



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 3542/2

File Number: DEC14214

Duration of Permit: From 7 March 2010 to 7 March 2012

PERMIT HOLDER

Ernest Thomas Graham

Rosina Graham

LAND ON WHICH CLEARING IS TO BE DONE

Lot 1 on Plan 8822

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 2 hectares of native vegetation within the area shaded yellow on attached Plan 3542/2.

CONDITIONS

Nil

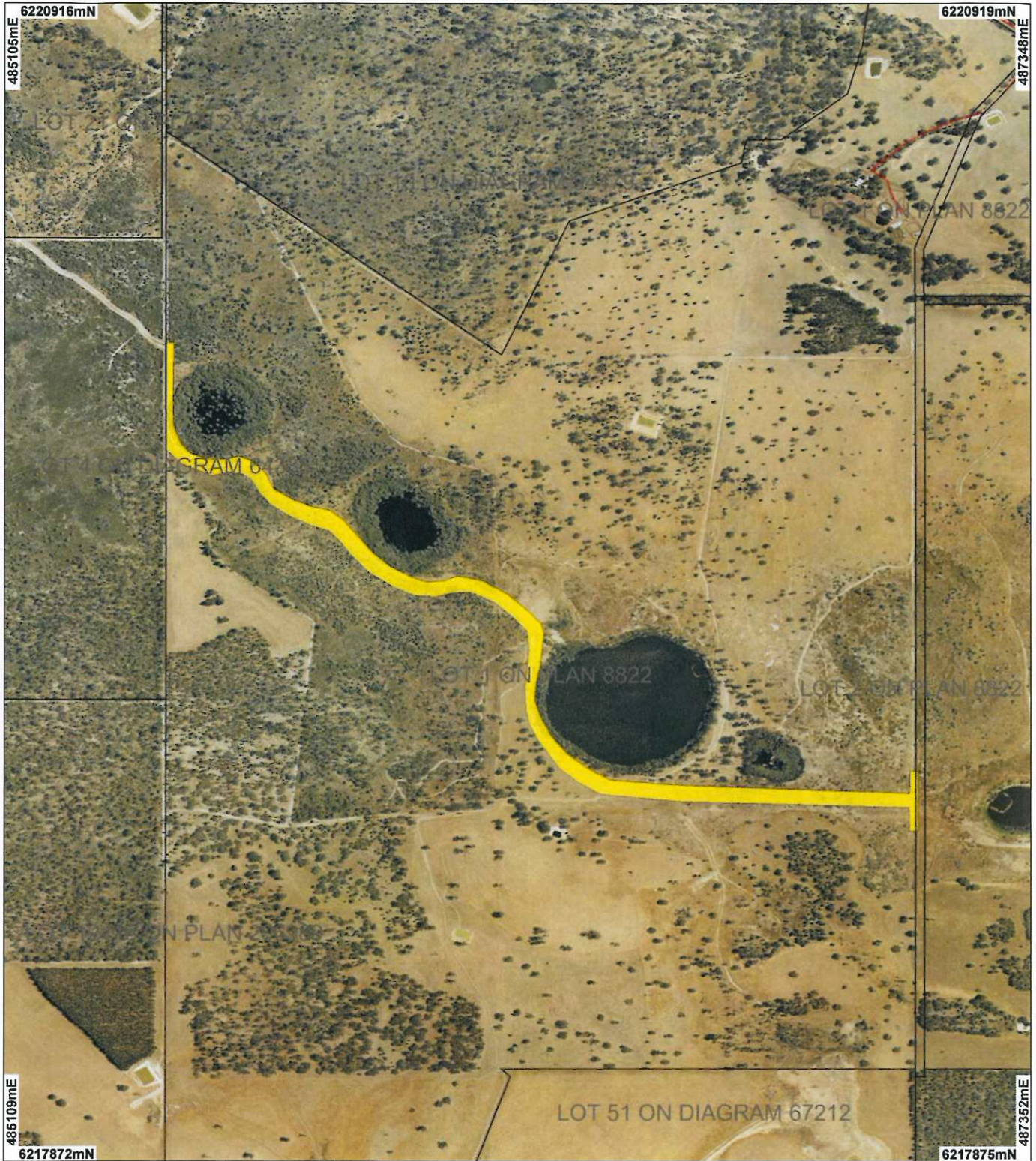
A handwritten signature in black ink, appearing to be "K Faulkner", written over a horizontal line.

Kelly Faulkner
MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

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

31 March 2010

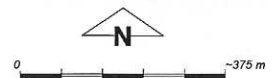
Plan 3542/2



LEGEND

- Clearing Instruments
- Areas Approved to Clear
 - Road Centrelines

Tonebridge 50cm
Orthomosaic - Landgate
2004



Scale 1:13344
(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.

[Signature] Date 31/3/10
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.: 3542/2
Permit type: Area Permit

1.2. Proponent details

Proponent's name: Earnest Thomas and Rosina Graham

1.3. Property details

Property: LOT 1 ON PLAN 8822 (MOBRUP 6395)
Local Government Area:
Colloquial name:

1.4. Application

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

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
The vegetation is described as: - Beard vegetation association 4 - Medium woodland; marri and wandoo; - Beard vegetation association 27 - Low woodland; paperbark (Melaleuca spp.)	The permit was amended to remove revegetation and stock exclusion conditions from the permit. Revegetation conditions have been placed on the Country Areas Water Supply Licence issued by the Department of Water. The application is to install, with a grader, a 'w' surface drain (3 feet deep and 20m wide) with the spoils forming the centre of the drain (DEC, 2009). The proposal is an attempt at saving stands of vegetation from waterlogging and to protect wetlands from brackish water (DEC, 2009). The vegetation within the applied area is classified as completely degraded (Keighery, 1994)	Completely Degraded: No longer intact; completely/almost completely without native species (Keighery 1994)	The condition of the vegetation within the application area was assessed through a site visit (DEC, 2009) and aerial photography.

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 permit was amended to remove revegetation and stock exclusion conditions from the permit. Revegetation conditions have been placed on the Country Areas Water Supply Licence issued by the Department of Water.

The application is to install, with a grader, a "w" surface drain (3 feet deep and 20m wide) with the spoils forming the centre of the drain (DEC, 2009). The proposal is an attempt at saving stands of vegetation from waterlogging and to protect wetlands from brackish water (DEC, 2009). The vegetation within the applied area is considered to be in a completely degraded (Keighery, 1994) condition (DEC, 2009).

The application area becomes annually waterlogged, with many bare areas visible. Shrubs and regrowth reach to only 1 metre in height are proposed to be cleared and no trees will be removed as a part of this proposal (DEC, 2009).

Mapped soil for the application area consists mainly of leached sands, which may have peaty surfaces. Four priority flora species have been recorded within a 10km radius, within the same vegetation type but differing soil complex as the application area. However, the soil complex has similar attributes.

- * *Schoenus capillifolius* (P2) - 6.5km NW - Claypans
- * *Schoenus* sp. Jindong (P1) - 6.5km NW - Red loamy soils
- * *Stylidium lepidum* (P3) - 7.1km NW - Gravelly sands or loam, clay
- * *Melaleuca ordinifolia* (P2) - 6.1km NE - Sandy loam or clay

The priority ecological community (PEC), Yate dominated claypans, is located 5.6km north of the application area within the same vegetation type but prefer a very clay soil.

The Talyelwelup wetlands are located adjacent to the application area. The purpose of installing a surface drain on the property is to reduce the impacts of waterlogging and salinity on the wetlands, predominately surrounding the largest lake Lake Tayle (DoE, 2005).

Given the completely degraded (Keighery, 1994) condition of the vegetation within the application area, and that surrounding vegetation (including riparian) is in a better condition, it is unlikely that the vegetation represents an area of outstanding biodiversity.

Methodology DoE (2005)
DEC (2009)
Keighery (1994)
GIS Layers:
Sac Biodatasets (PEC - accessed 11 Feb 2009)
Sac Biodatasets (Flora - accessed 11 Feb 2009)

(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 vegetation within the application is considered to be in a completely degraded (Keighery, 1994) condition (DEC, 2009). It consists of low lying shrubs, bare areas and seedlings of *Melaleuca* species (DEC, 2009). The vegetation here has already been severely disturbed and does not present suitable habitat for ground dwelling mammals or arboreal species. No trees will be removed during clearing and therefore potential habitats for priority species recorded nearby such as the Forest Red-tailed Black Cockatoo (*Calyptorhynchus banksii naso-Vu*), Brush-tailed Phascogale (*Phascogale tapoatafa* ssp.- Vu) and Muir's Corella (*Cacatua pastinator pastinator* - EN) will not be impacted by clearing.

The surrounding vegetation is in the same to better condition as the applied area, with a large section of remnant vegetation located to the west.

Given the completely degraded (Keighery, 1994) condition of the vegetation it is unlikely that the application area provides a significant habitat for fauna communities.

Methodology DEC (2009)
Keighery (1994)
Sac Bio datasets (accessed 3 February 2009)

(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 record of rare flora is within 8.4km of the application area. *Gastrolobium lehmannii* is found within the same vegetation complex but different soil type. This species tends to be located on low hilltops of a breakaway. The topography of the application area is low and consists of a sandy, peaty soil.

Given the vegetation within the application area is classified as being in a completely degraded (Keighery, 1994) condition, and contains differing soil to recorded rare species, it is unlikely that the proposal is at variance to this principle.

Methodology Keighery (1994)
GIS Layer:
Sac Biodatasets (Flora - accessed 3 February 2009)

(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**
No records of threatened ecological communities within the immediate proximity of the area under application.

Methodology GIS Layer:
Sac Biodatasets (TEC - accessed 3 February 2009)

(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 (ha)	Current extent (ha)	Remaining (%)	% In reserves DEC Managed Land
IBRA Bioregions Jarrah Forest [^]	4 671 007	2 601 026	55.68	N/A
Shire* Kojonup	293 091	43 004	14.67	N/A
Mattiske Complex GD4	9,039	5,339	59.1	N/A

* (Shepherd et al. 2007)
(Mattiske, 1998)

[^] Area within Intensive Land Use Zone

The application area falls within the Jarrah Forest IBRA bioregion which has approximately 55.68% pre-European vegetation remaining.

There is approximately 40% native vegetation remaining within the local area (10km radius).

Due to the completely degraded condition of the vegetation the area under application is not considered to be a significant remnant of native vegetation, therefore the proposed clearing is not likely to be at variance to this clearing principle.

Methodology Mattiske (1998)
Shepherd (2007)
GIS Layers:
- Interim Biogeographic Regionalisation of Australia - EA 18/10/00
- Local Government Authorities - DLI 8/07/04
- 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 proposal is to install a shallow surface water drain (3 feet by 20m wide) to reduce water logging in the surrounding vegetation and reduce the number of dying trees. Drainage from the property flow in a northwest direction towards the Tone River system (Commissioner of Soil, 2009) and the installation of a drainage line will compliment existing drainage on the adjoining property.

The application is adjacent to the Talyelwelup wetlands which are a string of non-perennial swamps located within the property. The wetlands appear to be in a very good condition with a high level of vegetation and habitat value (DEC, 2009). Water birds were observed on the wetlands and frogs heard (DEC, 2009). The clearing will not impede on the healthy vegetation buffers surrounding each wetland.

The purpose of the application is to divert pooling water into a sacrificial saline water course, Mobrur Creek. In doing this, no deep rooted vegetation will be removed during drain construction (DEC, 2009), and groundwater dependant communities are not likely to be adversely affected by this clearing.

Given the above it is unlikely that the proposal is at variance to this principle.

Methodology Commissioner of Soil (2009)
DEC (2009)
GIS Layer:
- 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 is not likely to be at variance to this Principle

It is considered that the vegetation surrounding the Talyelwelup wetlands is under threat from the combined processes of salinity and waterlogging (DoE, 2005). These processes may be alleviated by constructing a surface drain (Commissioner of Soil, 2009) to move the pooling water into a sacrificial saline watercourse offsite, the Mobrurp Creek. The effect of salinity, or salinity itself is present in some of the application area, and the construction of a drainage channel has a low risk of causing further salinity (Commissioner of Soil, 2009).

It is considered that no significant change is expected when clearing for a drainage line in relation to water and wind erosion. The risk of erosion causing land degradation is low (Commissioner of Soil, 2009).

The vegetation under application is protected under a conservation covenant. The installation of a surface drain is likely to control salinity and waterlogging on the property (Commissioner of Soil, 2009). The Commissioner of Soil and Land Conservation does not object to the construction of the drain because of the above and will annotate the conservation covenant to this effect on granting of a clearing permit (Commissioner of Soil, 2009).

An exemption order was published in the Government Gazette on 15 December 2009. The exemption order is made for the purpose of constructing and maintaining a drain along specified coordinates that is not more than 12 metres wide, 2 hectares in area and 0.6 metres deep. The exemption notice (as advised by the Minister 1 May 2009) removes the prohibition preventing the Department of Environment and Conservation from granting a clearing permit.

The application area is within the Warren River catchment area Country Areas Water Supply Zone A. A CAWS licence from the Department of Water will need to be applied for along with a clearing permit as compensation has been paid over the property. The applicant has received a CAWS licence (No. LMR1003).

Methodology Commissioner of Soil (2009)

DoE (2005)

Keighery (1994)

GIS Layers:

- 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

Cootayerup Nature Reserve is situated 3.6km south east of the application area. It is not connected to the application area by continuous native vegetation.

The Tone River Area (a Registered National Estate) is north west of the area under application. There is a vegetated link to the area, however this corridor is narrow in parts.

Given the above it is unlikely that the proposal is at variance to this principle.

Methodology GIS Layer:

- CALM Managed Lands and Waters - CALM 01/06/05

- Hydrography, linear - DOW 13/7/06

- 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

Clearing of the area under application is likely to decrease the impacts of salinity on Lake Talye and the surrounding vegetation by improving the quality of water entering the system (DoE, 2005). The drain is designed to direct saline water into the already salt affected Mobrurp Creek.

The application area is within the Warren River catchment area Country Areas Water Supply Zone A. A CAWS licence from the Department of Water will need to be applied for along with a clearing permit as compensation has been paid over the property. The applicant has received a CAWS licence (No. LMR1003).

The purpose of the application is to divert saline surface water around three freshwater wetlands and back into Mobrurp Creek. In doing this, no deep rooted vegetation will be removed during drain construction (DEC, 2009),

and groundwater dependant communities are not likely to be adversely affected by this clearing.

Methodology DEC (2009)
DoE (2005)
GIS Layers:
- 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 applied area is mapped as having peaty soils (Northcote, 1960-68), which contains less nutrients than most soils and are prone to over-retaining water. Purpose of clearing is to alleviate this flooding (water logging). Only shrubs and regrowth melaleucas to 1 metre high are to be cleared (DEC, 2009). 'Clearing of vegetation is unlikely to significantly increase surface runoff, which would contribute to stream flows' (Commissioner of Soil, 2009).

Due to the small scale of clearing, and the completely degraded (Keighery, 1994) condition of the vegetation within the application area it is unlikely that the proposal is at variance to this principle.

Methodology Commissioner of Soil (2009)
DEC (2009)
Keighery (1994)
Northcote (1960-68)

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

Comments

The application was amended to remove revegetation and stock exclusion conditions from the permit. Revegetation conditions have been placed on the Country Areas Water Supply Licence issued by the Department of Water.

The application is to install, with a grader, a 'w' surface drain (3 feet deep and 20m wide) with the spoils forming the centre of the drain (DEC, 2009). The proposal is an attempt at saving stands of vegetation from waterlogging and to protect wetlands from brackish water (DEC, 2009).

An exemption order was published in the Government Gazette on 15 December 2009. The exemption order is made for the purpose of constructing and maintaining a drain along specified coordinates that is not more than 12 metres wide, 2 hectares in area and 0.6 metres deep. The exemption notice (as advised by the Minister 1 May 2009) removes the prohibition preventing the Department of Environment and Conservation from granting a clearing permit.

There is currently a conservation covenant imposed by the Remnant Vegetation Protection Scheme under section 30(b)(1) of the Soil and Land Conservation Act over the application area. The Commissioner of Soil has no objections with the proposal to install a shallow surface drain to reduce salinity and waterlogging, and if a clearing permit is to be granted will lift the covenant (Commissioner of Soil, 2009).

The application falls within an EPA Position Statement No. 2 area. The EPA does not support further clearing for agriculture within these areas.

The application is for a surface drain only (no groundwater involved). Therefore, a notice of Intent to Drain from DAFWA is not required.

The application area is within the Warren River catchment area Country Areas Water Supply Zone A. A CAWS licence from the Department of Water will need to be applied for along with a clearing permit as compensation has been paid over the property. The applicant has received a CAWS licence (No. LMR1003).

The application is for the extension of a w drain which has been partially installed on an adjacent property. Waterlogging is occurring within the property as the drain has not been extended through.

Methodology Commissioner of Soil (2009)
DEC (2009)

4. Assessments recommendations

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 not likely to be at variance to any of the clearing Principles.

5. References

- DEC (2009) Site Inspection Report for Clearing Permit Application CPS 248/1, Lot 1 on Plan 8822, Scotts Brook Road, Mobrup. Site inspection undertaken 05/02/2009. Department of Environment and Conservation, Western Australia (TRIM Ref. DOC76036).
- Department of Agriculture and Food (2009) Advice. Commissioner of Soil and Land Conservation. DEC TRIM Ref: DOC77263.
- 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.
- EPA (2006) Guidance for the Assessment of Environmental Factors - Level of Assessment for Proposals Affecting Natural Areas Within the System 6 Region and Swan Coastal Plain Portion of the System 1 Region. Guidance Statement No 10. Environmental Protection Authority, Western Australia.
- 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.
- 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.

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 (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)