



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 5040/1

File Number: 2012/003154-1

Duration of Permit: From 14 September 2012 to 14 September 2014

PERMIT HOLDER

Jasper Farms Holdings Pty Ltd

LAND ON WHICH CLEARING IS TO BE DONE

Lot 3 on Diagram 33452 (Ruabon ,6280)

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 6.13 hectares of native vegetation within the combined areas hatched yellow on attached Plan 5040/1.

CONDITIONS

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;

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*.

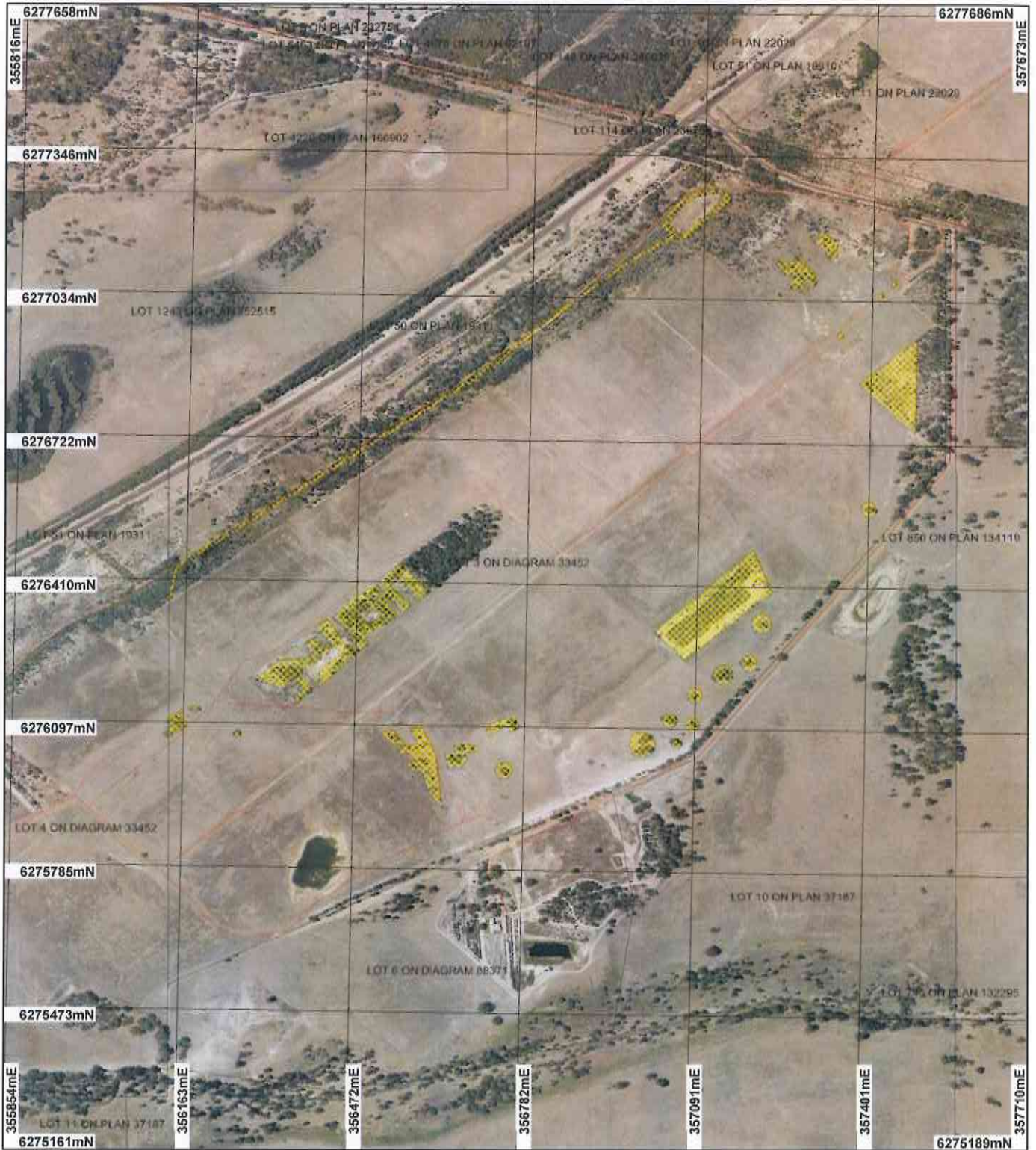


M Warnock
A/MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

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

23 August 2012

Plan 5040/1



LEGEND

-  Road Centrelines
-  Clearing Instruments
-  Areas Approved to Clear
-  Cadastre for labelling
-  Busselton 50cm Orthomosaic - Landgate 2007



0 300 m

Scale 1:11000

(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.

M. Warnock Date 23/8/12
M. Warnock

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.: 5040/1
Permit type: Area Permit

1.2. Proponent details

Proponent's name: Jasper Farms Holdings Pty Ltd

1.3. Property details

Property: LOT 3 ON DIAGRAM 33452 (House No. 48 RUABON RUABON 6280)
Local Government Area: City of Busselton
Colloquial name:

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 23 August 2012

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 vegetation association 949 is described as 'Low woodland; banksia' (Shepherd et al 2001).	The proposal is to clear 6.13 hectares of native vegetation within Lot 3 on Diagram 33452, Ruabon, for the purpose of an avocado orchard, construction of a drain and widening of an existing dam.	Completely Degraded: No longer intact; completely/almost completely without native species (Keighery 1994)	The condition of the vegetation was determined by a site inspection undertaken by the Department of Environment and Conservation (DEC 2012)
Mapped Beard vegetation association 1136 is described as 'Low woodland; Banksia prionotes' (Shepherd et al, 2001).	Parts of the application area consist of revegetation conducted after sand mining consisting of <i>Corymbia calophylla</i> dominated woodland or isolated <i>Corymbia calophylla</i> trees and isolated or clusters of <i>Agonis flexuosa</i> .	To	
Mattiske vegetation complex Abba (Ad) is described as 'Woodland of <i>Corymbia calophylla</i> - <i>Agonis flexuosa</i> - <i>Allocasuarina fraseriana</i> - <i>Nuytsia floribunda</i> on mild slopes in the humid zone' (Mattiske and Havel, 1998).	The applicant has agreed to retain an area of Good (Keighery 1994) condition vegetation.	Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994)	
Mattiske vegetation complex Abba (AB) is described as 'Woodland and open forest of <i>Corymbia calophylla</i> on flats and low rises in the humid zone' (Mattiske and Havel, 1998).			

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 application proposes to clear 6.13 hectares of native vegetation within Lot 3 on Diagram 33452, Ruabon, for the purpose of preparing the property to plant an avocado orchard.

Forty-nine priority flora species have been recorded within the local area the closest species being *Eucalyptus rudis* subsp. *cratyantha* (P4) which has been recorded approximately 400 m south on the same soil type and same vegetation type. A site visit did not identify this species within the application area (DEC 2012). Given this and the completely degraded to degraded (Keighery 1994) condition of the vegetation under application is unlikely to contain priority flora. Therefore, the clearing as proposed will not have a significant impact on the conservation values of priority flora species within the local area.

Eight species of fauna considered rare or likely to become extinct (Wildlife Conservation Act 1950) have been recorded within the local area (10km radius) including: *Botaurus poiciloptilus* (Australasian Bittern), *Calyptorhynchus baudinii* (Baudin's Cockatoo), *Calyptorhynchus latirostris* (Carnaby's Cockatoo), *Diomedea exulans* (Wandering Albatross), *Macronectes giganteus* (Southern Giant Petrel), *Macrotis lagotis* (Bilby), *Pseudocheirus occidentalis* (Western Ringtail Possum) and *Setonix brachyurus* (Quokka) (DEC 2007-). Given the degraded condition of the vegetation under application no significant loss of habitat for fauna indigenous to Western Australia is expected.

Given the completely degraded to degraded (Keighery 1994) condition of the area under application, it is unlikely the application area comprises of a high level of biological diversity.

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

Methodology

Reference:

- DEC (2007-)
- Keighery (1994)
- DEC (2012)

GIS Databases:

- SAC Biodata sets - accessed 11 May 2012

(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

Eight species of fauna considered rare or likely to become extinct have been recorded within the local area (10km) including: *Botaurus poiciloptilus* (Australasian Bittern), *Calyptorhynchus baudinii* (Baudin's Cockatoo), *Calyptorhynchus latirostris* (Carnaby's Cockatoo), *Diomedea exulans* (Wandering Albatross), *Macronectes giganteus* (Southern Giant Petrel), *Macrotis lagotis* (Bilby), *Pseudocheirus occidentalis* (Western Ringtail Possum) and *Setonix brachyurus* (Quokka) (DEC 2007-).

During a site inspection undertaken by DEC (2012) foraging habitat for the black cockatoo species was identified within the application area. However, areas containing *Corymbia calophylla* will remain within Lot 3 providing alternate foraging habitat for these species. No hollows were observed that could be suitable for black cockatoos (DEC, 2012). Therefore, the vegetation under application is not likely to be significant habitat of the black cockatoo species.

A number of peppermint trees were identified during a site inspection (DEC 2012) that may provide habitat for the Western Ringtail Possum. Given the isolated nature of these trees and the vegetation located adjacent to these clumps does not consist of suitable Western Ringtail Possum habitat is unlikely Western Ringtail Possums would utilise these trees.

Given the degraded condition of the vegetation under application no loss of significant habitat for fauna indigenous to Western Australia is expected.

Methodology

Based on the above, the proposed clearing is not likely to be at variance to this Principle.

Reference:

- DEC (2007-)
- DEC (2012)

GIS Databases:

- SAC Biodata sets - accessed 11 May 2012

(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

Twenty four species of rare flora have been recorded within the local area (10km) the closest being *Banksia squarrosa* which has been recorded approximately 400m south of the application area on the same soil type and same vegetation type. Given the completely degraded to degraded (Keighery 1994) condition of the vegetation it is unlikely that *B. squarrosa* would be found within the application area.

The clearing as proposed is unlikely to be necessary for the continued existence of rare flora and therefore is

not likely to be at variance to this principle.

Methodology GIS Databases:
-SAC Biodata sets - accessed 11 May 2012

(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 threatened ecological communities (TEC's) have been recorded within the application area. The closest TEC is Eucalyptus calophylla woodland on heavy soils of the southern Swan Coastal Plain located approximately 6.4 km north of the application area.

Given the area under application is in a completely degraded to degraded (Keighery 1994) condition and the distance to the closest TEC, the vegetation under application is unlikely to be necessary for the maintenance of a TEC.

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

Methodology Reference:
-Keighery (1994)

GIS Databases:
-SAC Biodata sets - accessed 11 May 2012

(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

The area under application is located within the Swan Coastal Plain Interim Biogeographic Regionalisation of Australia (IBRA) bioregion. This IBRA bioregion has approximately 39 per cent of its pre-European vegetation extent remaining (Government of Western Australia 2011).

The vegetation under application is mapped as Beard Vegetation Associations 949 and 1136, which have approximately 57 per cent and eight per cent of its pre-European extent remaining in the Swan Coastal Plain bioregion respectively (Government of Western Australia 2011).

Digital imagery (Busselton 50cm Orthomosaic - Landgate 2007) indicates that the local area (10km radius) surrounding the area under application retains approximately 10 per cent vegetation cover.

The vegetation under application is located in an extensively cleared landscape. However, given the completely degraded to degraded (Keighery 1994) condition of the vegetation it is not considered to be a significant remnant.

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

	Pre-European (ha)	Current Extent (ha)	Remaining (%)	Extent in DEC Managed Lands (%)
IBRA Bioregion*				
Swan Coastal Plain	1,501,209	587,889	39	33
Shire*				
City of Busselton	146,478	62,298	42	66
Beard Vegetation Association in Bioregion*				
949	218,194	124,120	57	51
1136	48,124	3,825	8	4
Mattiske Vegetation Complex**				
Abba (AB)	8,007	657	8	0
Abba (Ad)	1,208	368	30	0

*(Government of Western Australia 2011)
**(Mattiske and Havel 1998)

Methodology Reference:
- Government of Western Australia (2011)
- Mattiske and Havel (1998)

GIS Databases:
- IBRA
- Busselton 50cm Orthomosaic - Landgate 2007

- Pre European Vegetation
- SAC Biodata sets - accessed 11 May 2012

(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 may be at variance to this Principle

The Wonnerup Estuary is located 2.4km to the north of the application area. The Abba River is located approximately 500 m south of the application area.

A Conservation Category Wetland Semeniuk Palusplain occurs approximately 200m north of the application area.

The application area is partially mapped within a multiple use wetland. The Water and Rivers Commission (2001) considers Multiple Use Category wetlands as having few important attributes and functions remaining. This area was assessed as being in a completely degraded to degraded (Keighery, 1994) condition (DEC, 2012).

A small portion of the application area is mapped within a wetland therefore the clearing as proposed may be at variance to this principle.

Methodology References:

- DEC (2012)
- Keighery (1994)
- Water and Rivers Commission (2001)

GIS Database:

- Geomorphic Wetlands (Mgt Categories), Swan Coastal Plain
- Hydrology, linear

(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 under application has been mapped as soil type Cb38 which Northcote et al (1960 - 1968) describes as; Sandy dunes with intervening sandy and clayey swamp flats: chief soils are leached sands and sometimes with a clay D horizon below 5 ft, on the dunes and sandy swamps.

Commissioner of Soil and Land Conservation (2012) considers there to be some risk of soil erosion from the clearing as proposed. Wind erosion is possible on the proposed area to be cleared because of the soil types present. The risk of wind erosion can be controlled with good management practices until the plantation stabilises the area (Commissioner of Soil and Land Conservation 2012).

As the majority of the property is already cleared and the proposal is to remove isolated remnant patches the risk of increased wind and water erosion is minimal.

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

Methodology References:

- References:
- Commissioner of Soil and Land Conservation (2012)
 - Northcote (1960-68)

GIS Database:

- Soils, Statewide

(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

A number of nature reserves are located within the local area (10km) of the area under application. The closest being Ludlow State Forrest and Tuart Forrest National Park located 200 m north and 1.2 km north respectively from the application area.

The application area may provide a linkage between nature reserves for avian fauna within the local area. The area under application is in a completely degraded to degraded (Keighery 1994) condition and areas of native vegetation in a better condition within the property will provide a linkage between nature reserves.

The disturbance resulting from the proposed clearing may increase the risk of weeds and dieback spreading into nearby native vegetation within the property. Weed and dieback management practices would assist in

mitigating this risk.

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

Methodology References:
- Keighery (1994)

 GIS Database:
- DEC Tenure

(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

A multiple use wetland is mapped as occurring within a small part of the application area in a completely degraded to degraded (Keighery 1994) condition. Given the condition of the vegetation under application it is unlikely the clearing as proposed will cause deterioration in the quality of surface water.

The groundwater salinity within the application area is less than 500-1000 milligrams per litre of Total Dissolved Solids (TDS). This level of groundwater salinity is considered to be marginal. The clearing of 6.13 hectares of vegetation in a completely degraded to degraded (Keighery 1994) condition is not likely to have a significant impact on the quality of groundwater in the local area.

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

Methodology References:
-Keighery (1994)

 GIS Database:
- Geomorphic Wetlands (Mgt Categories), Swan Coastal Plain
- Groundwater Salinity Statewide

(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

Given the degraded condition of the area under application the proposed clearing of 6.13 ha within a larger footprint area (149 ha) is not expected to increase the incidence or intensity of flooding

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

Methodology

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

Comments

The proposal is to clear 6.13 hectares of native vegetation within Lot 3 on Diagram 33452, Ruabon, for the purpose of an avocado orchard, the construction of a drain and widening of a dam.

Commissioner of Soil and Land Conservation (2012) has advised there is some increased risk of eutrophication under orchard use. However, the proposed avocado orchard use is unlikely to increase the eutrophication risk if best management practice is applied.

The area under application is zoned as 'Agriculture' under the local Town Planning Scheme.

Notice of Intent to Drain has been approved for the proposed drain on the property (Commissioner of Soil and Land Conservation 2012a)

No Aboriginal Sites of Significance are recorded within the application area.

The application area is located within the Busselton-Capel groundwater area under the Rights in Water Irrigation Act 1914. The applicant currently holds a licence to extract ground water from the Department of Water (DoW), however this licence does not cover Lot 3 on Diagram 33452. The Licence authorises the take of water for an existing irrigation operation on other properties owned by Jasper Farms Pty Ltd. The Licence has a sufficient water entitlement to meet the current irrigation requirement at this property and the proposed expansion at Lot 3. (DoW 2012b)

An application to amend the applicant's current 5C groundwater licence GWL 151407(7) was submitted to DoW on the 28 June. On the 9 August 2012 DoW issued a license to construct or alter a well within Lot 3 on Diagram 33452 for the purpose of drilling the bore and preparation of a hydrological report. The report is

required to demonstrate that the required groundwater will be available for abstraction without causing harmful effects on the aquifer or other users (DoW 2012a).

Methodology **References:**

- Commissioner of Soil and Land Conservation (2012)
- Commissioner of Soil and Land Conservation (2012a)
- DoW (2012a)
- DoW (2012b)

GIS Database:

- Aboriginal Sites of Significance
- RIWI Act, Groundwater areas
- Town Planning Schemes Zones

4. References

- Commissioner of Soil and Land Conservation (2012) Advice for clearing permit CPS 5040/1 – Jasper Farm Holdings Pty Ltd, Lot 3 on Diagram 33452. Department of Agriculture and Food. Western Australia. (DEC Ref: A519642).
- Commissioner of Soil and Land Conservation (2012a) Advice for Clearing Permit CPS 5040/1 – Notice of Intent to Drain. Western Australia. (DEC Ref: A536831).
- DEC (2007 -) NatureMap: Mapping Western Australia's Biodiversity. Department of Environment and Conservation. URL: <http://naturemap.dec.wa.gov.au/>. Accessed 11 May 2012
- DEC (2012) Regional Advice for Clearing Permit Application CPS 5040/1. Department of Environment and Conservation. South Coast Region. (DEC Ref: A516972)
- DoW (2012a) Status of application to take water from Lot 3 Ruabon Road. Department of Water. Western Australia. (DEC Ref:A533643)
- DoW (2012b) Advice for Jasper Farms Pty Ltd Clearing Application and Irrigation Proposal. Western Australia (DEC Ref: A536555)
- Government of Western Australia (2011); 2011 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). WA Department of Environment and Conservation, Perth.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western 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., Beeston, G.R., and Hopkins, A.J.M. (2001), Native Vegetation in Western Australia. Technical Report 249. Department of Agriculture Western Australia, South Perth.
- Water and Rivers Commission (2001) Position Statement: Wetlands, Water and Rivers Commission, Perth.

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)