



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 3488/1

File Number: DEC13926

Duration of Permit: From 18 April 2010 to 18 April 2012

PERMIT HOLDER

Barry William Bell on behalf of Matthew and Ainslie Jean Bell

LAND ON WHICH CLEARING IS TO BE DONE

LOT 2187 ON DEPOSITED PLAN 126326 (CAPEL 6271)

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 40 native trees within the area hatched yellow on attached Plan 3488/1.

1. Dieback and weed control

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

- a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- b) shall only move soils in *dry conditions*;
- c) ensure that no *dieback* or *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
- d) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

Definitions

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

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

dry conditions means when soils (not dust) do not freely adhere to rubber tyres, tracks, vehicle chassis or wheel arches;

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;

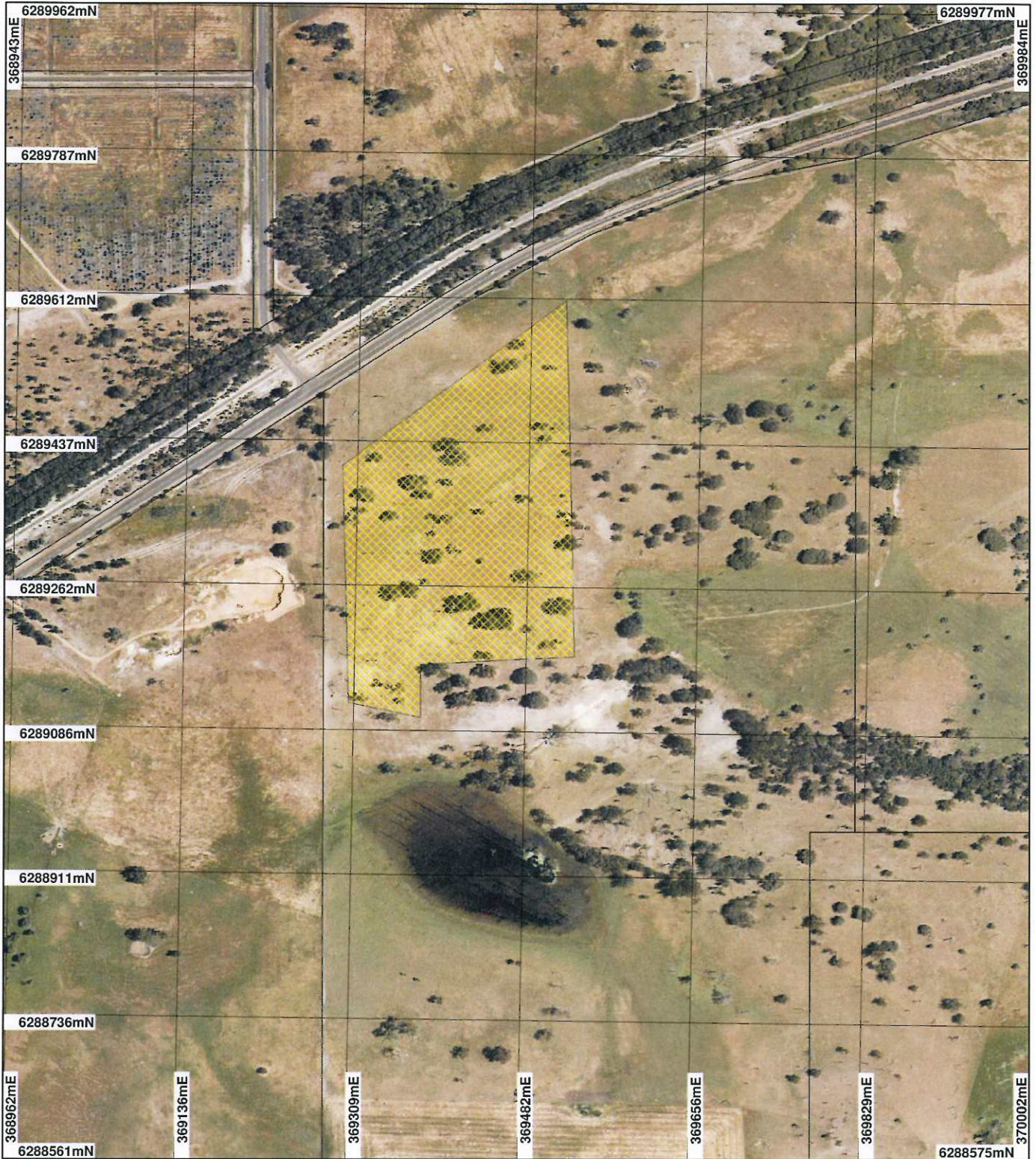
A handwritten signature in black ink, appearing to be "KF", written over a horizontal line.

Kelly Faulkner
MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

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

18 March 2010

Plan 3488/1



LEGEND

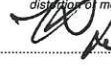
- Clearing Instruments
-  Areas Approved to Clear
-  Cadastre
- Donnybrook 50cm Orthomosaic - Landgate 2004



Scale 1:6163
(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.

 Date 18/3/10

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.: 3488/1

Permit type: Area Permit

1.2. Proponent details

Proponent's name: Mr Barry William Bell on behalf of Matthew and Ainslie Jean Bell

1.3. Property details

Property: LOT 2187 ON PLAN 126326 (CAPEL 6271)

Local Government Area: Shire of Capel

Colloquial name:

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
	46	Mechanical Removal	Extractive Industry

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
Mapped Beard (1980) vegetation association 1000 is described as medium forest; jarrah-marri / Low woodland; banksia / Low forest; teatree (Melaleuca spp.).	Vegetation proposed to be cleared consists of 46 native trees. Species consist predominantly of Jarrah (Eucalyptus marginata), Marri (Corymbia calophylla), and Peppermint Trees (Agonis flexuosa) (DEC, 2010). The vegetation has been assessed as being in a degraded (Keighery, 1994) condition.	Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994)	Vegetation condition was determined from digital imagery and Department of Environment and Conservation (DEC) site visit (DEC, 2010).

Comments

The proposed clearing comprises of 46 isolated paddock trees for the purpose of sand extraction. Species consist predominantly of Jarrah (Eucalyptus marginata), Marri (Corymbia calophylla), and Peppermint trees (Agonis flexuosa) (DEC, 2010).

DEC site visit (DEC, 2010) identified the presence of Western Ringtail Possums (*Pseudocheirus occidentalis*, Endangered) and possibly Brushtail Possums within the area proposed to be cleared. Possum scats were found around several large Peppermint trees in the southern portion of the application area. Small hollows were identified during the site visit in Jarrah and Marri trees, which may at times be utilised by indigenous fauna, including fauna of conservational significance.

A submission was received from the applicant (Harewood, 2010) addressing DEC's preliminary assessment which found part of the application area to be significant Western Ringtail Possum (WRP) habitat. In summary the submission states;

1. The isolated Peppermint trees under application represent very low quality habitat for the WRP and are only likely to support transient individuals. Therefore are not likely to be supporting a viable WRP population.
2. The trees do not provide a significant or viable linkage to any other substantial vegetation areas
3. Individual WRPs utilising the trees within the application area are likely to be threatened due to predation
4. The site does not constitute the whole or a part of, or is necessary for the maintenance of a significant habitat for the WRP.
5. If the clearing permit is not granted it would be inconsistent with previous decisions
6. A fauna spotter will be used on site during clearing to reduce the impact on WRPs.

In response to the issues listed above DEC'S (2010) advice is;

1. The capacity of the trees in question to contribute to the persistence of the WRP within the greater landscape is potentially high. A survey undertaken of WRPs in Busselton as part of Satterley's Provence Estate identified a number of WRP dreys in isolated paddock trees across the area (ATA Environmental, 2006), this provides evidence that these trees provide potentially significant WRL habitat. Recent research undertaken in the South West Region by DEC (Molloy et al. 2010) has demonstrated that fragmented canopies with the right characteristics can maintain significant WRL populations regardless of canopy extent, vegetation condition or understorey extent. These studies demonstrate that isolated paddock trees are capable of supporting non-transient WRPs, although it is likely that densities will be low.
2. The trees in question are in close proximity to level 1 remnants (the highest category) which occur to the north and east of the application area. These remnants are recognised through the South West Regional Ecological Linkages Project (Molloy et al. 2009) which identifies ecological linkages in response to issues of fragmentation. The trees in question are in very close proximity to these remnants and thereby contribute ecological function and connectivity at the landscape level. Further, the WRP is capable of traversing in excess of 100m between remnant patches of vegetation. Therefore the site is capable of providing dispersal and linkage properties between the five trees in question and other remnant patches on neighbouring properties.
3. The perceived level of predation in the applied area is likely to be much lower than that experienced in the broad-scale forest areas and a great deal lower than the level of predation that exists in urban areas
4. The area under application has been mapped as 'Supporting Habitat' for the WRP by Department of Environment, Water, Heritage and the Arts, and therefore it is considered to be significant. The site is also considered to be significant due to its close proximity to level 1 remnants.
5. Each clearing application is assessed against the ten clearing principles on a case to case basis
6. DEC endorses the use of a fauna spotter, however one should only be used as a last resort. Translocation does not reduce the impact of an action In situ conservation and habitat augmentation is alternatively encouraged (Commonwealth of Australia, 2009)

In conclusion the proposed clearing is at variance to Principle (b). A permit is to be granted omitting the area containing the large Peppermint trees which are considered significant habitat for the WRP.

Within the local area (10km radius) a large number of priority and rare flora species were recorded. The vegetation under application is considered to be in a degraded (Keighery 1994) condition and is unlikely to comprise suitable habitat for any rare or priority flora.

The vegetation under application is mapped Beard (1980) vegetation association 1000 which is described as medium forest; jarrah-marri / low woodland; banksia / low forest; teatree (*Melaleuca* spp.) (Shepherd, 2007). Within the bioregion (Swan Coastal Plain) there is approximately 26.8% of this vegetation type remaining. Due to its degraded (Keighery, 1994) condition, it is not likely that the vegetation under application is representative of this vegetation type.

The mapped soil type found in the application area to be Tf5 and is described as sandy dunes with intervening sandy and clayey swamp flats (Northcote, 1960-68). Given the sandy content of this soil type, wind erosion may be accelerated as a result of the proposed clearing.

The application area falls within a Multiple Use wetland (sumpland). The proposed clearing is unlikely to significantly impact the remaining environmental values of this wetland.

Given the relatively small scale of the proposed clearing and limited biodiversity values of the vegetation this application is unlikely to be at variance to the remaining clearing principles.

Methodology

References:

- ATA Environmental (2006)
- Commonwealth of Australia (2009)
- DEC (2010)
- Harewood B. Sc. (2010)
- Keighery (1994)
- Molloy et al. (2009)
- Molloy et al. (2010)
- Northcote et al. (1960 - 68)
- Shepherd (2007)

GIS databases:

- Donnybrook 50cm Orthomosaic - Landgate 2004
- Hydrography linear - DOW 13/7/06
- SAC Bio Datasets 14/12/2009
- Soils, Statewide DA 11/99

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

Comments

No public submissions have been received.

The Shire of Capel has advised that an Extractive Industry Licence has not been granted for the proposed sand extraction.

Methodology

3. 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 has found the proposed clearing to be at variance to principle b and not likely to be at variance to the remaining clearing Principles.

4. References

- ATA Environmental (2006). Western Ringtail Possum (*Pseudocheirus occidentalis*) Management Plan. Provence Estate, Bussell Highway, Busselton. Prepared for the Satterley Property Group.
- Commonwealth of Australia (2009), Department of the Environment, Water, Heritage and the Arts. Significant impact guidelines for the vulnerable western ringtail possum (*Pseudocheirus occidentalis*) in the southern Swan Coastal Plain, Western Australia.
- DEC (2010), Regional advice on Western Ringtail Possum habitat. Department of Environment and Conservation, Western Australia (TRIM Ref. DOC122129).
- DEC (2010) Site Inspection Report for Clearing Permit Application CPS 3488/1, Lot 2187 ON Plan 126326, Capel. Site inspection undertaken 19/01/2010. Department of Environment and Conservation, Western Australia (TRIM Ref. DOC116576).
- Harewood B. Sc (2010), Submission in response to letter sent to applicant outlining issues in relation to Wester Ringtail Possum (TRIM Ref: DOC120624).
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Molloy, S., Williams, K. and Fleay, C., (2010). Enhancing in-situ management of the Western Ringtail Possum (*Pseudocheirus occidentalis*, Thomas, 1888) on the southern Swan Coastal Plain: A strategic habitat review undertaken by the Nature Conservation Branch, Department of Environment and Conservation, South West Region (in draft). Department of Environment and Conservation, Perth.
- Molloy, S., Wood, J., Hall, S., Wallrodt, S. and Whisson, G. (2009) South West Regional Ecological Linkages technical Report. Western Australian Local Government Association and Department of Environment and Conservation, Perth.
- 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.
- Sac Bio Datasets (24/12/2009). Department of Environment and Conservation, Sac Bio Datasets, Kensington, 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.

5. 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 (now DEC)
DMP	Department of Mines and Petroleum (ex DoIR)
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)