



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 7492/1
File Number: 2013/000726
Duration of Permit: From 21 May 2017 to 21 May 2019

PERMIT HOLDER

Michael Jason Peter Drake
Rebecca Louise Drake

LAND ON WHICH CLEARING IS TO BE DONE

Lot 9785 on Deposited Plan 203085, Collins

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 11 hectares of native vegetation within the area hatched yellow on attached Plan 7492/1.

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;

weeds 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.



Samara Rogers
A/MANAGER
CLEARING REGULATION

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

21 April 2017

Plan 7492/1



Legend

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



1:7,071

(Approximate when reproduced at A4)

GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

Samara Rogers
 Date 2/4/17

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.: 7492/1
Permit type: Area Permit

1.2. Applicant details

Applicant's name: Mr Michael and Mrs Rebecca Drake

1.3. Property details

Property: LOT 9785 ON PLAN 203085, COLLINS
Local Government Authority: MANJIMUP, SHIRE OF
DER Region: South Coast
DPaW District: DONNELLY
Localities: COLLINS

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
11		Mechanical Removal	Horticulture

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 21 April 2017
Reasons for Decision: The clearing permit application was received on 20 February 2017, 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 may be at variance to Principle (h), is not at variance to Principle (f) and is not likely to be at variance to any of the remaining clearing Principles.

The Delegated officer has determined that the proposed clearing may impact the environmental values of adjacent conservation areas through the possible introduction or spread of weeds and dieback. Weed and dieback management measures will minimise impacts to conservation areas.

The Delegated Officer has determined that the proposed clearing is not likely to result in any significant environmental impacts.

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
<p>Mapped Beard vegetation association 1144 is described as tall forest; karri & marri (<i>Corymbia calophylla</i>) (Shepherd et al., 2001).</p> <p>Mattiske vegetation complex CRy is described as tall open forest of <i>Corymbia calophylla</i> with mixture of <i>Eucalyptus marginata</i> subsp. <i>marginata</i> and <i>Eucalyptus diversicolor</i> on uplands in hyperhumid and perhumid zones (Mattiske and Havel, 1998).</p> <p>Mattiske vegetation complex LF is described as tall open forest of <i>Eucalyptus diversicolor</i>-<i>Corymbia calophylla</i> on slopes and low woodland of <i>Agonis juniperina</i>-<i>Callistachys lanceolata</i> on lower slopes in hyperhumid and perhumid zones (Mattiske and Havel, 1998).</p>	<p>The applicant proposes to clear 11 hectares of native vegetation within Lot 9785 on Plan 203085, Collins, Shire of Manjimup, for the purpose of horticulture.</p>	<p>Very Good; Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).</p>	<p>The condition and description of the vegetation in the application area was determined via a site inspection report from the Commissioner of Soil and Land Conservation (Commissioner) (CSLC, 2013) and aerial imagery.</p> <p>The vegetation under application is in very good (Keighery, 1994) condition and consists of marri (<i>Corymbia calophylla</i>), jarrah (<i>Eucalyptus marginata</i>) and karri (<i>Eucalyptus diversicolor</i>) forest on the upper slopes and karri forest on the lower slopes (CSLC, 2013). The vegetation shows evidence of being cleared in the last 10 to 30 years as it is predominantly regrowth, and shows some signs of disturbance from livestock grazing.</p>

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 applicant proposes to clear 11 hectares of native vegetation within Lot 9785 on Plan 203085, Collins, for the purpose of horticulture.

The vegetation in the application area is in very good (Keighery, 1994) condition and consists of marri (*Corymbia calophylla*), jarrah (*Eucalyptus marginata*) and karri (*Eucalyptus diversicolor*) forest on the upper slopes and karri forest on the lower slopes (CSLC, 2013).

Two priority flora species have been recorded within the local area (10 kilometre radius). A priority 3 species is located on seasonally moist grey sandy clay or peat within seasonally inundated valleys (Western Australian Herbarium, 1998). A priority 2 species has been identified on hillsides on bare gravelly cryptogamic brown clay over ironstone and on exposed stone on hillside with bare stony crusted limestone valleys (Western Australian Herbarium, 1998). Suitable habitat for these species has not been identified within the application area.

No threatened or priority ecological communities have been recorded within the local area.

As discussed in Principle (b) seven terrestrial fauna species listed as rare or likely to become extinct under the *Wildlife Conservation Act 1950* (WC Act) have been recorded within the local area. The application area comprises of suitable foraging habitat for black cockatoos. Noting the area is adjacent to large tracts of conservation estate containing vegetation in equal or better condition than the application area it is not likely to contain significant habitat for indigenous fauna.

Given the above, the proposed clearing is not likely to be at variance to this Principle.

Methodology References:
CSLC (2013)
Western Australian Herbarium (1998-)

GIS Database:
SAC Bio datasets – Accessed April 2017

(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**
Seven terrestrial fauna species listed as rare or likely to become extinct under the WC Act have been recorded within the local area (10 kilometre radius), being; Carnaby's cockatoo (*Calyptorhynchus latirostris*), Baudin's cockatoo (*Calyptorhynchus baudinii*), forest red-tailed black cockatoo (*Calyptorhynchus banksii* subsp. *naso*), western ringtail possum (*Pseudocheirus occidentalis*), chuditch (*Dasyurus geoffroyi*), bilby (*Macrotis lagotis*) and quokka (*Setonix brachyurus*) (Parks and Wildlife, 2007-).

Carnaby's cockatoo is listed as endangered and Baudin's cockatoo and forest red-tailed cockatoo are listed as vulnerable under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Black Cockatoos breed in large hollow-bearing trees, generally within woodlands or forests or in isolated trees (Commonwealth of Australia, 2012). These species nest in hollows in live or dead trees of karri, marri, wandoo, tuart, salmon gum, jarrah, flooded gum, York gum, powder bark, bullich and blackbutt (Commonwealth of Australia, 2012).

Black Cockatoos have a preference for foraging habitat that includes jarrah and marri woodlands and forest heathland and woodland dominated by proteaceous plant species such as *Banksia* sp., *Hakea* sp. and *Grevillea* sp. (Commonwealth of Australia, 2012).

The application area consists of marri, jarrah and karri, with karri being the dominant species and the area has previously been cleared. Given this, the application area comprises of suitable foraging habitat for black cockatoos and is not likely to comprise of trees an age or size suitable for breeding cockatoos. Noting the area is adjacent to large tracts of conservation estate containing vegetation in equal or better condition than the application area it is not likely to contain significant foraging or breeding habitat for indigenous fauna.

Suitable habitat for southern brush-tailed phascogale, chuditch and quokka is located within the application area. However, given that the local area retains approximately 70 per cent native vegetation, the majority of which is held in conservation estate, the proposed clearing is not likely to remove significant habitat for these species.

No mapped ecological linkages have been recorded within the application area. The closest mapped linkage is two kilometres south of the application area.

Given the above, the proposed clearing is not likely to be at variance to this Principle.

Methodology References:
Commonwealth of Australia (2012)
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**
No rare flora species have been recorded within the local area (10 kilometre radius).

Given this, the application area is not likely to include, or be necessary for the continued existence of rare flora.

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

Methodology GIS Database:
SAC Bio datasets – Accessed April 2017

(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.

Given this, 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 April 2017

(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 application area is located within the Warren Interim Biogeographic Regionalisation of Australia (IBRA) bioregion. This IBRA bioregion has approximately 79 per cent of its pre-European vegetation extent remaining (Government of Western Australia, 2016).

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, 2016). Approximately 92 per cent of this vegetation association is held within conservation estate.

The application area has also been mapped as Mattiske vegetation complexes LF and CRy which retain approximately 82 and 73 per cent of their pre-European extent. Approximately 89 and 92 per cent of these complexes are held in conservation estate (Parks and Wildlife, 2015).

Aerial imagery indicates that the local area (10 kilometre radius) retains approximately 70 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 not likely to contain rare or priority flora and does not contain significant fauna habitat and 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 (%)
IBRA Bioregion*				
Warren	833,986	660,310	79	84
Shire*				
Manjimup	697,368	586,852	84	94
Beard Vegetation Association in Bioregion*				
1144	159,668	128,191	80	92
Mattiske Vegetation Complex **				
CRY	33,765	24,498	73	92
LF	20,126	16,429	82	89

Methodology References:
Commonwealth of Australia (2001)
Government of Western Australia (2016)
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 not at variance to this Principle

A minor perennial watercourse occurs approximately 300 metres to the west of the application area. The closest major watercourse is the Warren River located approximately 2.1 kilometres south of the application area.

The proposed clearing is not likely to impact upon these watercourses and does not include any riparian vegetation. Given this, the proposed clearing is not at variance to this Principle.

Methodology GIS Databases:
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 is not likely to be at variance to this Principle

The application area has been mapped as soil type UC1 which is described as steep hilly to hilly dissected lateritic plateau with steep valley side slopes: chief soils are hard, and also sandy, neutral, and also acidic, yellow and yellow mottled soils, with conspicuous but relatively smaller areas of red earths. Associated are areas of block laterite, gravelly and bouldery and soils on tops of rises and their colluvial slopes; some areas of leached sands soils on terraces of major streams (Northcote et al., 1960 - 1968).

The Commissioner of Soil and Land Conservation (Commissioner) advised that wind erosion is unlikely on the type of soil located within the application area (CSLC, 2013).

The application area is generally well drained and waterlogging is unlikely to occur on these soil types (CSLC, 2013).

The proposed clearing may cause water erosion as a result of the land slopes, especially if the land is left exposed without appropriate management (CSLC, 2013; DoW, 2013a). In order to mitigate the risk of land degradation the applicant intends to retain three or four trees per hectare throughout the application area and will also retain a native vegetation buffer downhill from the application area. The resulting land use of an orchard plantation will also reduce the level of exposure of the land to water erosion.

Considering the commitment to retain buffering vegetation and replace cleared vegetation with orchard trees, appreciable land degradation is not likely to occur.

Considering the above, the proposed clearing is not likely to be at variance to this Principle.

Methodology References:
CSLC (2013)
DoW (2013a)
Northcote (1960-68)

References:
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

The application area is surrounded by conservation areas. Warren State Forest is adjacent to the application area on the eastern boundary and also wraps around to the west and north approximately 800 metres away. A Parks and Wildlife managed Executive Body Freehold is adjacent to the application area on the southern boundary. Sir James Mitchell National Park is located 150 metres to the north east of the application area.

Approximately 50 to 60 per cent of the local area is mapped as conservation reserves. The application area provides a buffer to these conservation areas and the removal of the vegetation within the application area may increase the potential for spreading of dieback, increased weeds, and light and wind exposure. Weed and dieback management measures will minimise impacts to conservation areas.

Considering the above, the proposed clearing may be at variance to this Principle.

Methodology 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 is not likely to be at variance to this Principle

A minor perennial watercourse occurs approximately 300 metres to the west of the application area. The closest major watercourse is the Warren River located approximately 2.1 kilometres to the south of the application area.

The proposed clearing has the potential to result in increased sedimentation of surface water running downhill on the exposed slope (DoW, 2013a). The applicant intends to retain three or four of the larger trees per hectare throughout the cleared area and replace cleared native vegetation with orchard vegetation. The applicant also intends to retain a native vegetation buffer between the application area and the nearby watercourse. This buffering vegetation will minimise surface water runoff during heavy rainfall events and will filter the majority of sedimentation from the surface water before it enters the watercourse.

The application area is within a 'priority not assigned' Public Drinking Water Source Area', where the protection of water quality against degradation is a priority (DoW, 2013a). The Department of Water's (DoW) Water Quality Protection Note (WQPN 6) - 'Vegetated Buffers to Sensitive Water Resources' states that "vegetated buffers are key strategic elements among a series of protection barrier options that reduce the risk of contaminant impact on water quality" (DoW 2013a). Retaining vegetation in between the proposed orchard and the watercourse is important in mitigating risks of degradation (DoW, 2013a).

The application area is also within the *Country Areas Water Supply Act 1947* (CAWS Act) gazetted Warren River Water Reserve. The application area is within 'Zone C' of the Warren River Water Reserve which has been subject to CAWS Act native vegetation clearing controls since December 1978 to prevent salinisation of water resources (DoW 2013a). No CAWS Act compensation has been paid to retain vegetation on Lot 9785 (DoW, 2013b).

DoW advised that records show that a licence was granted in 1984 to clear a pro-rata allowance of 12 hectares. A clearing permit exists over a different section of the property (CPS 5481/1) which accounts for 10 hectares of clearing. DoW Policy and Guidelines for Zone C allow for consideration of a further pro-rata allowance of up to 12 hectares, subject to the statutory requirement that 10 per cent of the current holding remains under the cover of native vegetation. Additionally, the extra pro-rata allowance of up to 12 hectares "would normally only be allowed if a detailed site investigation, that would include drilling or documentation of other information, showed that no adverse salinisation would occur from the additional clearing" (DoW, 2013b).

The proposed clearing of 11 hectares, when combined with the clearing permitted under CPS 5481/1, would result in approximately 10 per cent of the property being covered by native vegetation, which meets the required threshold. A site inspection report from the Commissioner (CSLC, 2013) states that the application is not likely to significantly impact upon salinity levels. Therefore, the application satisfies the CAWS Act requirements.

Considering the applicant's intention to retain three or four trees per hectare within the application area and a native vegetation buffer between the application area and the watercourse, the risk of deterioration of surface or ground water is minimal.

Given the above, the proposed clearing is not likely to be at variance to this Principle.

Methodology References:
CSLC (2013)
DoW (2013a)
DoW (2013b)

GIS Databases:
CAWS Act Areas
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 is not likely to be at variance to this Principle**
The Commissioner (CSLC, 2013) advised that the risk of flooding causing land degradation is low.

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

Methodology References:
CSLC (2013)

References:
Annual Rainfall, Statewide
Soils, Statewide

Planning instruments and other relevant matters.

Comments The application area is within the Warren River and Tributaries Surface Water Area as proclaimed under the *Rights in Water and Irrigation Act 1914*. Any taking or diversion of surface water in this proclaimed area for the purposes other than domestic and/or stock watering is subject to licensing by the Department of Water (DoW, 2013a). It is the applicant's responsibility to contact the Department of Water to ensure that there is sufficient water available under their current allocation to meet the demands of the proposed horticultural development. If additional water is required, the applicant is required to amend their licence 'to take' surface water (DoW, 2013a).

The Shire of Manjimup advised that the application area is zoned as "general agriculture" under the Local Planning Scheme No. 4 and planning approval for the proposal is not required. The Shire of Manjimup has no objection to the proposed clearing (Shire of Manjimup, 2013).

The application was advertised online on 4 March 2017 for a 21 day submission period. Publication summary was advertised in *The West Australian* on Monday 13 March 2017. No submissions were received in relation to this application.

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

Methodology References:
DoW (2013a)
Shire of Manjimup (2013)

GIS Databases:
Aboriginal Sites of Significance
RIWI, Surface Water Areas
CAWS Act Areas

4. References

- Commissioner of Soil and Land Conservation (CSLC) (2013) Site inspection report for Clearing Permit Application CPS 5865/1, provided on 29 November 2013, Department of Agriculture and Food Western Australia (DER Ref: A706210).
- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- Commonwealth of Australia (2012). EPBC Act referral guidelines for three threatened black cockatoo species. Department of Sustainability, Environment, Water, Populations and Communities, Canberra.
- Department of Water (2013a) Advice regarding Clearing Permit Application CPS 5865/1, Department of Water, 19 November 2013 (DER Ref: A696826).
- Department of Water (2013b) Advice regarding Clearing Permit Application CPS 5865/1, provided by Department of Water, Land and Clearing (CAWSA) Management, 16 December 2013 (DER Ref: A706976).
- Government of Western Australia (2016). 2016 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of October 2016. 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.
- 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.
- Parks and Wildlife (2007-) NatureMap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife. URL: <http://naturemap.dpaw.wa.gov.au/>. Accessed April 2017
- 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.
- 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 (2013) Advice regarding Clearing Permit Application CPS 5865/1, provided on 12 November 2013 (DER Ref: A695525).
- Western Australian Herbarium (1998-) FloraBase - The Western Australian Flora. Department of Parks and Wildlife. <http://florabase.dpaw.wa.gov.au/> (Accessed April 2017).