



## CLEARING PERMIT

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

### PERMIT DETAILS

Area Permit Number: 6903/1  
File Number: DER 2016/000067-1  
Duration of Permit: From 14 May 2016 to 14 May 2021

### PERMIT HOLDER

Michael John Omodei  
Bronwyn Debra Combes

### LAND ON WHICH CLEARING IS TO BE DONE

Lot 101 on Deposited Plan 401885, Channybearup

### AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 0.98 hectares of native vegetation within the area cross hatched yellow on attached Plan 6903/1.

### CONDITION

#### 1. Period in which clearing is authorised

The Permit Holder shall not clear any native vegetation after 14 May 2018.

#### 2. Clearing not authorised

This Permit does not authorise the Permit Holder to clear native vegetation between the months of June and August.

#### 3. Revegetation

The Permit Holder shall establish and maintain 1.65 hectares of trees within the areas cross hatched red on attached Plan 6903/1 in accordance with the following requirements:

- (a) trees shall be established and maintained to an average planting density of 1000 stems per hectare; and
- (b) *planting* is to commence within twelve months of clearing any area authorised under this Permit.

#### 4. Records must be kept

In relation to the *planting* of areas pursuant to condition 3 of this Permit:

- (a) the location of any areas planted, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
- (b) a description of the planting activities undertaken; and
- (c) the number of trees and density planted.

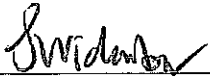
#### 5. Reporting

- (a) The Permit Holder must provide to the CEO on or before 30 June of each year, a written report:
  - (i) of records required under condition 4 of this Permit; and
  - (ii) concerning activities done by the Permit Holder under this Permit between 1 January and 31 December of the preceding year.
- (b) If no clearing authorised under this Permit was undertaken between 1 January to 31 December of the preceding calendar year, a written report confirming that no clearing under this permit has been carried out, must be provided to the CEO on or before 31 December of each year.
- (c) Prior to 14 February 2021, the Permit Holder must provide to the CEO a written report of record required under condition 4 of this Permit where these records have not already been provided under condition 5(a) of this Permit.

## DEFINITIONS

The following meanings are given to terms used in this Permit:

*planting* means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired species.



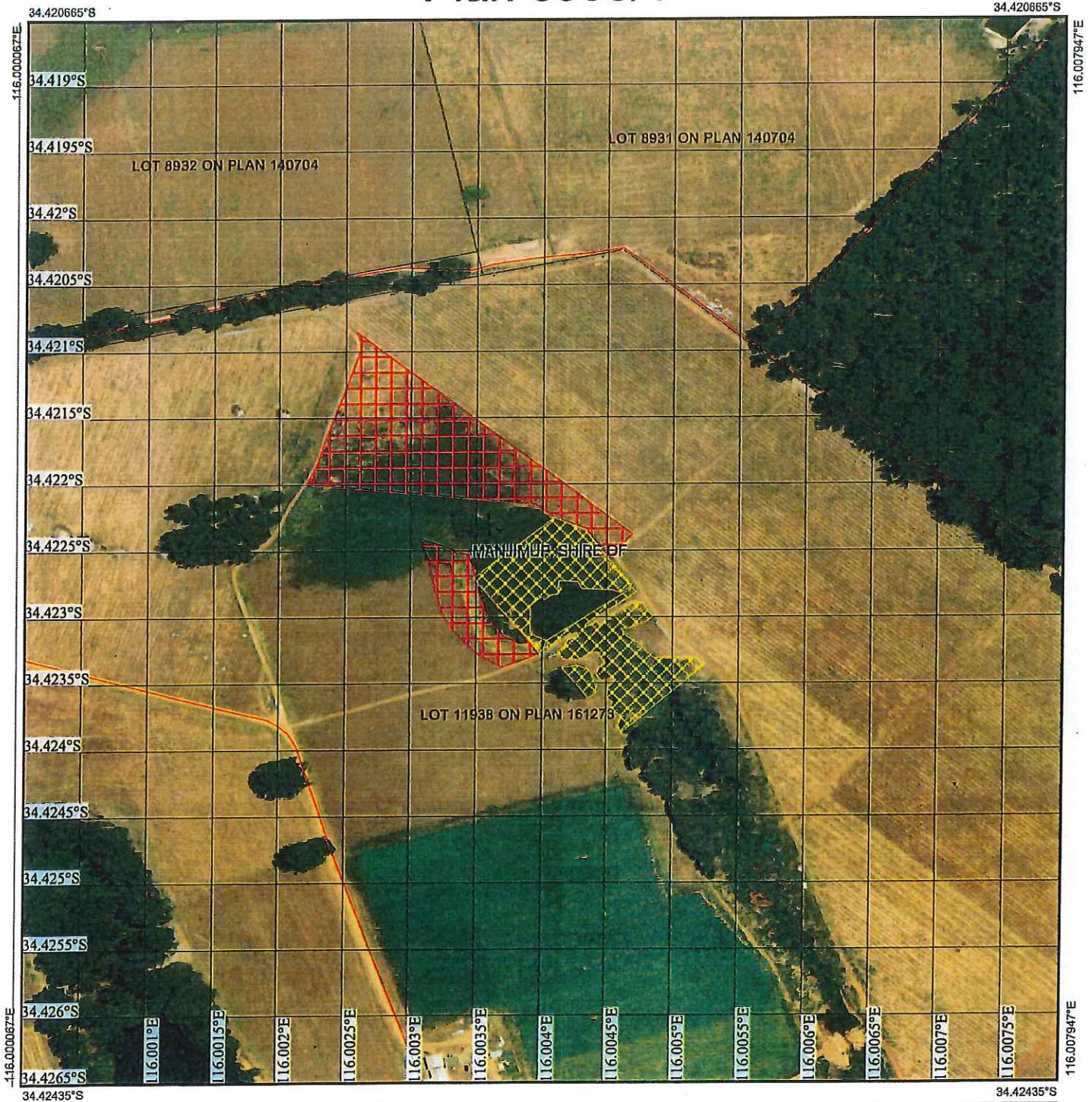
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James Widenbar  
MANAGER  
CLEARING REGULATION




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

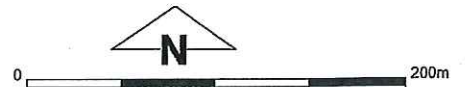
14 April 2016

# Plan 6903/1



## Legend

-  Roads
-  Imagery
-  Clearing Instruments Activities
-  Local Government Authority
-  Clearing Instruments Conditions
-  Cadastre



1:3,837

(Approximate when reproduced at A4)  
GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

*James Widenbar* Date *14/4/2016*  
James Widenbar

Officer with delegated authority under Section 20 of the Environmental Protection Act 1986





## 1. Application details

### 1.1. Permit application details

Permit application No.: 6903/1  
Permit type: Area Permit

### 1.2. Applicant details

Applicant's name: Mr Michael John Omodei

### 1.3. Property details

Property: LOT 101 ON PLAN 401885, CHANNYBEARUP  
Local Government Authority: MANJIMUP, SHIRE OF  
DER Region: South Coast  
DPaW District: DONNELLY  
Localities: CHANNYBEARUP

### 1.4. Application

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

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 14 April 2016  
Reasons for Decision: The clearing application has been assessed against the clearing principles, planning instruments and other matters in accordance with s51O of the Environmental Protection Act 1986, and has concluded that the proposed clearing is at variance to Principle (f), may be at variance to Principle (i) and is not likely to be at variance to any of the remaining clearing principles.

Through assessment it has been determined that the proposed clearing will impact on vegetation growing in association with a minor perennial watercourse. While the proposed clearing may cause some increased sedimentation of the watercourse, given the relatively small area under application, impacts to the watercourse are likely to be short term and minimal. To reduce the severity of sedimentation, the applicant will be required to undertake clearing prior to the onset of winter months.

Through assessment it has been determined that the application area falls within the Country Areas Water Supply Act 1947 (CAWS Act) gazetted Warren River Water Reserve. The application area is within Zone D of this Reserve, which has a low salinity risk, whereby the Department of Water will provide for the grant of a licence to clear subject to the statutory requirement that 10 per cent of the subject lot remains vegetated. A conditional requirement to revegetate an adjacent area of 1.65 hectares will address this issue.

The applicant does not require planning approval for the proposed dam as the expanded edge of the dam wall does not occur within 20 metres of any lot boundary. This factor, along with other relevant state policies, has been taken into consideration in the decision to grant a clearing permit.

## 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
Mattiske vegetation PM1 complex consists of tall open forest of Eucalyptus diversicolor with mixtures of Corymbia calophylla on valley slopes and low forest of Agonis juniperina, Banksia seminuda and Callistachys lanceolata on valley floors in the perhumid zone (Mattiske and Havel, 1998).	The application is for the clearing of 0.98 hectares of native vegetation within Lot 101 on Deposited Plan 401885, Channybearup, for the purpose of constructing a dam.	Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994)	The vegetation condition and description was determined via a site inspection undertaken by the Department of Environment Regulation (DER, 2016).  The application area largely comprises Agonis flexuosa woodland over paddock grasses, bracken fern (Pteridium aquilinum), blackberry (Rubus ulmifolius) with some scattered native sedges. The blackberry presence is at its greatest under the Agonis flexuosa canopy on the edge of the dam and within the area mapped as a minor perennial watercourse.

Beard vegetation association 1144 is described as tall forest comprising karri & marri (Shepherd et al., 2001).

The understorey lacks biodiversity due to the dominance of invasive species, resulting in vegetation that is largely in a degraded (Keighery, 1994) condition (DER, 2016).

### 3. Assessment of application against clearing principles

#### Comments

The applicant proposes to clear 0.98 hectares of native vegetation within Lot 101 on Deposited Plan 401885 (the property), Channybearup, for the purpose of constructing a dam.

The application area largely comprises *Agonis flexuosa* woodland over paddock grasses, bracken fern (*Pteridium aquilinum*), blackberry (*Rubus ulmifolius*) and some scattered native sedges (DER, 2016). The blackberry presence is at its greatest under the *Agonis flexuosa* canopy on the edge of the dam. The understorey lacks biodiversity due to the dominance of invasive species, resulting in vegetation that is largely in a degraded (Keighery, 1994) condition (DER, 2016).

Given the dominance of invasive understorey species, particularly blackberry's, the application area is not likely to include any rare or priority flora species, or be representative of a threatened or priority ecological community.

The local area surrounding the application (10 kilometre radius) is extensively vegetated and retains approximately 70 per cent native vegetation cover, with extensive remnant vegetation located within the nearby Donnelly State Forest and Big Brook State Forest. The application area is in a degraded (Keighery, 1994) condition (DER, 2016) and given the availability of higher quality habitat nearby, the application area is not likely to comprise significant fauna habitat.

The southern portion of the application area is intersected by a minor perennial watercourse, which originates within the application area. This upstream watercourse feeds several dams before connecting with Lefroy Brook which runs into Lefroy Brook Weir. The proposed clearing of riparian vegetation has the potential to increase sedimentation and turbidity of the watercourse. However, given that there are several other dams downstream that interrupt the natural flow of the watercourse into Lefroy Brook, it is unlikely that the proposed clearing will lead to additional significant surface water quality issues. To minimise sedimentation and turbidity risks, the Department of Water (DoW, 2016) recommends that clearing be undertaken during drier months and the applicant will be required to undertake clearing prior to the onset of winter months.

Given the relatively small size of the application area, the proposed clearing is not likely to lead to appreciable land degradation via water or wind erosion or result in flooding.

The areas under application are located approximately 300 metres away from Donnelly State Forest and Big Brook State Forest. Given the distance to these areas, and relatively small area under application the proposed clearing is not likely to negatively impact on the environmental values of these conservation areas.

The proposed clearing is at variance to Principle (f), may be at variance to Principle (i) and is not likely to be at variance to any of the remaining clearing principles.

#### Methodology

References:  
DER (2016)  
DoW (2016)  
Keighery (1994)

GIS Databases:  
SAC Bio Datasets (accessed April 2016)  
NLWRA, Current Extent of Native vegetation  
Hydrography, Linear  
Hydrography, Hierarchy  
Parks and Wildlife Tenure

#### Planning instruments and other relevant matters.

#### Comments

A previous permit to clear an area immediately south of the application area was issued to the previous landowner of (the former) Lot 11938 (now subdivided into Lots 101 and 102) on 25 October 2012 for the purpose of constructing a dam. This permit expired on 16 November 2014.

The application area is located within the Country Areas Water Supply Act 1947 (CAWS Act) gazetted Warren River Water Reserve. The application area is within Zone D of this catchment, and is subject to CAWS Act clearing controls. Zone D areas have a low salinity risk whereby DoW will provide for the grant of a licence to clear subject to the statutory requirement that 10 per cent of the subject lot remains vegetated (DoW, 2016a). The DoW (2016a) advise that only 8.5 per cent vegetative cover (3.58 hectares) remains within the property, whereby the proposed clearing would result in only 6 per cent vegetative cover. The DoW advises that it could support the proposed dam expansion if the proponent revegetated an area of 1.65 hectares, which would bring the native vegetation cover on the property back up to 10 per cent (DoW, 2016a). The applicant has liaised with DoW and advised that he is prepared to revegetate a suitable 1.65 hectare area.

The DoW (2016) has advised that a permit to interfere and licence to take water under the Rights in Water and Irrigation Act 1914 is not required as the watercourse being impacted arises on the property.

There have been no submissions received from the public in response to the proposed clearing.

There are no Aboriginal Sites of Significance mapped within the application area.

The application area is zoned 'Priority Agriculture' under the local town planning scheme. The Shire of Manjimup (2016) advise that planning approval for the clearing of vegetation is not required in this zone. The Shire of Manjimup (2016) also advises that if the expanded edge of the dam wall is less than 20 metres from any lot boundary, planning approval would be required for the dam. The proposed dam is not within 20 metres of any lot boundary, therefore planning approval is not likely to be required.

**Methodology**

**References:**

DoW (2016)

DoW (2016a)

Shire of Manjimup (2016)

**GIS Databases:**

Aboriginal Sites of Significance

#### **4. References**

DoW (2016) Direct interest response relating to requirements under the Rights in Water and Irrigation Act 1914. Department of Water, Western Australia. DER Ref A 1055394.

DoW (2016a) Direct interest response relating to Country Areas Water Supply Act 1947. Department of Water, Western Australia. DER Ref A1062042.

DER (2016) Site Inspection Report for Clearing Permit Application CPS 6903/1. Site inspection undertaken 9 March 2016. Department of Environment Regulation, Western Australia (DER Ref A1076907).

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.

Shepherd, D.P., Beeston, G.R. and Hopkins, A.J.M. (2001) Native Vegetation in Western Australia, Extent, Type and Status. Resource Management Technical Report 249. Department of Agriculture, Western Australia.

Shire of Manjimup (2016) Additional Information for Clearing Permit Application CPS 6903/1. DER Ref A1054340.