



GOVERNMENT OF  
WESTERN AUSTRALIA

## CLEARING PERMIT

*Granted under section 51E of the Environmental Protection Act 1986*

### PERMIT DETAILS

Area Permit Number: 4027/2

File Number: 2010/008588-1

Duration of Permit: From 10 January 2011 to 10 January 2013

### PERMIT HOLDER

Frank Jozsef Grob

Leanne Michelle Grob

### LAND ON WHICH CLEARING IS TO BE DONE

Lot 153 on Diagram 60009

### AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 1 hectare of native vegetation within the area cross hatched yellow on attached Plan 4027/2.

### CONDITIONS

#### 1. 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.

#### 2. Fauna management

- (a) The Permit Holder shall retain *habitat tree(s)* found within the area cross area hatched yellow on attached Plan 4027/1.
- (b) The Permit Holder shall retain *Agonis flexuosa* and *Banksia attenuata* trees which are greater than 10 centimetres in diameter at human chest height.

#### 3. Vegetation Management

Tree guards to be placed around all trees in the grazing area to protect trees from damage from stock

#### 4. 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;

*habitat tree(s)* means trees that have a diameter, at average adult human chest height, of greater than 70cm, healthy but with dead limbs and broken crowns that are likely to contain hollows and roosts suitable for native fauna, or where these are not present then healthy but with the potential to contain hollows and roosts;

*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;

*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*.



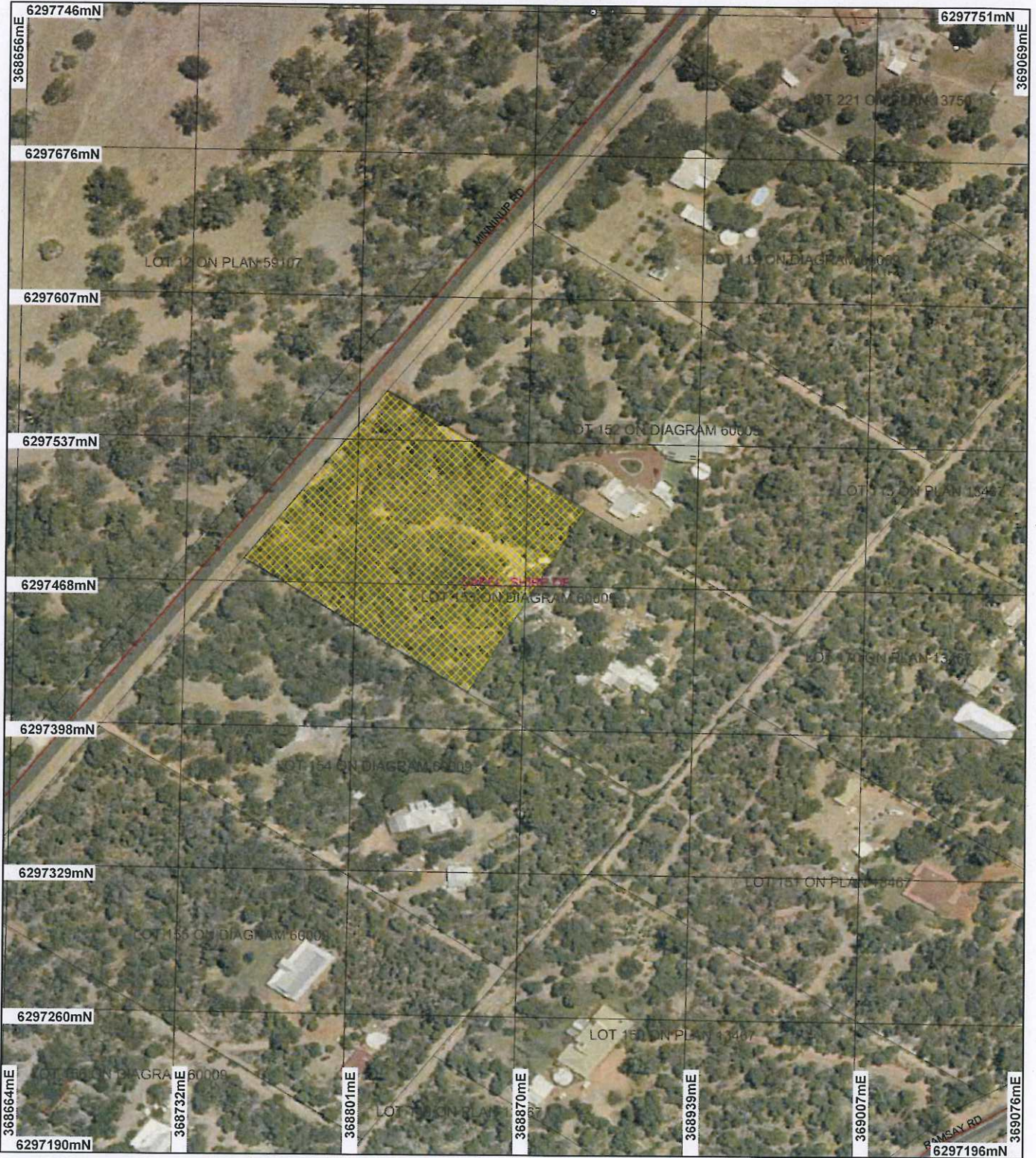
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Kelly Faulkner  
MANAGER  
NATIVE VEGETATION CONSERVATION BRANCH

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

19 May 2011

# Plan 4027/2



**LEGEND**

- Clearing Instruments
- Areas Approved to Clear
- Road Centrelines
- Cadastre for labelling
- Local Government Authorities

**Bunbury 50cm Orthomosaic - Landgate 2008**

Scale 1:2444  
(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 19/5/11

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.

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\* Project Data is denoted by asterisk. This data has not been quality assured. Please contact map author for details.



## 1. Application details

### 1.1. Permit application details

Permit application No.: 4027/2  
Permit type: Area Permit

### 1.2. Proponent details

Proponent's name: Frank Jozsef and Leanne Michelle Grob

### 1.3. Property details

Property: LOT 153 ON DIAGRAM 60009 (House No. 150 MINNINUP STRATHAM 6237)  
Local Government Area:  
Colloquial name:

### 1.4. Application

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

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 19 May 2011

## 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 association (Shepherd, 2009): 6 - Medium woodland; tuart & jarrah	The proposed clearing of the 1 ha of native vegetation is for pasture and grazing. The vegetation structure is classified as Eucalyptus gomphocephala open woodland, over Banksia attenuata, Agonis flexuosa low closed forest with emergent Corymbia calophylla and E. marginata, over Spyridium globulosum, Acacia cochlearis, Jacksonia furcellata open shrubland, over Hibbertia hypericoides, Leucopogon propinquus, Xanthorrhoea spp., Macrozamia riedlei open heath, over Lepidosperma squamata, Tetraria octandra sedges with annual introduced grasses (DEC, 2010).	Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery 1994)	The condition of the vegetation was assessed through aerial photography and a site inspection (DEC, 2010).
KARRAKATTA COMPLEX - CENTRAL AND SOUTH: Predominantly open forest of Eucalyptus gomphocephala (Tuart) - Eucalyptus marginata (Jarrah) - Corymbia calophylla (Marri) and woodland of Eucalyptus marginata (Jarrah) - Banksia species (Hedde et al, 1980).	The application is broken into two sections by an existing access track. The southern section (south of the access track) consist of vegetation ranging from Degraded to Excellent (Keighery, 1994) condition, although the area is predominately of Good (Keighery, 1994) condition (DEC, 2010).		
As above	0 The northern section (north side of the access track) consists of vegetation ranging from Good to Excellent (Keighery, 1994) condition, although the area is predominately of Very Good (Keighery, 1994) condition (DEC, 2010).	Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery 1994)	As above

## 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 at variance to this Principle

This permit has been amended following the Minister for Environment's appeal determination for an appeal against the grant of Clearing Permit CPS 4027/1. The Minister partially upheld the appeal against the conditions of the permit to the extent that condition 4 (Weed Control) be amended to refer to both weeds and dieback.

The proposed clearing of the 1 ha of native vegetation is for pasture and grazing. The vegetation structure is classified as Eucalyptus gomphocephala open woodland, over Banksia attenuata, Agonis flexuosa low closed forest with emergent Corymbia calophylla and E. marginata, over Spyridium globulosum, Acacia cochlearis, Jacksonia furcellata open shrubland, over Hibbertia hypericoides, Leucopogon propinquus, Xanthorrhoea spp.,

Macrozamia riedlei open heath, over Lepidosperma squamata, Tetraria octandra sedges with annual introduced grasses (DEC, 2010).

The application is broken into two sections by an existing access track which runs in a north-west to south-east direction). The southern section (south of the access track) consist of vegetation ranging from Degraded to Excellent (Keighery, 1994) condition, although the area is predominately of Good (Keighery, 1994) condition (DEC, 2010).

The northern section (north side of the access track) consists of vegetation ranging from Good to Excellent (Keighery, 1994) condition, although the area is predominately of Very Good (Keighery, 1994) condition (DEC, 2010).

The trees are likely to provide nesting and foraging habitat for the Western Ringtail possum (Pseudocheirus occidentalis) an state and commonwealth listed species (Endangered). One (1) drey was observed on site in a Banksia attenuata peppermint tree (DEC,2010) and numerous scats were observed under peppermint trees throughout the application area (DEC, 2010).

All Eucalyptus gomphocephala communities from Yalgorup to Minninup block of the Ludlow Tuart forest are classed as part of the FCT25 priority ecological community (PEC). The vegetation under application is inferred to be an example of this PEC (DEC, 2010). The proposed clearing of 1 ha may not comprise a significant loss in a regional context.

A priority flora species, Lasiopetalum membranaceum (P3), was observed within the application area (approximately 30 plants). This species has the same distribution as FCT25 PEC so it is not greatly restricted and this application should not impact upon the conservation of this species.

The non-threatened species, Synaphea spinulosa was found within the application area. This is a significant record as the application area falls very close to the species' southern extent on the Swan Coastal Plain (which is approximately 5km from the application area).

The vegetation under application is classed 1b according to the South West Ecological Linkages (SWREL) project. This is the second highest value that can be given to a linkage (Molloy et al., 2009). The nearest conservation reserve, Tuart Forest National Park, is located approximately 2.5km south-west of the applied area and they are joined by the ecological linkage. As not to further degrade the ecological linkage between conservation reserves, management conditions would mitigate the spread of weeds into the nearby remaining native vegetation.

Given the vegetation's high biodiversity, including priority flora species; the application area is a part of an ecological linkage and fauna species of conservation significance are utilising the area, the proposal is at variance to this principle.

#### Methodology

##### References:

DEC, 2010

Keighery, 1994

Molloy et al., 2009

##### GIS Databases:

- Bunbury 50cm Orthomosaic - Landgate 2006

- SAC Biodatasets 2/11/10

#### **(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 at variance to this Principle**

Within the local area (10 km radius) the following species have been recorded:

Carnaby's black cockatoo - Calyptorhynchus latirostris (3.2km east)

Western Ringtail Possum - Pseudocheirus occidentalis (3km north-east)

Quenda - Isoodon obesulus fusciventer (25m north-east on adjacent property)

Forest Red-Tailed Black Cockatoo - Calyptorhynchus banksii naso (3.2km east)

Brushtailed phascogale - Phascogale tapoatafa (2.6km east)

Quokka - Setonix brachyurus (15.km north)

The vegetation under application is classed 1b according to the South West Ecological Linkages (SWREL) project. This is the second highest value that can be given to a linkage (Molloy et al., 2009). The nearest conservation reserve, Tuart Forest National Park, is located approximately 2.5km south-west of the applied area and they are joined by the ecological linkage. The removal of 1ha of vegetation in predominately good to very good (Keighery, 1994) condition may impact on fauna movement between secure tenure.

No large trees with a diameter of more than 500 mm containing hollows were observed within the applied area (DEC, 2010), although black cockatoos are likely to move through the area feeding on the Banksia attenuata

trees.

The removal of understorey vegetation suitable for ground dwelling fauna, such as the quenda, for foraging, habitat or shelter while moving through the area will impact upon them for a short period.

The trees are likely to provide nesting and foraging habitat for the Western Ringtail possum (*Pseudocheirus occidentalis*) a state and commonwealth listed species (Endangered). One (1) drey was observed on site in a *Banksia attenuata* peppermint tree (DEC, 2010) and numerous scats were observed under peppermint trees throughout the application area (DEC, 2010).

Any understory clearing will have little impact upon the resident Western Ringtail Possums in the short term as the proponent has advised that most of the trees will be retained and nest boxes will be utilised to encourage them to stay in the area.

As the application area contains vegetation in good to better condition, is within an identified ecological linkage and contains habitat known to be utilised by fauna of conservation significance the clearing as proposed is at variance to this principle. Conditions to retain habitat trees would lessen the impact of the proposal on fauna species and their movement throughout the area.

**Methodology** Reference:  
DEC, 2010  
Keighery, 1994  
Molloy et al, 2009  
GIS Databases:  
-SAC Biodatasets 2/11/10

**(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 species of rare flora within the local area (10km radius), namely *Caladenia huegelii*.

*C. huegelii* prefers brown and grey soils similar to those within the application area. However, the species preferred habitat is within Bassendean systems and the application area is located on the Spearwood dune landform. Additionally *C. huegelii* is rare in areas associated with *Eucalyptus gomphocephala*, and therefore is unlikely to persist within the application area.

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

**Methodology** GIS Databases:  
- SAC Biodatasets 2/11/10

**(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 three different types of Threatened Ecological Communities within the local area (10km).

- \* SCP 3c - Herb rich shrublands in clay pans
- \* SCP 08 - *Eucalyptus calophylla* - *Xanthorrhoea preissii* woodlands and shrublands, Swan Coastal Plain
- \* SCP 19b - Woodlands over sedgeland in Holocene dune swales of the southern Swan Coastal Plain

The vegetation found within the proposed clearing area has different soil and vegetation characteristics from the above listed TEC's. It is unlikely that the area proposed to be cleared contains a TEC, and the distance from local TEC's is too great for the vegetation within the proposed lot to be necessary for their maintenance. Therefore the proposed clearing is unlikely to be at variance to this principle.

**Methodology** GIS Databases:  
- SAC Bio Datasets 2/11/10

**(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*				
SCP	1,501,209	587,889	39.16	N/A

Shire*				
Capel	55,945	19,275	34.46	N/A
Heddele*				
Karrakatta - Complex North	44,273	19,296	43.58	0.31
Beard Vegetation Association*				
6	56,343	14,579	29.5	12.86
Beard Vegetation Association with Bioregion*				
6	56,343	14,579	29.5	12.86

Shepherd, D.P. (2009)

There is approximately 30% vegetation remaining in the local area.

With the exception of Beard Vegetation type 6 all figures are above the recommended 30% of vegetation remaining (Commonwealth of Australia 2001).

Given the amount of surrounding adjacent vegetation, the proposal to clear 1ha of native vegetation, retaining many of the trees, is not likely to be at variance to this principle.

**Methodology** References:  
 Shepherd (2009)  
 Commonwealth of Australia (2001)  
 GIS Databases:  
 - Bunbury 50cm Orthomosaic - Landgate 2006

**(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**  
 Mapping within the local area (10km radius) identifies the area proposed to be cleared as lying approximately 300 metres to the north and 1.3km south east of multiple use wetlands. Additionally, a Conservation Category Wetland (1.5km east) and two Environmental Protection Policy Lakes (520m north and 1.8km east) were mapped within the local area.

Vegetation noted within the proposed clearing area is not indicative of wetland or associated species. Given the vegetation types found on site and the distance from the wetland areas, it is not likely that the clearing is at variance to this principle.

**Methodology** GIS Databases:  
 - Geomorphic Wetlands, Swan Coastal Plain  
 - Hydrography Linear - DOW properties  
 - Bunbury 50cm Orthomosaic - Landgate 2006  
 - EPP Lake  
 - CCW

**(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 area has been mapped as having a moderate to low acid sulfate risk. Groundwater salinity has also been mapped as a low risk at 500-1000mg/L TDS (Total Dissolved Solids). Soils within the proposed clearing are described as being grey and brown sands.

There is unlikely to be an increase of water logging or salinisation due to the size of the proposed clearing. Water erosion is unlikely to occur given the fine sands; however there is a slight risk of wind erosion due to these sands.

Given the above, the proposed clearing of native vegetation is unlikely to cause appreciable land degradation.

**Methodology** GIS Databases:  
 - Groundwater Salinity, Statewide - DOW  
 - Acid Sulfate Soil Risk Map, Swan Coastal Plain - DEC  
 - Soils, Statewide - DA 11/99

**(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**

Tuart Forest National Park is located 2.5km to the south of the proposed clearing. There is a Conservation Category Wetland located 1.5km to the east and a System 6 conservation area 2.2km north east also within the local area.

The vegetation under application is classed 1b according to the South West Ecological Linkages (SWREL) project. This is the second highest value that can be given to a linkage (Molloy et al., 2009). The nearest conservation reserve, Tuart Forest National Park, is located approximately 2.5km south-west of the applied area and they are joined by the ecological linkage. As not to further degrade the ecological linkage between conservation reserves, management conditions would mitigate the spread of weeds into the nearby remaining native vegetation.

Given the above, the proposal may be at variance to this principle.

**Methodology References:**

Molloy et al., 2009

GIS Databases:

- CALM Managed Land and Waters - 01/07/05

**(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 proposed clearing area has been mapped as a low salinity risk and low acid sulphate soils risk.

Given the distance to wetlands and watercourses, and the amount of vegetation remaining adjacent to the application area, it is unlikely that impacts to surface or underground water are likely to occur.

**Methodology GIS Databases:**

- Geomorphic Wetlands, Swan Coastal Plain

- Hydrography linear (hierarchy) - DOW

- Acid Sulfate Soil Risk Map, Swan Coastal Plain - DEC

- Groundwater Salinity, Statewide - DOW

**(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 proposed clearing is unlikely to have effect on flooding, or flooding impacts, due to the size of the area proposed to be cleared.

**Methodology**

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

**Comments**

This permit has been amended following the Minister for Environment's appeal determination for an appeal against the grant of Clearing Permit CPS 4027/1. The Minister partially upheld the appeal against the conditions of the permit to the extent that condition 4 (Weed Control) be amended to refer to both weeds and dieback.

The application area falls within the Capel Town Planning Scheme no.7 area and any clearing in a special rural zone for purposes other than firebreaks, building envelopes and driveways, is not allowed without the consent of the Shire. The proponent has gained approval to keep 2 horses and construct stables (A352926). Conditions on the planning consent include placing tree guards around all trees in the grazing area to protect trees from damage from stock.

The applicant has advised that water will not be required to irrigate the pasture at this stage as horses will be feed hay and grain. However, as the application is within the Rights in Water Irrigation Act 1914 Bunbury Groundwater Area, water licences from the Department of Water will be required to install a bore and take groundwater.

Two submissions (2010a and 2010b) were received opposing to the clearing in relation to principles (a), (b), (g) and (i). These issues have been addressed in the assessment where appropriate.

In terms of land degradation and fertiliser runoff through the proposed land use, the application has been assessed under the clearing principles for the environmental impacts of native vegetation, not the proposed end



land. However, it is noted that a condition has been placed on the planning consent from the Shire of Capel stating that the Council has the right to withdraw or amend the approval if it is found that the number of horses on the lot is degrading the land.

**Methodology**      References:  
Submission (2010a)  
Submission (2010b)

#### 4. References

- Brown A., Thomson-Dans C. and Marchant N.(1998). Western Australia's Threatened Flora, Department of Conservation and Land Management, Western Australia.
- DEC (2010) Site Inspection Report for Clearing Permit Application CPS 4027/1, Lot 153 Minninup Road, Stratham. Site inspection undertaken 26/11/2010. Department of Environment and Conservation, Western Australia (DEC Ref: A352930).
- EPA (2003) Greater Bunbury Region Scheme. Bulletin 1108. Environmental Protection Authority, Western Australia.
- Hedde, E. M., Loneragan, O. W., and Havel, J. J. (1980) Vegetation Complexes of the Darling System, Western Australia. In Department of Conservation and Environment, Atlas of Natural Resources, Darling System, 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.
- Shepherd, D.P. (2009) 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.
- Submission (2010a). Public submission received 8 November 2010.
- Submission (2010b). Public submission received 19 November 2010.

#### 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
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)