



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 4176/1
File Number: 2011/010338-1
Duration of Permit: From 4 July 2011 to 4 July 2013

PERMIT HOLDER

Maxwell Charles Rudd

LAND ON WHICH CLEARING IS TO BE DONE

Lot 9988 on Deposited Plan 203138 (Boorara Brook 6262)

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 1 hectare of native vegetation within the area shaded yellow on attached Plan 4176/1.

CONDITIONS

1. 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*:
- (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.
- (b) At least once in each 12 month period for the term of this Permit, the Permit Holder must remove or kill any *weeds* growing within areas cleared under 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; and

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*.

A handwritten signature in blue ink, appearing to read "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

9 June 2011

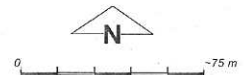
Plan 4176/1



LEGEND

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

Northcliffe 50cm Orthomosaic
- Landgate 2007



Scale 1:3000
(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 Faulkner Date 9/6/11

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.



Department of Environment and Conservation

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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.: 4176/1
Permit type: Area Permit

1.2. Proponent details

Proponent's name: Maxwell Charles Rudd

1.3. Property details

Property: LOT 9988 ON PLAN 203138 (BOORARA BROOK 6262)
Local Government Area: Manjimup
Colloquial name:

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
1		Mechanical Removal	Dam construction or maintenance

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 9 June 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: 1144 - Tall forest; karri & marri (Corymbia calophylla)	The proposed clearing of 1 hectare of native vegetation is for the purpose of dam construction. The vegetation is considered to be in a very good (Keighery, 1994) condition and has been classified as closed, riparian vegetation dominated by Agonis flexuosa and reeds. There are weeds presently predominately Black berries (DEC, 2011). The application area has been previously cleared 30-40 years ago and has been allowed to regrow. Gravel extraction has taken place on the eastern side of the application area.	Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery 1994)	The condition of the vegetaiton under application was assessed through aerial imagery and a site visit (DEC, 2011).

3. Assessment of application against clearing principles

Comments

The proposed clearing of 1 hectare of native vegetation is for the purpose of dam construction. The vegetation is considered to be in a very good (Keighery, 1994) condition and has been classified as closed, riparian vegetation dominated by Agonis flexuosa and reeds. There are weeds present, predominately blackberry (DEC, 2011). The application area has been previously cleared 30-40 years ago and has been allowed to regrow. No overstorey vegetation is present. Gravel extraction has taken place on the eastern side of the application area.

There are no declared rare flora species or threatened ecological communities in the vicinity of the project. The vegetation to be cleared is well represented in the local area, and would not have a detrimental impact on fauna.

The proposed clearing for dam construction and consists of vegetation associated with a watercourse, consisting of ground cover vegetation of reeds and sedges. The removal of riparian vegetation may lead to the destabilisation of stream banks, causing erosion and sedimentation of the waterway and increased turbidity of the water (DoW, 2011). Given this the proposal is at variance to principle (f) and may be at variance to principles (g) and (i).

The proposal is considered not likely to be at variance to the remaining principles.

Methodology References:
DEC (2011)
DoW (2011)
Datasets:

- DEC, Tenure
- Clearing Regulations - Environmentally Sensitive Areas - 30 May 2005
- Hydrogeographic Catchments, Catchments - DoW 01/06/07
- Hydrogeology, statewide - DOW 13/07/06
- Hydrography, linear DOW 13/7/06
- Pre-European vegetation - DA 01/01
- Mean Annual Rainfall Isohytes (1975 - 2003) - DEC 02/08/05
- SAC Biodatasets 15022011

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

Comments

The applicant provided additional information on 26 May 2011 in response to DEC's letter of 23 March 2011 which raised environmental issues pertaining to the proposed clearing.

- The removal of the vegetation will only be in the base of the dam and the water will expand out into existing pasture. The water flow will not be stopped due to a pipe in the base of the dam wall.
- The stream is very little and also there is no other site on the property to store large volumes of water in an off stream dam.
- Below the property the water dries up in summer before it reaches any major waterways and therefore there will be no stopping the flow of water, will only catch what is needed for the winter months.
- Due to the recent dry years, this dam is required as back up and expansion.

The Department of Water does not support the construction of on-stream dams. On-stream dams obstruct water flow and interfere with the movement of fish and other aquatic fauna. It can lead to significant negative impacts on riparian environment downstream of dam when the water flows are reduced. Given the topography and rainfall of the location, it could be expected that an off-stream dam would provide a reliable source of water (DoW, 2011).

The application does not fall within a Rights in Water and Irrigation Act proclaimed surface water areas, therefore no permits are required for construction of dams, or for the taking of water (DoW, 2011).

The Shire of Manjimup (2011) advised No planning or development approval is required for dam construction from the Shire of Manjimup and that the applicant is to confer with the Shire with the need to comply as relevant with all Shire requirements.

Methodology

References:

DoW (2011)

Shire of Manjimup (2011)

4. References

DEC (2011) Site Inspection Report for Clearing Permit Application CPS 4176/1, Lot 9988 , Boorara Brook. Site inspection undertaken 22/02/2011. Department of Environment and Conservation, Western Australia (DEC Ref. A371656).

DoW (2011). Department of Water South Coast advice. DEC Ref: A370996

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.

Shire of Manjimup (2011) Shire of Manjimup advice on dam construction approvals and Direct Interest Submission. DEC Ref: A370996 and A368308

5. Glossary

Term	Meaning
DAFWA	Department of Agriculture and Food
DEC	Department of Environment and Conservation
DEP	Department of Environmental Protection (now DEC)
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)