Hydrographic catchments, subcatchments DoW 01/06/07
- Hydrography, linear DOW 13/7/06

- Salinity Risk LM 25m DOLA 00
- Soils, Statewide DA 11/99
- Topographic contours statewide DOLA and ARMY 12/09/02
- Hydrogeology, Statewide 05 Feb 2002

# (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

There are four Conservation areas located within the local area (10km radius). There are two Land for Wildlife sites within 2kms of the applied area. A DAFWA Heritage Parcel is situated 700 metres and the Bushland Benefits Site is located 2km from the applied area.

The local area (10 km radius) has approximately 45% remaining native vegetation. Given the condition of the vegetation and the amount of surrounding vegetation remaining within the local area, it is considered unlikely that proposed clearing will have an impact on the environmental values of the nearby conservation areas.

### Methodology

GIS DataSets:

- CALM Managed Lands and Waters CALM 01/06/05
- Manjimup 50cm Orthomosaic 9/10/2007
- NLWRA, Current Extent of Native Vegetation 20 Jan 2001

# (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 at variance to this Principle

The application area is located within Zone C of the Country Areas Water Supply Warren River Water Reserve catchment which as a moderate salinity risk (DOW, 2009).

Further removal of perennial vegetation within this catchment is likely to cause deterioration in water quality through increased salinisation.

Given the above the clearing as proposed is at variance to this principle.

Offset conditions will be placed on the permit to mitigate the potential for clearing to cause deterioration in water quality within the Warren River Water Reserve catchment. In addition Weed management conditions will be placed on the permit to mitigate the potential for clearing to increase weed competition in nearby vegetation remnants leading to further loss of native vegetation through increased competition.

### Methodology

DoW (2009)

GIS DataSets:

- Evapotransporation Isopleths WRC 29/09/98
- Groundwater Salinity Statewide DoW 13/07/06
- Hydrographic catchments, catchments DoW 01/06/07
- Hydrographic catchments, subcatchments DoW 01/06/07
- Hydrography, linear DOW 13/7/06
- Mean Annual Rainfall Isohytes (1975 2003) DEC 02/08/05
- Salinity Risk LM 25m DOLA 00
- Topographic Contours, Statewide DOLA 12/09/02

# (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 nearest watercourse and wetlands to the area under application are two minor watercourses modified by dam use) which are located 45 metres to the north and 210 metres to the south. An earth dam is located within the applied area.

Given the relatively small area to be cleared and taking into account that the clearing is spread over numerous sites it is not considered likely for the proposed clearing to increase the incidence or intensity of flooding.

### Methodology

GIS DataSets:

- Evaporation Isopleths WRC 29/09/98
- Hydrographic catchments, catchments DoW 01/06/07
- Hydrographic catchments, subcatchments DoW 01/06/07
- Hydrography, linear DoW 13/7/06
- 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 is zoned park and recreation under the Shire of Manjimup Town Planning Scheme

Area occurs within a PDWSA which has yet to be assigned a priority and within a CAWS area, zone C, a moderate salinity risk part of the catchment (DOW, 2009). Offset conditions will be placed on the permit to mitigate the potential for clearing to cause deterioration in the quality of water within this catchment.

A public submission was received. Where appropriate the matters raised in this submission have been addressed under the clearing principles (DOC91654). No environmental issues were raised in this submission.

### 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:

- Principle (i) is at variance;
- Principle (g) may be at variance; and
- All other principles are not likely to be at variance

### 5. References

DEC (2009a) Site Inspection Report for Clearing Permit Application CPS 3186/1, Lot 13005 on Plan 240244, Manjimup. Site inspection undertaken 31/07/2009. Department of Environment and Conservation, Western Australia (TRIM Ref. DOC92197).

DEC (2009b) Flora Advice. Department of Environment and Conservation Trim Ref DOC93180

DEC (2009c) Warren Region Flora Advice. Department of Environment and Conservation Trim Ref DOC93155

DoW (2009a) CAWS advice. Department of Water Trim Ref DOC92197

DoW (2009b) PDWSA advice. Department of Water Trim Ref DOC93256

Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.

Mattiske, E.M. and Havel, J.J. (1998) Vegetation Complexes of the South-west Forest Region of Western Australia. Maps and report prepared as part of the Regional Forest Agreement, Western Australia for the Department of Conservation and Land Management and Environment 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.

Submission (2009) Trim Ref: DOC91654

### 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)