



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 5063/1
File Number: DEC6704-1
Duration of Permit: From 12 October 2012 to 12 October 2014

PERMIT HOLDER

Vasse Felix Pty Ltd

LAND ON WHICH CLEARING IS TO BE DONE

Lot 30 on Deposited Plan 46641 (Wilyabrup 6280)

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 1.42 hectares of native vegetation within the area hatched yellow on attached Plan 4063/1.

CONDITIONS

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*:

- clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- shall only move soils in *dry conditions*;
- ensure that no *dieback* or *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
- 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;

weeds 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 black ink, appearing to read "Roxane Shadbolt".

Roxane Shadbolt
A/MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

Officer delegated under Section 20
of the Environmental Protection Act 1986

20 September 2012

Plan 5063/1



LEGEND

- Road Centrelines
- Clearing Instruments
- Areas Applied to Clear
- Areas Subject to Conditions
- Areas Approved to Clear
- Cadastre for labelling

Busselton 50cm Orthomosaic - Landgate 2007



0 75 m

Scale 1:2674

(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.

R. Shadbolt, Date 20/9/12

R Shadbolt

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.: 5063/1
Permit type: Area Permit

1.2. Proponent details

Proponent's name: Vasse Felix Pty Ltd

1.3. Property details

Property: LOT 30 ON PLAN 46641 (Lot No. 30 TOM CULLITY WILYABRUP 6280)
Local Government Area: City of Busselton
Colloquial name:

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 20 September 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
The vegetation under application has been mapped as Beard vegetation association 3 which is described as 'Medium forest; jarrah-marri' (Shepherd et al 2001).	The application is to clear 1.42 ha of native vegetation for the purpose of extending an existing vineyard.	Completely Degraded: No longer intact; completely/almost completely without native species (Keighery 1994)	The vegetation conditions and description was determined by a site inspection undertaken by the Department of Environment and Conservation (DEC 2012).
Mattiske vegetation complex Wilyabrup (W2): Open forest of <i>Corymbia calophylla</i> - <i>Allocasuarina decussata</i> - <i>Agonis flexuosa</i> on deeply incised valleys in perhumid and humid zones (Mattiske and Havel 1998).	The vegetation within the application area has recently been burnt. The application area consists predominantly of individual and clumped <i>Corymbia calophylla</i> trees with weeds in the understorey. This area is in a Degraded to Completely Degraded (Keighery, 1994) condition (DEC 2012).	To Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994)	

3. Assessment of application against clearing principles

Comments

This application proposes to clear 1.42 hectares of native vegetation for the purpose of extending an existing vineyard.

The clearing proposed under the initial application of 2.36 hectares included 1.6 hectares of native vegetation which was in a very good (Keighery, 1994) condition. The applicant has now removed the more environmentally significant areas from the application.

The following assessment is for the amended area in which the applicant has removed the areas of very good (Keighery 1994) condition.

Seven priority flora species have been recorded within the local area (5km radius) The closest record of priority flora is *Thysanotus isantherus* (P3) which is located approximately 2.9km south west of the application area. *Thysanotus isantherus* (P3), *Bossiaea disticha* (P3) and *Drosera fimbriata* (P4) are all found on similar vegetation and soil type. Vegetation proposed to be cleared is in a completely degraded (Keighery 1994) condition and therefore is unlikely to support priority flora.

Numerous fauna species considered rare or likely to become extinct under the Wildlife Conservation Act 1950 have been recorded within a 10 km radius (DEC 2007-). *Agonis flexuosa* woodland is located to the north of the application area and evidence of Western Ringtail Possums was observed in close proximity to the application

area. Given the completely degraded to degraded (Keighery 1994) condition of the vegetation proposed to be cleared, the application area is not considered to be significant habitat for this species. The vegetation proposed to be cleared may act as a buffer for this *Agonis flexuosa* woodland preventing spread of weeds and predation into this area. Weed and dieback mitigation practices will help mitigate the impacts of the proposed clearing.

Suitable foraging and potential breeding habitat has been identified for *Calyptorhynchus baudinii* (Baudin's Cockatoo) and *Calyptorhynchus latirostris* (Carnaby's Cockatoo) within the area under application (DEC 2012). The area under application is in a completely degraded to degraded (Keighery 1994) condition and is not likely to be significant habitat for black cockatoos, however large hollow bearing trees were identified within the application area. Fauna management practices will ensure that no cockatoos are harmed during the clearing process.

The local area (10km radius) surrounding the area under application has been highly cleared resulting in a fragmented landscape. The local area retains approximately 30 per cent vegetation cover however the majority of this vegetation is concentrated along the coastline. Although the area under application is located within a highly cleared landscape the vegetation is in a degraded to completely degraded (Keighery 1994) condition and is therefore not considered to be a significant remnant.

Given the above the clearing as proposed maybe be at variance to principle (b) and is not likely to be at variance to any of the remaining clearing principles.

Methodology

Reference:

- DEC (2007-)
- DEC (2012)
- Keighery (1994)
- Commonwealth of Australia (2001)
- Government of Western Australia (2011)
- Keighery (1994)
- Mattiske (1998)

GIS Databases:

- Busselton 50cm Orthomosaic - Landgate 2004
- Pre European Vegetation
- SAC Biodata sets - accessed 6 June 2012

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

Comments

The initial application proposed to clear 2.36 ha of native vegetation for the purpose of extending an existing vineyard. In response to DEC's letter dated 16 August 2012 outlining areas of low environmental impact the application area has now been reduced to 1.42 ha of vegetation in completely degraded to degraded condition.

The area under application was part of a previously granted permit (CPS 354/1) in 2005 for 13.5ha by Foxland Investments Pty Ltd (expired 2 July 2007) for the purpose of horticulture. The proponent did not undertake any clearing under this permit.

On the 19 February 2008 an application (CPS 2372/1) to clear 14 ha of native vegetation (including the areas within CPS 5063/1) within Lot 30 on Plan 46641 Willyabrup for the development of a vineyard by the new owners Vasse Felix Pty Ltd was received on the 29 February 2008. On the 8th October 2009 application CPS 2372/1 was refused due to being at variance to a number of clearing principles and development approval being outstanding.

On the 3 July 2008 DEC provided advice to the Shire of Busselton in relation to a planning approval application for Vasse Felix to extend the existing vineyard. DEC advised that it would not object to degraded areas of bushland being part of the proposal.

New information collected during a recent site visit undertaken in July 2012 indicates that the majority of the south east application area and the southern portion of the north west application area is in very good (Keighery 1994) condition (DEC 2012), previously thought to be degraded.

The Commissioner of Soil and Land Conservation (2012) advised the application to clear native vegetation within Lot 30 may be suitable for horticultural crops as the risk of land degradation is low.

The City of Busselton (2012) granted planning consent to Vasse Felix Pty Ltd for the proposed extension of Existing Intensive Agriculture within Lot 30 on Plan 46641.

Vasse Felix Pty Ltd requested to amend the application area on 30 August 2012 to only include the north west area of 1.42 ha which is in a completely degraded to degraded condition (Keighery 1994).

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

The area under application is zoned as 'Viticulture/Tourism' under the local Town Planning Scheme.

The application area is located within the Cape to Cape North surface water area under the Rights in Water Irrigation Act 1914.

The application area is located within the Busselton-Capel groundwater area under the Rights in Water Irrigation Act 1914. Vasse Felix Pty Ltd hold a current licence to take water valid until 5 December 2012.

Methodology

References:

- City of Busselton (2012)
 - Keighery (1994)
 - DEC (2012)
 - Commissioner of soil and land conservation (2012)
- GIS Database:
- Aboriginal Sites of Significance
 - RIWI Act, Groudwater areas
 - RIWI Act, Surface water areas, Irrigation Districts
 - Town Planning Schemes Zones

4. References

- City of Busselton (2012) Decision on Application for Planning Consent - Vasse Felix Pty Ltd . Western Australia. (DEC Ref:A548108)
- Commissioner of soil and land conservation (2012) Advice for clearing permit CPS 5063/1 - Vasse Felix Pty Ltd. Department of Agriculture and Food. Western Australia. (DEC Ref: A524545).
- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- DEC (2007 -) NatureMap: Mapping Western Australia's Biodiversity. Department of Environment and Conservation. URL: <http://naturemap.dec.wa.gov.au/>. Accessed 6 June 2012
- DEC (2012) Site Inspection Report for Clearing Permit Application CPS 5063/1, Lot 30 on Plan 46641, Wilyabrup. Site inspection undertaken 21 June 2012. Department of Environment and Conservation, Western Australia (DEC Ref: A524007).
- 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.
- 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., Beeston, G.R., and Hopkins, A.J.M. (2001), Native Vegetation in Western Australia. Technical Report 249. Department of Agriculture Western Australia, South Perth.
- Western Australian Herbarium (1998-) FloraBase - The Western Australian Flora. Department of Environment and Conservation. <http://florabase.dec.wa.gov.au/> (Accessed 10 July 2012).

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
GIS	Geographical Information System
ha	Hectare (10,000 square metres)
TEC	Threatened Ecological Community
WRC	Water and Rivers Commission (now DEC)