



## CLEARING PERMIT

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

### PERMIT DETAILS

Area Permit Number: 7347/2  
File Number: 2010/005711-1  
Duration of Permit: From 8 April 2017 to 8 April 2020

### PERMIT HOLDER

Dianne Kay Kuzich  
Robin Milivoj Kuzich

### LAND ON WHICH CLEARING IS TO BE DONE

Lot 4 on Diagram 63931, Ringbark  
Lot 9523 on Deposited Plan 229088, Ringbark

### AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 12.9 hectares of native vegetation within the area cross-hatched yellow on attached Plan 7437/2.

### CONDITIONS

#### 1. Avoid, minimise and reduce the impacts and extent of clearing

In determining the amount of native vegetation to be cleared authorised under this Permit, the Permit Holder must have regard to the following principles, set out in order of preference:

- (a) avoid the clearing of native vegetation;
- (b) minimise the amount of native vegetation to be cleared; and
- (c) reduce the impact of clearing on any environmental value.

#### 2. 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 known *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.

#### 3. Records must be kept

The Permit Holder must maintain the following records for activities done pursuant to this Permit, in relation to the clearing of native vegetation authorised under this Permit:

- (a) the location where the clearing occurred, 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) the date that the area was cleared;
- (c) the size of the area cleared (in hectares);
- (d) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 1 of this Permit; and
- (e) actions taken to minimise the risk of the introduction and spread of *dieback* and *weeds* in accordance with condition 2 of this Permit.

#### 4. Reporting

The Permit Holder must provide to the *CEO* the records required under condition 3 of this Permit, when requested by the *CEO*.

#### DEFINITIONS

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

*CEO*: means the Chief Executive Officer of the Department responsible for the administration of the clearing provisions under the *Environmental Protection Act 1986*;

*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 Biodiversity, Conservation and Attractions Regional Weed Rankings Summary, regardless of ranking; or
- (c) not indigenous to the area concerned.



Samara Rogers  
MANAGER  
NATIVE VEGETATION REGULATION

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

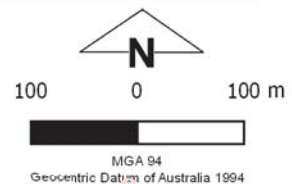
14 January 2019

# Plan 7437/2



## Legend

-  CPS areas approved to clear
-  Local Government Authorities
-  Cadastre
-  Roads
- Image



*Samara Rogers*

**Samara Rogers**  
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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.: CPS 7437/2  
Permit type: Area Permit

### 1.2. Applicant details

Applicant's name: Robin and Dianne Kay Kuzich  
Application received date: 26 October 2018

### 1.3. Property details

Property: LOT 9523 ON PLAN 229088 (House No. 586 GRAPHITE RINGBARK 6258)  
LOT 4 ON DIAGRAM 63931 (RINGBARK 6258)  
Local Government Authority: Shire of Manjimup  
Localities: Ringbark

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
12.9	0	Mechanical Removal	Horticulture and dam construction

### 1.5. Decision on application

Decision on Permit Application: Amended  
Decision Date: 14 January 2019  
Reasons for Decision: The clearing permit amendment application relates to a request to amend Clearing Permit CPS 7437/1 by extending the application area by an additional 3.2 hectares. The amendment application has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986*, and the Delegated Officer has been concluded that the proposed assessment has not changed since the assessment for CPS 7437/1 for the originally applied area of 9.7 hectares and that the proposed additional clearing of 3.2 hectares is not likely to be at variance to any of the clearing principles.

In determining to grant a clearing permit subject to conditions, the Delegated Officer considered that the proposed clearing is not likely to lead to an unacceptable risk to the environment.

## 2. Site Information

**Clearing Description:** The amendment application is for the proposed clearing of an additional area of 3.2 hectares of native vegetation within Lot 4 on Diagram 63931, Ringbark, for the purpose of establishing an avocado orchard.

**Vegetation Description** The vegetation within the application area is mapped as the following Mattiske vegetation complex's:  
Bevan 1 (BE1), described as tall open forest of *Corymbia calophylla-Eucalyptus marginata* subsp. *marginata* on uplands in perhumid and humid zones; and as  
Yanmah (YN1), described as a mixture of tall open forest of *Eucalyptus diversicolor* and tall open forest of *Corymbia calophylla-Eucalyptus patens-Eucalyptus marginata* subsp. *marginata* over *Agonis flexuosa* and *Agonis juniperina* on valleys in perhumid and humid zones (Mattiske and Havel, 1998).

A site inspection of the application area conducted by officers of the Department of Water and Environmental Regulation (DWER) on 19 November 2018 confirm that the vegetation within the application area consists of *Eucalyptus marginata-Corymbia calophylla* (jarrah-marri) woodland over *Pteridium esculentum*, and largely comprised juvenile jarrah trees with occasional mature jarrah/marri tree, with pockets of *Banksia grandis* and *Paraserianthes lophantha* in tree form (DWER. 2018a).

**Vegetation Condition** The condition of the vegetation within the application area is considered:  
Good: Vegetation structure significantly altered with obvious signs of multiple disturbance. Retains basic vegetation structure or ability to regenerate (Keighery, 1994); to

Degraded: Basic vegetation structure severely impacted by disturbance, scope for regeneration but not to a state approaching good condition without intensive management (Keighery, 1994).

The condition of the vegetation within the application area was determined by a site inspection undertaken by officers of the Department of Water and Environment Regulation on 19 November 2018 (DWER, 2018a).

### Soil Type

The soil type within the application area is mapped as; Yanmah Subsystem (Manjimup) (Map unit: 254MpYN), described as shallow (5-20 metre) minor valleys, usually U-shaped with gentle sideslopes (3-10 per cent) and broad swampy floors. Soils are loamy gravels, sandy gravels and deep sands with non-saline wet soils on the valley floors; and as Bevan Subsystem (Manjimup) (Map unit: 254MpBE), described as broad, gently sloping (3-15 per cent) divides on laterite, soils are sandy gravels and loamy gravels (DPIRD, 2017).

### Comments

The local area referred to in the assessment of this application is defined as a 10 kilometre radius measured from the perimeter of the application area. A review of available databases has determined that the local area retains approximately 40 per cent of its pre-European clearing extent.

Figure 1: Application area



### 3. Assessment of application against clearing principles and planning instruments and other matters

This amendment is to include an additional area of 3.2 hectares to the permit, in order to facilitate the establishment of an avocado orchard. The already approved area of 9.2 hectares has not been reassessed and an assessment of this area can be found in Clearing Permit Decision Report CPS 7437/1.

The application area in the following assessment therefore refers only to the additional 3.2 hectares of native vegetation proposed for clearing, as indicated in the area cross hatched blue in Figure 1.

The applicant has avoided and minimised impacts through reducing the proposed clearing to exclude two hollow bearing trees that may comprise suitable breeding habitat for black cockatoos (Kuzich, 2018).

According to available databases, two threatened flora species and eight priority flora species have been recorded within the local area. Based on the mapped soil and vegetation types within application area, the application area is unlikely to comprise suitable habitat for any threatened or priority flora species.

The application area comprises suitable foraging and potential breeding habitat for Carnaby's cockatoo (*Calyptorhynchus latirostris*), Baudin's cockatoo (*Calyptorhynchus baudinii*) and forest red-tailed black cockatoo (*Calyptorhynchus banksii* subsp. *naso*) (collectively known as black cockatoos). A site inspection by DWER officers identified two hollow bearing dead trees that may comprise suitable breeding hollows for black cockatoos (DWER, 2018a). The applicant advised that they will retain potential black cockatoo breeding trees and these two trees have been excluded from the application area (Kuzich, 2018). Noting the better quality vegetation south of the application area, the proposed clearing is not likely to comprise significant habitat for black cockatoos and other conservation significant fauna species.

The application area is located approximately 150 metres west to an ecological linkage as defined by the South West Regional Ecological Linkage Report (Molloy et al., 2009). Noting the better quality vegetation immediately south of the application area, the proposed clearing will not sever this mapped ecological linkage.

No watercourse, wetlands or priority or threatened ecological communities and conservation areas are recorded within close proximity to the application area.

The local area retains approximately 40 per cent of its pre-European clearing extent, and given the vegetation is not likely to comprise significant habitat for flora and fauna, the proposed clearing is not likely to be considered a significant remnant within an extensively cleared area.

The Commissioner of Soil and Land Conservation advised that the application area may be suitable for the proposed land-use and the risk of land degradation is low (CSLC, 2019). Noting this, the mapped soil type within the application area, and the presence of better quality remnant vegetation south of the application area, the proposed clearing is not likely to cause appreciable land degradation, or cause deterioration in the quality of underground water, or cause or exacerbate the incidence or intensity of flooding.

Given the above, the proposed clearing of an additional 3.2 hectares is not likely to be at variance to the clearing principles.

#### **Planning instruments and other relevant matters**

Parts of CPS 7437/2 overlaps CPS 3872/1 and CPS 6082/1, which expired before any clearing commenced.

DWER's Regulatory Services (Water) advised in relation to amendment application CPS 7437/2, that to find out if the existing permits and water licenses would be sufficient to cover the additional areas to be cultivated for avocados and the dam construction, the applicant is advised to contact the Manjimup Office licensing section (Nicholas Hort) on 6364 7925 (referring to files: (DWERDT99401, DWERDT 108399) (DWER, 2018b).

The application areas is located in a 'Priority Not Assigned' Public Drinking Water Source Area (PDWSA) – Donnelly River Water Reserve. In accordance with DWER's Water Quality Protection Note (WQPN) 25 – 'Land use compatibility in Public Drinking Water Source Areas', this PDWSA is potentially a 'Priority 3 (P3) Classification Area', due to its intensive agriculture landuse. WQPN 25 states that P3 areas are defined and managed to maintain the quality of the drinking water source for as long as possible with the objective of risk management (DWER, 2018b).

To mitigate the orchard risks (turbidity, erosion and nutrients), the DWER's Regulatory Services (Water) recommends the following best management practices where practical/appropriate, consistent with DWER's 'Water Quality Protection Note 34 – Orchards Near Sensitive Water Resources'; having drainage channels properly located and designed to minimise erosion and nutrient transport; establishing perennial grasses between planted rows to control erosion and attenuate nutrients; the use of fertilisers, pesticides and fertilizers follow best management practices such as applications during the dry period of the year in accordance with the manufactures instructions; and the use of slow release fertilisers and low environmental impact pesticides/herbicides; the use of organic fertilisers / soil amendments like manure, compost and mulch is encouraged (DWER, 2018b).

To mitigate the risks associated with the dam, the Department recommends the following best practice measures; the Department would encourage the use of shallow-rooted vegetation cover (such as endemic species of perennial shrubs or grasses on the dam embankments) where appropriate; please note that deep rooted vegetation on the dam wall must be avoided due to the potential for the roots to interfere with the structural integrity of the dam wall (DWER, 2018b).

The clearing permit application was advertised on the Department of Water and Environmental Regulation's website on 19 November 2018, 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 mapped within the application area.

During the DWER site inspection, it was identified that an area of 0.15 hectares was mistakenly cleared. This area has been removed from the application area and is now under investigation by DWER.

#### **4. References**

Commissioner of Soil and Land Conservation (CSLC) (2019) Land Degradation Advice and Assessment Report for clearing permit application CPS 7437/1 received 8 January 2019; Department of Primary Industries and Regional Development (DWER Ref. A1753596).

Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.

Department of Primary Industries and Regional Development (DPIRD) (2017). NRInfo Digital Mapping. Accessed at <https://maps.agric.wa.gov.au/nrm-info/> Accessed June 2018. Department of Primary Industries and Regional Development. Government of Western Australia

- Department of Water and Environment Regulation (DWER) (2018a) Site Inspection Report for Clearing Permit Application CPS 7437/2. Site inspection undertaken 19 November 2018. Department of Water and Environment Regulation, Western Australia (DWER Ref: A1753215)
- Department of Water and Environmental Regulation (DWER) (Regulatory Services – Water) (2018b) Water and Irrigation advice (DWER Ref: A1743174).
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Kuzich, Rob (2018). Email correspondence from applicant indicating the intension to retain two hollow bearing trees within the application area. Received by DWER on 24 December 2018 (DWER Ref: A1753316).
- 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.
- Molloy, S., Wood, J., Hall, S., Wallrodt, S. and Whisson, G. (2009) South West Regional Ecological Linkages Technical Report, Western Australian Local Government Association and Department of Environment and Conservation, Perth.

**GIS Databases:**

- Aboriginal Sites of Significance
- Clearing Regulations - Environmentally Sensitive Areas
- Carnaby's cockatoo: breeding, roosting, feeding
- Department of Biodiversity Conservation and Attractions, Tenure
- Geomorphic Wetlands, Swan Coastal Plain
- Hydrology, linear
- IBRA Australia
- Mattiske vegetation
- Remnant vegetation
- SAC Biodatasets (accessed January 2019)
- Soils, statewide