



## CLEARING PERMIT

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

### PERMIT DETAILS

Area Permit Number: 7242/1  
File Number: DER2016/001696  
Duration of Permit: From 31 December 2016 to 31 December 2018

### PERMIT HOLDER

Matthew John Della Franca

### LAND ON WHICH CLEARING IS TO BE DONE

Lot 62 on Deposited Plan 62387, Collins

### AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 2 hectares of native vegetation within the area hatched yellow on attached Plan 7242/1.

### CLEARING NOT AUTHORISED

This Permit does not authorise the Permit Holder to clear native vegetation between 1 May and 31 September of any given year.

### 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) ensure that no *dieback* or *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
- (c) 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;

*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 any plant -

- (a) that is a declared pest under section 22 of the *Biosecurity and Agriculture Management Act 2007*; or
- (b) published in a Department of Parks and Wildlife Regional Weed Rankings Summary, regardless of ranking; or
- (c) not indigenous to the area concerned.

  
\_\_\_\_\_  
JAMES W MENSAL  
MANAGER  
CLEARING REGULATION

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

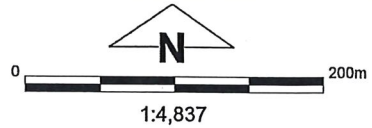
1 December 2016

# Plan 7242/1



## Legend

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



(Approximate when reproduced at A4)  
GDA 94 (Lat/Long)  
Geocentric Datum of Australia 1994

*James Wroensgar* Date *11/2/16*

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



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## 1. Application details

### 1.1. Permit application details

Permit application No.: 7242/1  
Permit type: Area Permit

### 1.2. Applicant details

Applicant's name: Mr Matthew John Della Franca

### 1.3. Property details

Property: LOT 62 ON PLAN 62387, COLLINS  
Colloquial name:  
Local Government Authority: MANJIMUP, SHIRE OF  
DER Region: South Coast  
DPaW District: DONNELLY  
LCDC:  
Localities: COLLINS

### 1.4. Application

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

### 1.5. Decision on application

Decision on Permit Application: Grant

Decision Date: 1 December 2016

Reasons for Decision: The clearing permit application was received on 24 August 2016, and has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986*. It has been concluded that the proposed clearing is at variance to principle (f), may be at variance to principles (g), (h), (i) and (j) 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 may impact the environmental values of Gloucester National Park through the possible introduction or spread of weeds and dieback. Weed and dieback management measures will minimise impacts to Gloucester National Park.

Through assessment it has been determined that the proposed clearing may cause appreciable land degradation, in the form of water erosion, causing deterioration of surface water quality. The Delegated Officer considers that the measure to not allow clearing to take place between 1 May and 31 September will ensure that clearing takes place during the dryer months of the year and mitigate the potential risks of water erosion impacts.

State policies and other relevant policies have 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
The area under application has been mapped as the following vegetation types:  Beard vegetation association 1144: Tall forest; karri & marri ( <i>Corymbia calophylla</i> ) (Shepherd et al., 2001).  Mattiske vegetation complex CYy: Tall open forest of <i>Corymbia calophylla</i> with mixture of <i>Eucalyptus marginata</i> subsp.	The application is to clear two hectares of native vegetation within Lot 62 on Deposited Plan 62387, Collins for the purpose of constructing a dam.	Degraded; Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).	The mid and understorey of the application area has been cleared and not consists of regrowth karri.  The condition and description of the application area was determined via a site inspection conducted by Department of Environment Regulation (DER) officers on 1 September 2016.

*marginata* and *Eucalyptus diversicolor* on uplands in hyperhumid and perhumid zones (Mattiske and Havel, 1980).

Mattiske vegetation complex LF:  
Tall open forest of *Eucalyptus diversicolor*-*Corymbia calophylla* on slopes and low woodland of *Agonis juniperina*-*Callistachys lanceolata* on lower slopes in hyperhumid and perhumid zones (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

**Proposed clearing is not likely to be at variance to this Principle**

The application is to clear two hectares of native vegetation within Lot 62 on Deposited Plan 62387, Collins for the purpose of constructing a dam.

Three priority flora species have been recorded within the local area (10 kilometre radius). The three species consist of a shrub and two grasses. The preferred habitat for these species is dense forest, black peaty sand and coastal dunes, respectively. Given the preferred habitat for these species and that the application area has been cleared of all mid and understorey species it is unlikely to support priority flora.

No threatened or priority ecological communities have been recorded within the local area (10 kilometre radius).

Nine fauna species listed as rare or likely to become extinct under the *Wildlife Conservation Act 1950* have been recorded within the local area (10 kilometre radius), including; Woylie (*Bettongia penicillata* subsp. *Ogilbyi*), forest red tailed black cockatoo (*Calyptorhynchus banksii* subsp. *Naso*), Baudin's cockatoo (*Calyptorhynchus baudinii*), Carnaby's cockatoo (*Calyptorhynchus latirostris*), southern brush-tailed phascogale (*Phascogale tapoatafa* subsp. *Tapoatafa*), western ringtail possum (*Pseudocheirus occidentalis*) and quokka (*Setonix brachyurus*) (Department of Parks and Wildlife (Parks and Wildlife), 2007-). The majority of the application has previously been logged and the regrowth karri identified within the application area did not contain suitable hollows for the abovementioned fauna.

One old karri tree was observed during the site inspection to have a broken crown with a large hollow (DER, 2016). This habitat tree is located outside of the application area.

The local area (10 kilometre radius) retains approximately 80 per cent native vegetation cover.

Given the degraded (Keighery, 1994) condition of the application area, limited fauna habitat and amount of vegetation remaining in the local area, the application area is not likely to contain a high level of biodiversity.

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

Methodology

References:

DER (2016)

Parks and Wildlife (2007- )

GIS Database:

SAC Bio datasets – Accessed October 2016

#### (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

**Proposed clearing is not likely to be at variance to this Principle**

Nine fauna species listed as rare or likely to become extinct under the *Wildlife Conservation Act 1950* have been recorded within the local area (10 kilometre radius), including; Woylie (*Bettongia penicillata* subsp. *Ogilbyi*), forest red tailed black cockatoo (*Calyptorhynchus banksii* subsp. *Naso*), Baudin's cockatoo (*Calyptorhynchus baudinii*), Carnaby's cockatoo (*Calyptorhynchus latirostris*), southern brush-tailed phascogale (*Phascogale tapoatafa* subsp. *Tapoatafa*), western ringtail possum (*Pseudocheirus occidentalis*) and quokka (*Setonix brachyurus*) (Parks and Wildlife, 2007-).

The majority of the application area has previously been cleared as part of a logging operation. The regrowth karri trees are not of age to contain suitable breeding hollows for the abovementioned fauna. One old karri tree was observed during the site inspection to have a broken crown with a large hollow (DER, 2016). This habitat tree is located outside of the application area.

The application area has been cleared of all mid and understorey species and therefore the application area is not likely to provide suitable habitat for ground dwelling fauna.

The local area (10 kilometre radius) contains approximately 80 per cent remnant vegetation, the majority of which is held in conservation estate.

The application area is adjacent to large tracts of conservation estate containing vegetation in a better condition than the application area and therefore the proposed clearing is unlikely to fragment an ecological corridor necessary for the movement of fauna between areas of remnant vegetation.

Given the age of the trees within the application area, the absence of mid and understorey vegetation and the highly vegetated local area, the application area is not likely to comprise of significant habitat for fauna indigenous to Western Australia.

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

**Methodology**   References:  
DER (2016)  
Parks and Wildlife (2007- )

**(c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.**

**Comments**       **Proposed clearing is not likely to be at variance to this Principle**  
Two rare flora species have been recorded within the local area (10 kilometre radius).

The first species is currently only known from one extant population southeast of Esperance (Parks and Wildlife, 2016).

The second species is a perennial herb that is located on the margins of winter-wet flats, swamps and freshwater lakes (WA Herbarium, 1998-).

Given the above, and the degraded (Keighery, 1994) condition of the application area, it is unlikely that the application area will support rare flora.

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

**Methodology**   References:  
Department of Parks and Wildlife (2016)  
Keighery (1994)  
Western Australian Herbarium (1998- )

GIS Database:  
SAC Bio datasets – Accessed October 2016

**(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**       **Proposed clearing is not likely to be at variance to this Principle**  
No threatened ecological communities (TEC) have been recorded within the local area (10 kilometre radius).

Therefore, the application area is not likely to comprise of, or be necessary for the maintenance of a TEC.

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

**Methodology**   GIS Database:  
SAC Bio datasets – Accessed October 2016

**(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**       **Proposed clearing is not likely to be at variance to this Principle**  
The area under application is located within the Warren Interim Biogeographic Regionalisation of Australia (IBRA) bioregion. This IBRA bioregion has approximately 78 per cent of its pre-European vegetation extent remaining (Government of Western Australia, 2015).

The application area is mapped as Beard vegetation association 1144. This vegetation association has approximately 80 per cent of its pre-European extent remaining in the Warren bioregion (Government of Western Australia, 2015). Approximately 92 per cent of this vegetation association is held within conservation estate.

The application area has also been mapped as Mattiske vegetation complex LF which retains approximately 82 per cent of its pre-European extent. Approximately 73 per cent of this complex is held in conservation estate (Parks and Wildlife, 2015).

Aerial imagery indicates that the local area (10 kilometre radius) retains approximately 80 per cent vegetation.

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).

The application area is in a degraded (Keighery, 1994) condition, is not likely to contain rare or priority flora and contains limited fauna habitat and therefore is not considered to be a significant remnant.

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

	Pre-European (ha)	Current Extent (ha)	Remaining (%)	Extent in Parks and Wildlife Managed Lands (%)
<b>IBRA Bioregion*</b>				
Warren	833,986	660,311	78	85
<b>Shire*</b>				
Manjimup	697,368	586,852	84	94
<b>Beard Vegetation Association in Bioregion*</b>				
1144	159,668	128,191	80	92
<b>Mattiske Vegetation Complex **</b>				
LF	20,126	16,429	82	73

**Methodology** References:  
 Commonwealth of Australia (2001)  
 Government of Western Australia (2015)\*  
 Keighery (1994)  
 Parks and Wildlife (2015)\*\*

GIS Databases:  
 Imagery  
 Pre-European Vegetation

**(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** **Proposed clearing is at variance to this Principle**  
 A watercourse rises on an adjacent property and flows through the application area. This watercourse is proposed to be dammed at the eastern edge of the property. This watercourse is a tributary of the Lefroy Brook which is located approximately one kilometre downstream.

Vegetation growing in association with this watercourse is proposed to be cleared. Therefore, the proposed clearing is at variance to this principle.

The removal of the vegetation within the watercourse is not expected to have a significant impact on the watercourse.

**Methodology** GIS Databases:  
 Geomorphic Wetlands, Augusta to Walpole  
 Hydrography, linear  
 Hydrography, hierachy

**(g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.**

**Comments Proposed clearing may be at variance to this Principle**

The soils within the application area have been mapped as the Lefroy Subsystem which is described as red graduations soils, not calcareous with some red and brown duplex profiles (Schoknecht et al., 2004).

The application area has been mapped in the following land degradation risk categories:

Land Degradation Risk Category	Lefroy Subsystem
Water Erosion	50-70% of map unit has a high to extreme water erosion risk
Wind Erosion	<3% of the map unit has a high to extreme wind erosion risk
Waterlogging	<3% of map unit has a moderate to very high waterlogging risk
Flooding	<3% of the map unit has a moderate to high flood risk

(Schoknecht et al., 2004)

The application area has an elevation the ranges from 125 metres to 100 metres. Given the steep slope of the application area and the mapped water erosion risk, the proposed clearing may cause appreciable land degradation in the form of water erosion. To minimise water erosion the Department of Water (DoW) has advised that clearing should take place during the dry period for the year, when flows are at their lowest and erosion is least likely (DoW, 2016a). The applicant advised that he will use contour banks to help minimise impacts associated with water erosion. The requirement to undertake clearing during dryer months (October to April) will assist to minimise the risk of water erosion.

The application area slopes towards a non-perennial watercourse mapped within the southern section of the application area. Due to the slope of the majority of the application area the proposed clearing is not likely to cause waterlogging. Waterlogging may occur within the depression associated with the watercourse, however it is noted that the application is for the purpose of creating a dam.

Given the hard red earths mapped and observed during the site inspection the proposed clearing is not likely to cause wind erosion.

The proposed clearing has the potential to cause land degradation in the form of water erosion. Therefore, the proposed clearing may be at variance to this principle.

**Methodology**

**References:**

DoW (2016a)

Schoknecht et al. (2004)

**GIS Databases:**

Annual Rainfall, Statewide

Soils, Statewide

Topography

**(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 Proposed clearing may be at variance to this Principle**

Gloucester National Park is located adjacent to Lot 62, approximately 25 metres east of the application area. Warren State Forest is located approximately 930 metres northeast and 78 metres south of the application area.

The disturbance cause by the proposed clearing may increase the risk of weeds and dieback being spread in Gloucester National Park. Weed and dieback management practices will assist in mitigating this risk.

The local area (10 kilometre radius) surrounding the application area retains approximately 80 per cent vegetation.

Given the degraded (Keighery, 1994) condition of the application area and the amount of vegetation remaining in the local area, the proposed clearing is unlikely to fragment an ecological corridor necessary for the movement of fauna between conservation reserves.

The proposed clearing may be at variance to this principle.

**Methodology**

**References:**

Keighery (1994)

**GIS Databases:**

Parks and Wildlife 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**

**Proposed clearing may be at variance to this Principle**

A watercourse rises on an adjacent property and flows through the application area. This watercourse is a tributary of the Lefroy Brook which is located approximately one kilometre downstream.

The application area is located on a relatively steep slope and slopes towards the watercourse. The proposed clearing has the potential to increase water erosion and consequently increase sedimentation and turbidity of the watercourse. To minimise the impacts related to the proposed clearing the Department of Water (DoW) has advised that clearing should take place during the dry period for the year, when flows are at their lowest and erosions is least likely (DoW, 2016a). The applicant has advised that he will put in contour banks to minimise erosion. Restricting clearing to dryer month (October to April) is likely to minimise the risk of water erosion.

Groundwater salinity mapped within the application is 500-1000 milligrams per litre (measured as Total Dissolved Solids). This level of groundwater salinity is considered to be marginal. The proposed clearing of two hectares in a local area (10 kilometre radius) that contains approximately 80 per cent vegetation is unlikely to increase groundwater salinity.

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

**Methodology**

**References:**

DoW (2016a)

**GIS Databases:**

Hydrography, linear

Hydrography, hierachy

Geomorphic Wetlands, Augusta to Walpole

Groundwater salinity

**(j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.**

**Comments**

**Proposed clearing may be at variance to this Principle**

The application area consists of hard red soils and has an elevation the ranges from 125 metres to 100 metres. Given these two factors the proposed clearing will increase run off which will pool in the depression associated with a watercourse in the southern section of the application area.

Given the above the proposed clearing may cause minor, localised flooding, however it is noted that the application is for the purpose of creating a dam.

The proposed clearing may be at variance to this principle.

**Methodology**

**GIS Databases:**

Annual Rainfall, Statewide

Soils, Statewide



## Planning instruments and other relevant matters.

**Comments** The application is to clear two hectares of native vegetation within Lot 62 on Deposited Plan 62387, Collins for the purpose of constructing a dam.

The new dam is proposed to take the pressure off the existing dam. The existing dam wall is slipping and attempts to stabilise it have failed. The existing dam wall has previously broken and swept away infrastructure associated with the Cascades tourist site located approximately one kilometre downstream from the application area. The construction of the new dam will enable the water level of the existing dam to be lowered to ground level. The water from the new dam will be used to water the existing 12 hectares of avocados and a proposed further six hectares of avocados.

The initial application proposed to clear 2.5 hectares of native vegetation. On 15 November 2016 a letter was sent to the applicant advising that:

- planning approval from the Shire of Manjimup is required if the dam is less than 20 metres from the lot boundary.
- licences from the Department of Water are required in accordance with the *Rights in Water and Irrigation Act 1914* (RIWI Act).
- in accordance with the *Country Areas Water Supply Act 1947* (CAWS Act) the applicant needs to reduce the application area to two hectares or plant an offset area of 0.5 hectares.

The applicant has since reduced the application area to two hectares, advised that the dam will not be constructed within 20 metres of the lot boundary and has provided the relevant water licence.

The area under application is located within the Warren River and Tributaries Surface Water Area, which is an area proclaimed under the RIWI Act. The applicant has obtained a Permit to Obstruct or Interfere and a Licence to Take Surface Water from the Department of Water.

DoW advises that the proposed clearing occurs over steeply sloping land that is within the riparian zone of a tributary of Lefroy Brook, that flows into the Warren River (DoW, 2016a). The proposed clearing has the potential to result in erosion, sediment transport and associated turbidity, particularly when carried out at the riparian section during the rainy period of the year when flows are highest (DoW, 2016a).

To minimise impacts associated with the proposed clearing and land use DoW provides the following advice:

- Clearing should take place during the dry periods of the year, when flows are at their lowest and erosion is least likely.
- The use of fertilisers and pesticides related to land use should follow best management practices such as application during the dry period of the year in accordance with the manufactures instructions; and use slow release fertilisers and low environmental impact pesticides/herbicides.

The application area is located within the 1 September 1978 CAWS Act gazetted Warren River Water Reserve (Warren River catchment). The application area is located in Zone D, a low salinity risk area of the catchment, where DoW Policy and Guidelines for the "Granting of Licences to Clear Native Vegetation" allow for the granting of a licence for any purpose subject to at least one-tenth of the holding remaining under native vegetation, unless exceptional circumstances apply (DoW, 2016b).

The applicant has reduced the application area to two hectares to ensure that one tenth of the holding remains under native vegetation.

The application was advertised in *The West Australian* newspaper on 26 September 2016 by DER inviting submissions from the public within a 21 day period. No submissions were received in relation to this application.

No Aboriginal Sites of Significance have been recorded within the application area.

**Methodology** References:  
DoW (2016a)  
DoW (2016b)  
Shire of Manjimup (2016)

## 4. References

- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- Department of Environment Regulation (2016) Site Inspection Report for Clearing Permit Application CPS 7242/1. Site inspection undertaken on 1 September 2016. Department of Environment Regulation, Western Australia (DER Ref: A1174135)).
- Department of Parks and Wildlife (2016) Interim Recovery Plan 2016–2021. Interim Recovery Plan No. 362. Department of Parks and Wildlife, Western Australia.
- Department of Parks and Wildlife (2007-) NatureMap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife. URL: <http://naturemap.dpaw.wa.gov.au/>. Accessed 05/10/2016
- Department of Parks and Wildlife (2015) 2015 South West Forest and Swan Coastal Plain Vegetation Complex Statistics: a report prepared for the Department of Environment Regulation. Current as of March 2015. Department of Parks and Wildlife, Perth, Western Australia.

- Department of Water (2016a) *Rights in Water and Irrigation Act 1914* advice for Clearing Permit Application CPS 7242/1 (DER Ref: A1177837).
- Department of Water (2016b) *Country Area Water Supply Act 1947* advice for Clearing Permit Application CPS 7242/1 (DER Ref: A1178205).
- Government of Western Australia (2015). 2015 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of June 2015. WA Department of Parks and Wildlife, 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.
- Schoknecht, N., Tille, P. and Purdie, B. (2004) *Soil-landscape mapping in South-Western Australia – Overview of Methodology and outputs* Resource Management Technical Report No. 280. Department of Agriculture.
- 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) *Planning advice for Clearing Permit Application CPS 7242/1* (DER Ref: A1170495).
- Western Australian Herbarium (1998- ) *FloraBase - The Western Australian Flora*. Department of Parks and Wildlife. <http://florabase.dpaw.wa.gov.au/> (Accessed 05/10/2016).