



## 1. Application details

### 1.1. Permit application details

Permit application No.: 5522/1  
Permit type: Area Permit

### 1.2. Proponent details

Proponent's name: Mr Rodney William Caporn

### 1.3. Property details

Property: LOT 101 ON PLAN 48375 (MOKUP 6394)  
LOT 5275 ON PLAN 135543 (MOKUP 6394)  
LOT 3929 ON PLAN 124185 (MOKUP 6394)  
LOT 3121 ON PLAN 119482 (CHANGERUP 6394)  
LOT 5277 ON PLAN 135545 (CHANGERUP 6394)  
LOT 5276 ON PLAN 135544 (MOKUP 6394)  
LOT 3928 ON PLAN 124184 (MOKUP 6394)

Local Government Area: Shire of Kojonup and Shire of West Arthur

Colloquial name:

### 1.4. Application

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

### 1.5. Decision on application

Decision on Permit Application: Refuse  
Decision Date: 27 March 2014

## 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 4 is described as Medium woodland; marri & wandoo (Shepherd et al 2001).	The applicant proposes to clear 45.3 hectares of native vegetation for the purpose of cropping, grazing and pasture.	Completely Degraded; No longer intact; completely/almost completely without native species (Keighery 1994)	The condition of the vegetation under application was determined by a site inspection report completed by the former Department of Environment and Conservation (DEC, 2013) and Department of Environment Regulation (DER 2014).
Mapped Beard vegetation association 992 is described as Medium forest; jarrah & wandoo (Eucalyptus wandoo) (Shepherd et al 2001)		To	Lot 101 has some regrowth mainly Wandoo (DEC 2013).
Mattiske vegetation complex Fa1 is described as Woodland of Eucalyptus marginata subsp. marginata-Eucalyptus wandoo-Corymbia calophylla on uplands with some Eucalyptus astringens on breakaways and some Banksia spp. on sands and gravels in the arid zone (Mattiske and Havel 1980).		Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery 1994)	Location 5276 contains some degraded Acacia acuminata scrub (DEC 2013).  The south-eastern corner of location 3121 contains degraded Acacia acuminata woodland containing Gastrolobium thickets, Banksia sessilis and some Xanthorrhoeas, this vegetation is degraded from kangaroo grazing and parrot damage on the Xanthorrhoeas (DEC 2013).
Mattiske vegetation complex Fa2 is described as Woodland of Eucalyptus wandoo over Acacia acuminata with some Eucalyptus marginata subsp. marginata and Corymbia calophylla on milder slopes with some Eucalyptus rudis on lower slopes in the arid zone (Mattiske and Havel 1980).			Location 3929 has more regrowth mainly Wandoo and Marri interspersed with Banksia sessilis and leptospermum erubescens (DEC 2013).

Mattiske vegetation complex Fa3 is described as Open woodland to woodland of Eucalyptus wandoo with some Corymbia calophylla over Acacia acuminata on steeper slopes in the arid zone (Mattiske and Havel 1980).

### 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 may be at variance to this Principle**

The applicant proposes to clear 43.5 hectares of native vegetation over a larger footprint area of approximately 127 hectares for the purpose of cropping, grazing and pasture.

The application area is in a completely degraded to good (Keighery 1994) condition. A site inspection undertaken by the former Department of Environment and Conservation (DEC 2013) determined there was limited or no remaining understorey within the application area due to previous clearing and grazing. A further site inspection on 3 February 2014 (DER 2014) noted some regeneration in some of the application areas (DER 2014).

Seven fauna species listed as 'rare or likely to become extinct' under the Wildlife Conservation Act 1950 have been recorded within a 20 kilometre radius being; Muir's Corella (*Cacatua pastinator* subsp. *pastinator*), Forest Red-tailed black cockatoo (*Calyptorhynchus banksii* subsp. *naso*), Baudin's cockatoo (*Calyptorhynchus baudinii*), Chuditch (*Dasyurus geoffroii*), Red-tailed Phascogale (*Phascogale calura*), Southern Brush-tailed Phascogale (*Phascogale tapoatafa* subsp. *tapoatafa*) (DEC 2007-). The application area may contain suitable breeding habitat for the Forest Red-tailed black cockatoos and Baudin's cockatoo. The applicant has advised that habitat trees will not be removed.

Eleven priority flora and one rare flora species have been recorded within the local area. The closest priority flora and rare flora species are located approximately 8 kilometres west of the application area. Given the history of grazing and the completely degraded to good (Keighery, 1994) condition of the vegetation, it is unlikely rare or priority flora occur within the area under application.

The local area (10 kilometre radius) has been extensively cleared with approximately 25 per cent of vegetation remaining.

The majority of the vegetation under application is in a completely degraded (Keighery 1994) condition and therefore the majority of the vegetation proposed to be cleared is not likely to comprise of a high level of biological diversity.

However approximately 3.6 hectares (within a larger footprint of 12 hectares) is in a good (Keighery 1994) condition. Given the local area is extensively cleared and contains poorly represented vegetation associations this area may contain a high level of biological diversity.

Given the above the clearing as proposed may be at variance to this principle.

##### Methodology

##### References:

- DEC (2007-)
- DEC (2013)
- DER (2014)
- Keighery (1994)

##### GIS Database:

- SAC Biodata sets - accessed April 2013

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

Seven fauna species listed as 'rare or likely to become extinct' under the Wildlife Conservation Act 1950 have been recorded within a 20 kilometre radius being; Muir's Corella (*Cacatua pastinator* subsp. *pastinator*), Forest Red-tailed black cockatoo (*Calyptorhynchus banksii* subsp. *naso*), Baudin's cockatoo (*Calyptorhynchus baudinii*), Chuditch (*Dasyurus geoffroii*), Red-tailed Phascogale (*Phascogale calura*), Southern Brush-tailed Phascogale (*Phascogale tapoatafa* subsp. *tapoatafa*) (DEC 2007-).

The application area has limited or no remaining understorey due to previous clearing and grazing. Therefore it is unlikely the vegetation proposed to be cleared contains significant habitat for ground dwelling fauna.

The level of understorey disturbance does not detract from the habitat value of the overstorey for black cockatoo species and therefore the vegetation under application may provide suitable breeding and foraging habitat for these species. The application areas may also support other native avian fauna.

The Forest Red-tailed black cockatoo and Baudin's black cockatoo are listed as endangered under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). These species nest in large hollows of eucalyptus trees. Habitat trees are described as trees that have a diameter, measured at 1.5 metres from the base of the tree, of 50 centimetres or greater, that contains or has the potential to develop hollows or roosts suitable for native fauna. In accordance with this definition the application area may contain suitable breeding habitat for black cockatoo species. In addition the applicant has advised that he has observed cockatoo flying over his property and resting on trees for approximately three hours.

During a site inspection undertaken by DEC (2013) and DER (2014) large trees including Wandoo, Marri and Jarrah that contained hollows were identified. The applicant advised he intends to retain these trees.

Based on the above, the clearing as proposed may be at variance to this principle.

**Methodology** References:  
- DEC (2007-)  
- DEC (2013)  
- DER (2014)  
- Keighery (1994)

GIS Database:  
- SAC Biodata sets - accessed April 2013

**(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**  
Three species of rare flora have been recorded within the local area (10 kilometre radius).

The closest species of rare flora is located approximately eight kilometres west from the application area. This species is found on sand, loam located adjacent to watercourses and winter-wet sites (Western Australian Herbarium 1998-). Suitable habitat for this species is not located within the application area.

Given the history of grazing and lack of understorey vegetation within the application area, it is not likely that the vegetation includes or is necessary for the continued existence of rare flora.

**Methodology** Therefore, the proposed clearing is not likely to be at variance to this principle.  
References:  
- Western Australian Herbarium (1998-)

GIS Database:  
- SAC Biodata sets - accessed April 2013

**(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 no known threatened ecological communities within a 10 kilometre radius of the proposed clearing.

Given the history of grazing and lack of understorey vegetation within the application area, it is not likely that the vegetation comprises or is necessary for the maintenance of a threatened ecological community.

**Methodology** Therefore the proposed clearing is not likely to be at variance with this Principle.  
GIS Databases:  
- SAC Bio Datasets (Accessed April 2013)

**(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 at variance to this Principle**  
The area under application is located within the Jarrah Forest Interim Biogeographic Regionalisation of Australia (IBRA) bioregion. This IBRA bioregion has approximately 55 per cent of its Pre European vegetation extent remaining (Government of Western Australia 2013).

The application area is mapped as Beard Vegetation Associations 4 and 992 and Mattiske Vegetation Complexes Fa1, Fa2 and Fa3 which retain approximately 29, 26, 37, 17 and 9 per cent of their pre-European extent respectively within the Jarrah Forest IBRA bioregion (Government of Western Australia 2013).

The national objectives and targets for biodiversity conservation in Australia has a target to prevent clearance of ecological communities with an extent below 30 per cent of that present pre-1750, below which species loss appears to accelerate exponentially at an ecosystem level (Commonwealth of Australia, 2001).

Mattiske Vegetation Complexes Fa1, Fa2 and Fa3 have very little to no vegetation protected within Department of Parks and Wildlife managed lands (0.8, 1.1 and 0 per cent respectively). Given Fa2 and Fa3 retain vegetation below the 30 per cent threshold and very little or no vegetation is protected, any clearing of these vegetation complexes is significant.

Digital imagery (Dinninup 50cm Orthomosaic - Landgate 2004) indicates that the local area (10 kilometre radius) surrounding the area under application retains approximately 25 per cent vegetation cover.

The applicant is proposing to clear 43.5 hectares of native vegetation for the purpose of improving agricultural practices. The local area (10 kilometre radius) has been extensively cleared (approximately 25 per cent remaining). The majority of the application area is in a completely degraded to degraded (Keighery 1994) condition, however given the large area proposed to be cleared and that the local area has been extensively cleared the vegetation proposed to be cleared is considered to be a significant remnant.

Based on the above, the proposed clearing is at variance to this principle.

To address the impacts identified in this assessment the applicant has advised that he is willing to undertake a revegetation program that will involve revegetating the creek line within his property. Further information including a revegetation plan is required to determine whether the impacts of clearing can be mitigated suitably.

Pre-European	Current Extent (ha)	Remaining Extent in DEC Managed Lands	
		(ha)	(%)
IBRA Bioregion*			
Jarrah Forest	4,506,657	2,473,560	55
			68
Shire*			
Shire of Kojonup	293,099	68,533	23
Shire of West Arthur	283,182	87,904	31
Beard Vegetation Association in Bioregion*			
4	1,022,713	293,208	29
992	122,049	31,890	26
			10
Mattiske Vegetation Complex ***			
Fa1	1,589.23	593.31	37.33
Fa2	2,344.90	409.48	17.46
Fa3	1,764.12	163.22	9.25
			0.00

\* Government of Western Australia (2013)

\*\*Mattiske (1998)

#### Methodology

Reference:

- Commonwealth of Australia (2001)
- Government of Western Australia. (2013)
- Keighery (1994)
- Mattiske (1998)

GIS Database:

- Dinninup 50cm Orthomosaic - Landgate 2004
- NLWRA, Current Extent of Native
- Sac bio datasets - accessed March 2013

#### (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**

Numerous minor watercourses intersect the areas under application.

Kojonup Brook is located 4 kilometres east of the application area, Arthur River is located 3.8 kilometres north of the application area and Balgarup River is located 4.9 kilometres south west of the application area.

Drainage from the application area flows generally to the north from the property into Arthur River (Commissioner of Soil and Land Conservation 2013).

Given a watercourse intersects the application area the vegetation proposed to be cleared is considered to be growing in association with a watercourse.

Therefore the clearing as proposed is at variance to this principle.

**Methodology**   References:  
- Commissioner of Soil and Land Conservation (2013)

                  GIS Databases:  
- 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 seriously at variance to this Principle**  
Soil type Tf4 is described as 'Low hilly to hilly portions of dissected lateritic plateau with gently undulating ridge crests and narrow incised valleys: chief soils are hard acidic yellow mottled soils containing moderate to large amounts of ironstone gravel. Associated are ironstone gravels soils containing ironstone gravels on ridge crests; valley side slopes of the soils' (Northcote et al 1960 - 1968).

Groundwater salinity mapping identifies the areas as being highly saline, between 14000- 35000 mg/L.

The Commissioner of Soil and Land Conservation (2013) has advised that the application area is well drained and there is salinity associated with the major drainage line running through the property. The salinity level of this waterway is increasing and the clearing of further vegetation may contribute to this. Future offset planting along the main waterway to mitigate impacts of the proposed clearing, especially in the northern section of the property may not be adequate to reduce the level of salinity on this property (Commissioner of Soil and Land Conservation 2013).

In addition the Commissioner of Soil and Land Conservation (2014) has advised that the groundwater trend within the property indicates that water levels are continuing to rise and that the expansion of salt affected land evident since the early 1990s is likely to continue. Therefore the proposed clearing will result in increased ground water recharge and subsequently leading to increased salinity.

The Commissioner of Soil and Land Conservation (2013) advises that the risk of wind and water erosion, eutrophication, water logging and flooding causing appreciable land degradation is low (Commissioner of Soil and Land Conservation 2013).

Based on the above, the clearing as proposed is likely to cause significant appreciable land degradation in the form of salinity. Therefore the clearing as proposed is seriously at variance to this principle.

To address the impacts identified in this assessment the applicant has advised that he is willing to undertake a revegetation program that will involve revegetating the creek line within his property. Further information including a revegetation plan is required to determine whether the impacts of clearing can be mitigated.

**Methodology**   References:  
- Commissioner of Soil and Land Conservation (2013)  
- Northcote et al (1960 - 1968).

                  GIS Database:  
- Groundwater Salinity  
- 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**  
Numerous conservation areas are located within the local area, the closest being Wild Horse Swamp Nature Reserve and Towerrining Nature Reserve located approximately 5.6 kilometres west and 7.7 kilometres north of the application area respectively.

Given the condition of the vegetation under application and the distance to the closest conservation area, the clearing as proposed is not likely to be at variance to this principle.

**Methodology**   References:  
- Commissioner of Soil and Land Conservation (2013)

                  GIS Databases:  
-Groundwater Salinity  
- Hydrology, linear

**(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 at variance to this Principle**  
Numerous minor watercourses intersect the areas under application.

Kojonup Brook is located 4 kilometres east of the application area, Arthur River is located 3.8 kilometres north of the application area and Balgarup River is located 4.9 kilometres south west of the application area. Drainage from the application area flows generally to the north from the property into Arthur River (Commissioner of Soil and Land Conservation 2013).

Clearing in close proximity to these watercourses may lead to localised sedimentation which causes deterioration of the surface water quality.

The Commissioner of Soil and Land Conservation (2013) has advised that the application area is well drained and there is salinity associated with the major drainage line running through the property. The salinity level of this waterway is increasing and the clearing of further vegetation may contribute to this. Future offset planting along the main waterway to mitigate impacts of the proposed clearing, especially in the northern section of the property may not be adequate to reduce the level of salinity on this property (Commissioner of Soil and Land Conservation 2013).

Groundwater salinity ranges from 14000- 35000 mg/L which is considered highly saline. The drainage line running through the applicants holding is salt affected. Further clearing is likely to increase the expression of salinity in this landscape (Commissioner of Soil and Land Conservation 2013).

This clearing will impact on surface and groundwater quality in terms of salinity and sedimentation.

Based on the above, the clearing as proposed is at variance to this principle.

To address the impacts identified in this assessment the applicant has advised that he is willing to undertake a revegetation program that will involve revegetating the creek line within his property. Further information including a revegetation plan is required to determine the suitability of this offset.

**Methodology**    References:  
- Commissioner of Soil and Land Conservation (2013)

                      GIS Databases:  
-Groundwater Salinity  
- Hydrology, linear

**(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 application area is well drained (Commissioner of Soil and Land Conservation 2013). Therefore it is unlikely the clearing as proposed will exacerbate the incidence or intensity of flooding.

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

**Methodology**    References:  
Commissioner of Soil and Land Conservation (2013)

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

**Comments**

The application is to clear 43.5 hectares of native vegetation for the purpose of cropping, grazing and pasture.

Background

Mr Rodney Caporn submitted an application to clear 90.4 hectares on 5 March 2013.

On 9 May 2013 the then Department of Environment Conservation (DEC) wrote to the applicant to advise a number of environmental impacts had been identified including: poorly represented vegetation associations, impacts to significant fauna habitat, impacts causing land degradation in the form of salinity and that part of the application area was located within an Agreement to Reserve (ATR).

On 4 July 2013 the Department of Environment Regulation (DER) received a response from the applicant stating that the vegetation was not significant habitat for black cockatoos, that the application area did not overlap areas of an Agreement to Reserve and that the proposed clearing would not cause land degradation in the form of salinity.

On 26 September 2013 DER informed the applicant that a number of environmental impacts were still outstanding: including that the application area overlapped an Agreement To Reserve, that the proposed clearing is seriously at variance to principle (g), the proposed clearing will impact on poorly represented vegetation associations and the applicant had not complied with fencing and revegetation conditions of his 1995 Notice of Intent to clear. DER advised the applicant that no information had been provided to show impacts had been avoided or minimised.

On 3 December 2013 the applicant wrote to DER in response to its letter of 26 September 2013. The applicant advised that the areas identified as ATR's were incorrect. The applicant advised he was only thinning trees and the trees to be cleared were too young to provide breeding habitat for black cockatoos. The applicant also stated that the proposed clearing would not cause land degradation.

On 20 December 2013 the applicant met with DER officers to discuss the application area. The applicant agreed to amend the application area so that it would not overlap the ATR. It was requested that the applicant provide a management plan that detailed how and when he intended to comply with conditions of the 1995 Notice of Intent to Clear and Clearing Permit CPS 187/2. Once further information was received negotiating further clearing could occur.

On 3 February 2014 DER officers undertook a site inspection of the application area. Ten potential habitat trees were identified and recorded. Mr Caporn confirmed that he did not intend to remove the habitat trees.

On 6 March 2014 the applicant emailed DER and provided a timeline of when he expected to meet the conditions of the 1995 Notice of Intent to Clear and Clearing Permit 187/2. In addition the applicant advised additional planting and fencing of areas would be undertaken.

The Commissioner of Soil and Land Conservation (2014) has advised that in relation to the proposed fencing and revegetation to be undertaken, the Commissioner is pleased that the applicant will have all the remnant vegetation areas within the ATR fenced by June 2014 as well as 1/3 of the areas set aside for revegetation. It is understood that the applicant intends to complete the fencing on the balance of the ATR revegetation areas in 2015-2016, as well as some of the drainage line on location 5275, 5277 and 5277 in 2015-2016 and 2017.

However, the Commissioner of Soil and Land Conservation (2014) has advised that the applicant is presently in breach of his ATR. The proposed fencing of the ATR areas will bring the application into compliance with his obligations under the Soil and Land Conservation Act 1945.

The applicant amended the size of clearing from 90.4 hectares to 43.5 hectares for the purpose of cropping, grazing and pasture.

To address the impacts identified in this assessment the applicant has advised that he is willing to undertake a revegetation program that will involve revegetating the creek line within his property. Further information including a revegetation plan is required to determine whether the impacts of clearing can be mitigated.

Approximately 15 hectares of native vegetation originally applied to be cleared is subject to protection under a 1995 issued Agreement to Reserve (ATR), the applicant has subsequently removed these areas from the application area. The applicant is yet to fence the areas subject to this ATR, or apply to vary the ATR (Commissioner of Soil and Land Conservation, 2013).

One submission (2013) was received regarding this application which raised concerns regarding an extensively cleared landscape. This issue has been discussed in principle (e).

The application areas are zoned Rural under the Town Planning Scheme Zone.

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

#### **Methodology**

##### **References:**

- Commissioner of Soil and Land Conservation (2013)
- Commissioner of Soil and Land Conservation (2014)

##### **GIS Databases:**

- Aboriginal Sites of Significance
- Town Planning Scheme Zones

#### 4. References

- Commissioner of Soil and Land Conservation (2013); Land Degradation Advice and Assessment Report for clearing permit application CPS 5522/1 received 18 April 2013; Department of Agriculture and Food Western Australia (DEC REF: A625338).
- Commissioner of Soil and Land Conservation (2014); Land Degradation Advice and Assessment Report for clearing permit application CPS 5522/1 received 28 March 2014; Department of Agriculture and Food Western Australia (DER REF: A742011).
- 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 April 2013
- DEC (2013) Site Inspection Report for Clearing Permit Application CPS 5522/1 - R Caporn's property Moodiarrup. Site inspection undertaken 12 April 2013. Department of Environment and Conservation, Western Australia (DEC Ref: A627933 ).
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- Government of Western Australia (2013) 2012 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of October 2012. 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.
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- Western Australian Herbarium (1998-) FloraBase - The Western Australian Flora. Department of Environment and Conservation. <http://florabase.dec.wa.gov.au/> (Accessed May 2013).