



## CLEARING PERMIT

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

<b>Purpose Permit number:</b>	CPS 6174/1
<b>Permit Holder:</b>	Kevin Ronald Sorgiovanni
<b>Duration of Permit:</b>	15 November 2014 – 15 November 2019

The Permit Holder is authorised to clear native vegetation subject to the following conditions of this Permit.

**1. Purpose for which clearing may be done**

Clearing for the purpose of vineyard, fence lines and rehabilitating a gravel pit.

**2. Land on which clearing is to be done**

Lot 3923 on Deposited Plan 206457 (Wilyabrup)

**3. Area of Clearing**

The Permit Holder must not clear more than 4.4 hectares of native vegetation within the areas cross hatched yellow on attached Plan 6174/1.

**4. Application**

This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

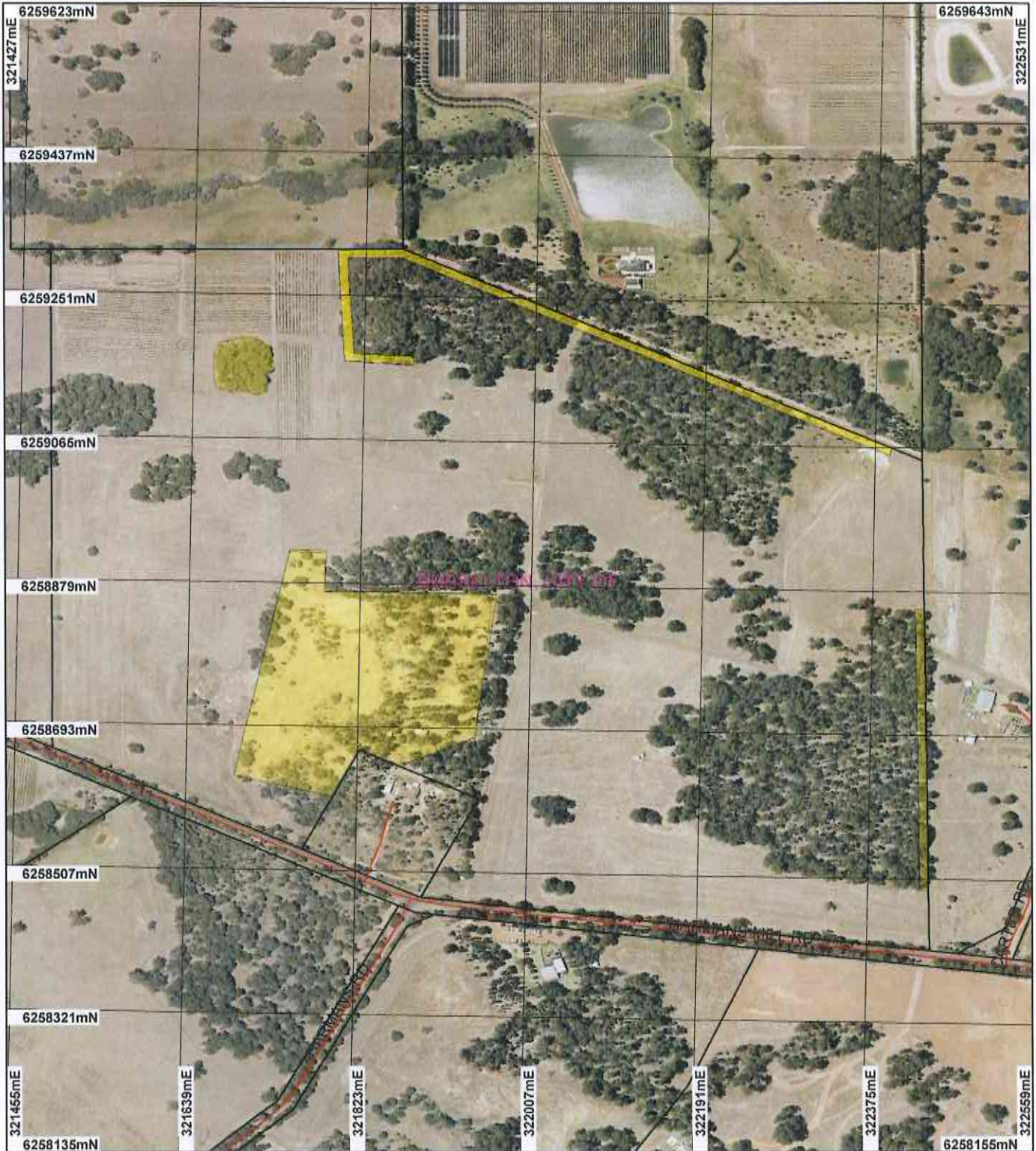
A handwritten signature in cursive script, appearing to read "M Warnock", written over a horizontal line.

M Warnock  
SENIOR MANAGER  
CLEARING REGULATION

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

16 October 2014

# Plan 6174/1



## LEGEND

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

Busselton 50cm Orthomosaic - Landgate 2007



0 150 m

Scale 1:6550

(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 16/10/14

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.



Government of Western Australia  
Department of Environment Regulation

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





# Clearing Permit Decision Report

Government of Western Australia  
Department of Environment Regulation

## 1. Application details

### 1.1. Permit application details

Permit application No.: 6174/1  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: MR Kevin Sorgiovanni

### 1.3. Property details

Property: LOT 3923 ON PLAN 206457 (Lot No. 3923 HARMANS MILL 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:
4.4		Mechanical Removal	Vineyard, fence lines and restoring a gravel pit

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 16 October 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
Beard vegetation association 3: Medium forest; jarrah-marri (Shepherd et al, 2001)	Clearing 4.4 hectares of native vegetation within Lot 3923 on Deposited Plan 206457, Wilyabrup, City of Busselton for the purpose of a vineyard, fence lines and rehabilitating a gravel pit..	Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994)	The proposed clearing area consists of jarrah and marri trees over a ground cover of predominately weeds. The applied area has been subject to disturbance from past farming activities. A large area within the proposed clearing area has been subject to gravel extraction with majority of vegetation within this area being regrowth.
Mattiske vegetation complex C2: Open forest of Eucalyptus marginata subsp. marginata-Corymbia calophylla-Banksia grandis on lateritic uplands in perhumid and humid zones (Mattiske and Havel, 1998).		To  Completely Degraded: No longer intact; completely/almost completely without native species (Keighery 1994)	The vegetation under application is in a degraded to completely degraded (Keighery, 1994) condition.  The condition and structure of the vegetation under application was obtained via photos supplied by the applicant.

## 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 is to clear 4.4 hectares of native vegetation within Lot 3923, Wilyabrup, City of Busselton for the purpose of a vineyard, fence lines and restoring a gravel pit.

The vegetation under application consists predominately of jarrah and marri trees over a ground cover of predominately weeds. The vegetation under application is in a degraded to completely degraded to degraded (Keighery, 1994) condition.

Numerous priority flora species have been recorded within the local area (10 kilometre radius). Four priority flora species have been recorded within similar soil and vegetation types. It is unlikely that suitable habitat will occur within the application area for these priority flora species as the area under application is considered to be in a degraded to completely degraded (Keighery 1994) condition and consists of a ground cover of predominately weed species.

Two priority ecological communities (PEC) have been recorded within 10 kilometres of the proposed clearing



areas, being;

- Whicher Scarp B2 (Priority 1) - West Whicher Scarp Banksia attenuata woodland (SCP centred woodlands of grey/white sands community B2).

- Whicher Scarp G2 (Priority 1) - Shrublands of near permanent wetlands in creeklines of the Whicher Scarp.

The vegetation under application consists of jarrah and marri trees over a ground cover of predominately weeds and is not a representation of the two recorded PECs.

Given the above, the clearing as proposed is not likely to comprise a high level of biological diversity and is therefore not likely to be at variance to this principle.

**Methodology** References:  
Keighery (1994)

GIS Datasets:  
- SacBiodataSets - accessed September 2014

**(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**

Ten fauna species listed as rare or likely to become extinct under the Wildlife Conservation Act 1950 have been recorded within 10 kilometres of the area under application including Carnaby's cockatoo (*Calyptorhynchus latirostris*) and Baudin's cockatoo (*Calyptorhynchus baudinii*) (DEC 2007-).

The presence of jarrah and marri trees within the proposed clearing area suggests that the clearing area may provide roosting, breeding and foraging habitat for black cockatoos. However, photos supplied by the applicant indicate that the trees under application are not of an appropriate size to be utilised by black cockatoos for breeding and roosting. The vegetation under application is likely to provide suitable foraging habitat for black cockatoos, however the area is not within an extensively cleared landscape and foraging habitat of equal or greater value for black cockatoos exist in the local area (10 kilometres). Considering this it is unlikely the proposed clearing will significantly reduce the amount of foraging habitat available in the local area for black cockatoo species.

Ground dwelling fauna species of conservation significance has also been recorded within 10 kilometres of the application area however, the vegetation under application consists of jarrah and marri trees over a ground cover of predominately weeds and is unlikely to support habitat for ground dwelling fauna.

Given the above it is unlikely the proposed clearing will significantly impact on significant habitat for fauna.

The proposed clearing is not likely to be at variance to this principle.

**Methodology** References:  
DEC (2007-)

**(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**

One species of rare flora has been mapped within 10 kilometres of the applied area approximately seven kilometres south-west of the proposed clearing area. The species has been recorded within a different vegetation association to that identified within the applied area.

Considering the distance of the recorded rare flora species to the clearing area and that the vegetation type within the applied area it is unlikely to support rare flora.

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

**Methodology** GIS Databases:  
- SAC Biodatasets - accessed September 2014

**(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 at variance to this Principle**

No threatened ecological communities have been recorded within 10 kilometres of the area under application.

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

**Methodology** GIS Databases:  
- SAC Biodatasets - accessed September 2014

**(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 at variance to this Principle**  
The area under application is represented by Beard vegetation association 3 which has 68 per cent of its pre-European vegetation remaining in the Jarrah Forest IBRA Bioregion.

Mattiske vegetation complexes C2 has also been mapped within the area under application and has 37 per cent of its pre-European vegetation remaining.

The National Objectives and Targets for Biodiversity Conservation include a target that prevents the clearance of ecological communities with an extent below 30 per cent of that present pre-European settlement (Commonwealth of Australia, 2001). All of the vegetation types located within the area under application are above the 30 per cent threshold.

Approximately 35 per cent of pre-European vegetation remains within 10 kilometres of the area under application. The City of Busselton has approximately 41 per cent of its pre-European vegetation remaining.

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

The clearing as proposed is not at variance to this principle.

	Pre-European (ha)	Current Extent (ha)	Remaining (%)	Extent in DPaW Managed Lands (%)
IBRA Bioregion				
Jarrah Forest	4,506,660	2,457,731	55	68
Shire				
City of Busselton	146,478	60,765	41	80
Beard Vegetation Association in Bioregion 3	2,390,591	1,629,894	68	40
Mattiske Vegetation Complex C2	12,878	4,731	37	6

**Methodology** References:  
Commonwealth of Australia (2001)  
Government of Western Australia (2013)  
Hedde et al (1980)

**(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 at variance to this Principle**  
The closest watercourse to the area under application is a minor, perennial watercourse mapped approximately 100 metres north of the area under application.

The vegetation under application consists predominately of jarrah and marri trees over a ground cover of weeds. The vegetation under application is not growing in association with the nearby watercourse or any wetland.

The application is not at variance to this principle.

**Methodology** GIS Datasets:  
- Hydrography 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 soils in the application area are described as 'undulating lands with some granite outcrops occurring adjacent to drainage lines, dominant soils on the broad ridges are loamy mottled yellow earths. On some higher ridges sandy or loamy red earths occur' (Northcote et al, 1960-68).



appreciable land degradation.

The application is not likely to be at variance to this principle.

**Methodology** References  
- Keighery (1994)  
- Northcote et al (1960-1968)  
GIS Datasets:  
- Topographic contours  
- 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**  
The closest conservation area to the application is the Yelverton National Park located approximately 2.5 kilometres north of the proposed clearing area. Considering the distance between the clearing area and national park, it is not likely the application will impact on the environmental values of this area.

The proposed clearing is not likely to be at variance to this principle.

**Methodology** GIS Datasets:  
- DPaW 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**  
The closest watercourse to the area under application is a minor, perennial watercourse mapped approximately 100 metres north of the area under application.

The groundwater salinity has been recorded at 1000-3000 total dissolved solids per milligram per litre which is considered to be a low to be moderately saline.

The clearing as proposed is unlikely to significantly impact upon the quality of surface or underground water given the degraded to completely degraded (Keighery, 1994) condition of the vegetation under application.

The application is not likely to be at variance to this principle.

**Methodology** References  
Keighery (1994)  
GIS Databases:  
- Groundwater Salinity Statewide  
- Topographic Contours, 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 at variance to this Principle**  
No wetlands or significant watercourses have been identified within close proximity to the applied area. Considering this, the application will not cause, or exacerbate the incidence or intensity of flooding in the local area.

The application is not at variance to this principle.

**Methodology** GIS Datasets:  
- Hydrography linear

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

**Comments**  
The applicant has advised approximately 3000 tons of top soil will be brought into the area subject to past gravel extraction. He intends to rehabilitate this area (approximately three hectares) (Sorgiovanni, 2014).

No submissions have been received for this application.

The proposed clearing falls within the Busselton- Capel Groundwater and Cape North Surface Water Area, which is an area proclaimed under the Rights in Water and Irrigation Act 1914.

**Methodology** References  
Sorgiovanni (2014)

**Methodology**    **References**  
Sorgiovanni (2014)  
GIS Datasets:  
RIWI Act, Groundwater Areas  
RIWI Act, Surfacewater Areas

#### **4. References**

- 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 September 2014
- 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.
- 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.
- Sorgiovanni, K. (2014) Additional information received in relation to Clearing Permit Application CPS 6174/1 (DER Ref:A815990).