



GOVERNMENT OF
WESTERN AUSTRALIA

CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 7769/1

File Number: DER2016/001488

Duration of Permit: From 4 January 2018 to 30 June 2023

PERMIT HOLDER

Brett Jonathon Waugh

Trevor John Waugh

Marilyn Bernice Waugh

LAND ON WHICH CLEARING IS TO BE DONE

Lot 9185 on Deposited Plan 201680, Yanmah

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 23.45 hectares of native vegetation within the area cross hatched yellow on attached Plan 7769/1.

CONDITIONS

Nil.

A handwritten signature in black ink, appearing to read 'Emma Bramwell', written over a horizontal line.

Emma Bramwell

A/ MANAGER

CLEARING REGULATION

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

5 December 2017



1. Application details

1.1. Permit application details

Permit application No.: 7769/1
Permit type: Area Permit

1.2. Applicant details

Applicant's name: Brett Jonathon Waugh
Application date: 13 September 2017

1.3. Property details

Property: Lot 9185 on Deposited Plan 201680, Yanmah
Local Government Authority: Shire of Manjimup

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category
23.45		Mechanical Removal	Horticulture

1.5. Decision on application

Decision on application: Grant

Decision date: 5 December 2017

Reasons for decision: The clearing permit application was received on 13 September 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* (EP Act). It has been concluded that the proposed clearing is at variance to clearing principle (f), and is not likely to be at variance to the remaining clearing principles.

The Delegated Officer determined that the proposed clearing is unlikely to result in any significant impacts. The Delegated Officer noted that native vegetation growing in association with a watercourse is proposed to be cleared, and in considering this impact had regard for the modification of the watercourse and the degraded condition of the vegetation.

Given the above, the Delegated Officer decided to grant a clearing permit with nil conditions.

2. Site Information

Clearing Description: The proposed clearing of 23.45 hectares of native vegetation on Lot 9185 on Deposited Plan 201680, Yanmah, is for the purpose of expanding on horticultural projects on the property with a vision of establishing an avocado orchard.

Vegetation Description: The application area intersects three mapped Matiske vegetation complexes (Matiske and Havel, 1998):

- Bevan 1 (BE1) – Tall open forest of *Corymbia calophylla-Eucalyptus marginata* subsp. *marginata* on uplands in perhumid and humid zones;
- Crowea (CRb) – Tall open forest of *Corymbia calophylla-Eucalyptus diversicolor* on upper slopes with *Allocasuarina decussata-Banksia grandis* on upper slopes in hyperhumid and perhumid zones; and
- Pemberton (PM1) – Tall open forest of *Eucalyptus diversicolor* with mixtures of *Corymbia calophylla* on valley slopes and low forest of *Agonis juniperina-Banksia seminuda-Callistachys lanceolata* on valley floors in the perhumid zone.

A site inspection undertaken by officers of the Department of Water and Environmental Regulation (DWER) (DWER site inspection) observed two broad vegetation types within the application area. The large eastern portion comprises *Corymbia calophylla* (marri) and *Eucalyptus marginata* (jarrah) forest and the western portions comprise shrublands dominated by *Taxandria* sp. (likely *Taxandria linearifolia*) and *Astartea* sp. (likely *Astartea scoparia*) (Department of Water and Environmental Regulation, 2017).

Vegetation Condition: Based on the DWER site inspection, the eastern portion of the application area is in very good to excellent condition and the western portions are in degraded condition (Department of Water and Environmental Regulation, 2017). These condition ratings are described as follows (Keighery, 1994):

- Degraded: Basic vegetation structure severely impacted by disturbance. Scope for regeneration but not to a state approaching good condition without intensive management.
- Very Good: Vegetation structure altered; obvious signs of disturbance.
- Excellent: Vegetation structure intact, disturbance affecting individual species and weeds are non-aggressive species.

Soil Type:

The application area intersects three different soil map units (Commissioner of Soil and Land Conservation, 2017):

- Crowea (Dwalganup), yellow duplex phase, map unit 254DwCRy described as broad ridge crests on weathered mantle over gneiss with loamy gravels and duplex sandy gravels;
- Yanmah subsystem (Dwalganup), map unit 254DwYN described as shallow (5-20 metres deep), U-shaped, swampy floored minor valleys on colluvium and deeply weathered mantle over gneiss with loamy gravels, duplex sandy gravels, yellow deep sands and wet and semi-wet soils; and
- Pemberton subsystem (Dwalganup), map unit 254DwPM described as minor valleys (20-40 metres deep) on colluvium over gneiss with loamy gravels, friable red/brown loamy earths, brown loamy earths and red deep loamy duplexes.

Comment:

The local area referred to in the below assessment is defined as the area within a ten kilometre radius of the application area.



Figure 1. Map of application area.

3. Assessment of application against clearing principles

(a) Native vegetation should not be cleared if it comprises a high level of biological diversity.

Proposed clearing is not likely to be at variance to this principle

According to available datasets, one rare and three priority (P) flora species have been recorded within the local area:

- *Caladenia harringtoniae* – rare;
- *Deyeuxia inaequalis* – P1;
- *Pultenaea pinifolia* – P3; and
- *Stylidium ireneae* – P4;

The closest record to the application area is of *Deyeuxia inaequalis* which occurs approximately five kilometres south.

Deyeuxia inaequalis appears to be very similar to *Deyeuxia quadriseta* which is often found in winter wet areas (Wheeler et al., 2002). Winter wet areas occur in the western portions of the application area however these areas were observed to be in degraded (Keighery, 1994) condition (Department of Water and Environmental Regulation, 2017). It is considered unlikely that the application area supports *Deyeuxia inaequalis*.

Caladenia harringtoniae typically inhabits paperbark (*Melaleuca* species) and *Eucalyptus rudis* (flooded gum) swamps and flats which are inundated for several months of the year. The species may also be found along creek lines in *Eucalyptus marginata* (jarrah) and karri forest (Brown et al., 1998). The vegetation types observed within the application area during the DWER site inspection are not expected to provide the necessary habitat for *Caladenia harringtoniae* (Department of Water and Environmental Regulation, 2017).

Pultenaea pinifolia is known from floodplains and swampy areas and *Stylidium ireneae* is known from valleys near creek lines, woodland, often with *Agonis* (Western Australian Herbarium, 1998-). Swampy areas/creek lines occur in the western portions of the application area however these areas were observed to be in degraded (Keighery, 1994) condition (Department of Water and Environmental Regulation, 2017). It is considered unlikely that the application area supports these species.

According to available datasets, no threatened ecological communities (TECs) or priority ecological communities (PECs) are mapped within the local area. The vegetation within the application area is not likely to comprise the whole or a part of, or be necessary for the maintenance of a PEC or TEC.

The local area retains approximately 75 per cent cover of remnant native vegetation (approximately 26,000 hectares). The majority of this remnant vegetation occurs within lands managed by the Department of Biodiversity, Conservation and Attractions (DBCA). The local area is expected to contain vegetation and fauna habitats in similar or better condition than those within the application area. Given this and that the application area is unlikely to contain rare or priority flora or TECs or PECs, the application area is not likely to comprise a high level of biological diversity.

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

References:

Brown et al. (1998)
Department of Water and Environmental Regulation (2017)
Keighery (1994)
Western Australian Herbarium (1998-)
Wheeler et al. (2002)

GIS Datasets:

DPaW Tenure
Imagery
NLWRA, Current Extent of Native Vegetation
SAC bio datasets (accessed 30 November 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.

Proposed clearing is not likely to be at variance to this principle

Seven fauna species listed as rare or likely to become extinct under the *Wildlife Conservation Act 1950* have been recorded within the local area (Department of Parks and Wildlife, 2007-):

- Baudin's cockatoo (*Calyptorhynchus baudinii*);
- Carnaby's cockatoo (*Calyptorhynchus latirostris*);
- forest red-tailed black cockatoo (*Calyptorhynchus banksii* subsp. *naso*);
- numbat (*Myrmecobius fasciatus*);
- south-western brush-tailed phascogale (*Phascogale tapoatafa* subsp. *wambenger*);
- western ringtail possum (*Pseudocheirus occidentalis*); and
- quokka (*Setonix brachyurus*).

Five fauna species listed as priority (P) fauna by DBCA have also been recorded in the local area (Department of Parks and Wildlife, 2007-):

- pouched lamprey (*Geotria australis*) – P1;
- Nornalup frog (*Geocrinia lutea*) – P4;
- water rat (*Hydromys chrysogaster*) – P4;
- quenda (*Isodon obesulus* subsp. *fusciventer*) – P4; and
- western brush wallaby (*Macropus irma*) – P4.

The application area contains suitable habitat for the three black cockatoo species. No black cockatoo foraging evidence was found during the DWER site inspection and no black cockatoos were seen or heard. Several large trees occur within the application area and some of these were observed to contain hollows, however no evidence of use of the hollows was identified. The hollows were high up in the canopy and appeared to be too small to be suitable for nesting by black cockatoos (Department of Water and Environmental Regulation, 2017).

The western ringtail possum has a preference for habitat dominated by *Agonis flexuosa* (peppermint) near coastal areas, swamps, watercourses or floodplains. No areas dominated by peppermint were observed within the application area during the DWER site inspection (Department of Water and Environmental Regulation, 2017). The application area is unlikely to provide significant habitat for the western ringtail possum.

The application area may provide suitable habitat for the remaining eight conservation significant fauna species, however the degraded nature of the western portions of the application area reduces the habitat suitability for those species preferring dense vegetation near wet areas.

Noting that the local area retains a large extent of remnant native vegetation that is likely to provide similar or better habitat as found within the application area, and that this vegetation is highly connected and predominantly on land managed by DBCA, the proposed clearing is not expected to result in the loss of significant fauna habitat.

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

References:

Department of Parks and Wildlife (2007-)
Department of Water and Environmental Regulation (2017)

GIS Datasets:

DPaW Tenure
Imagery
NLWRA, Current Extent of Native Vegetation

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

Proposed clearing is not likely to be at variance to this principle

According to available datasets, one rare flora species (*Caladenia harringtoniae*) has been recorded within the local area.

This species typically inhabits paperbark (*Melaleuca* species) and *Eucalyptus rudis* (flooded gum) swamps and flats which are inundated for several months of the year. This species may also be found along creek lines in *Eucalyptus marginata* (jarrah) and karri forest (Brown et al., 1998). The vegetation types observed within the application area during the DWER site inspection are not expected to provide the necessary habitat for this species (Department of Water and Environmental Regulation, 2017). Given this, it is considered that the application area is unlikely to support rare flora.

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

References:

Brown et al. (1998)

Department of Water and Environmental Regulation (2017)

GIS Datasets:

SAC bio datasets (accessed 30 November 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.

Proposed clearing is not likely to be at variance to this principle

According to available datasets, no TECs are mapped within the local area.

The vegetation proposed to be cleared is not likely to comprise the whole or a part of, or be necessary for the maintenance of a TEC.

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

GIS Datasets:

SAC bio datasets (accessed 30 November 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.

Proposed clearing is not likely to be at variance to this principle

The National Objectives and Targets for Biodiversity Conservation 2001-2005 include a target to have clearing controls in place that prevent clearance of ecological communities with an extent below 30 per cent of that present pre-1750 (i.e. pre-European settlement) (Commonwealth of Australia, 2001).

As indicated in Table 1 and Table 2, the Warren Interim Biogeographic Regionalisation of Australia (IBRA) bioregion, the Shire of Manjimup, and the three mapped Mattiske vegetation complexes all retain greater than 30 per cent of their pre-European extents.

The local area retains approximately 75 per cent (approximately 26,000 hectares) native vegetation cover. The application area represents approximately 0.09 per cent of this current extent.

Given the above, the application area is not likely to be significant as a remnant of native vegetation in an area that has been extensively cleared. The proposed clearing is not likely to be at variance to this clearing principle.

Table 1: Bioregion and local government vegetation extent statistics (Government of Western Australia, 2016)

	Pre-European extent	Current extent remaining		Current extent remaining in DBCA managed lands	
	(ha)	(ha)	(%)	(ha)	Proportion of current extent (%)
IBRA bioregion					
Warren	833,986	660,310	79	557,880	84
Local Government Authority					
Shire of Manjimup	697,368	586,852	84	550,340	94

Table 2: Mattiske vegetation complex vegetation extent statistics (Government of Western Australia, 2017)

	Pre-European extent	Current extent remaining		Current extent remaining in DBCA managed lands	
	(ha)	(ha)	(%)	(ha)	Proportion of Pre-European extent (%)
Mattiske vegetation complex					
BE1	76,782	62,920	82	59,245	77
CRb	52,753	45,381	86	43,029	82
PM1	25,801	16,710	65	14,973	58

References:

Commonwealth of Australia (2001)
Government of Western Australia (2016)
Government of Western Australia (2017)

GIS Datasets:

IBRA Australia
Imagery
Local Government Authority
Pre-European Vegetation
NLWRA, Current Extent of Native Vegetation
SW Forests Vegetation Complexes

(f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.

Proposed clearing is at variance to this principle

According to available datasets, the western portions of the application area are intersected by two branches of a minor perennial watercourse. The watercourse originates from Lot 9185 and flows to the north and then west for a total distance of approximately four kilometres to where it enters the Donnelly River.

The western portions of the application area are considered to be growing in, or in association with, an environment associated with a watercourse. Therefore the proposed clearing is at variance to this clearing principle.

The first two kilometres of the watercourse is predominantly cleared and contains eight dams. The next two kilometres is predominantly vegetated, with the last 1.5 kilometres flowing through Donnelly River Nature Reserve.

Given the first two kilometres of the watercourse is highly disturbed and the western portions of the application area contain vegetation in degraded condition (Department of Water and Environmental Regulation, 2017), the proposed clearing is unlikely to result in significant impacts to the environmental values of the watercourse.

References:

Department of Water and Environmental Regulation (2017)

GIS Datasets:

DPaW Tenure
Hydrography, linear
Imagery
NLWRA, Current Extent of Native Vegetation
Topographic Contours, Statewide

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

Proposed clearing is not likely to be at variance to this principle

A site inspection and desktop assessment undertaken by the Department of Primary Industries and Regional Development (DPIRD) identified that the application area has a high to moderate land capability for the proposed land use. The Commissioner of Soil and Land Conservation advised that the DPIRD report indicates that:

- no salinity is occurring on the property;
- the risk of eutrophication is unlikely to increase with the clearing of native vegetation;
- wind erosion is unlikely given the proposed land use;
- water erosion is unlikely due to short slope lengths and proposed land use; and
- the risk of waterlogging is unlikely to increase due to the soil types present and their location in the landscape (Commissioner of Soil and Land Conservation, 2017).

The DWER site inspection did not observe any significant erosion currently occurring on the property (Department of Water and Environmental Regulation, 2017).

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

References:

Commissioner of Soil and Land Conservation (2017)
Department of Water and Environmental Regulation (2017)

(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.

Proposed clearing is not likely to be at variance to this principle

Five conservation areas are located approximately two kilometres from the application area to the north, west and south, being North Donnelly State Forest, South East Nannup State Forest, Donnelly River Nature Reserve, Donnelly State Forest, and a heritage site managed under the *Soil and Land Conservation Act 1945*.

With the exception of the heritage site, these conservation areas are contiguous with each other and are separated from the application area by cleared farmland. The heritage site is in close proximity to the application area, however is separated by a strip of cleared land. Given this and the distance to these conservation areas, no significant impacts to their environmental values are expected. The proposed clearing is not likely to be at variance to this clearing principle.

GIS Datasets:
DPaW Tenure
Imagery
NLWRA, Current Extent of Native Vegetation

(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.

Proposed clearing is not likely to be at variance to this principle

As discussed under clearing principle (f), the western portions of the application area are intersected by two branches of a minor perennial watercourse which originates on Lot 9185, traverses both farmland and vegetated areas, and enters the Donnelly River approximately four kilometres downstream.

Given the first two kilometres of the watercourse is highly disturbed and the western portions of the application area are in degraded condition (Department of Water and Environmental Regulation, 2017), the proposed clearing is unlikely to result in deterioration in the quality of surface water of the watercourse.

In relation to groundwater quality, the proposed clearing is not expected to result in changes to groundwater levels or quality given the size of the application area in relation to the extent of native vegetation cover in the local area.

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

References:
Department of Water and Environmental Regulation (2017)

GIS Datasets:
DPaW Tenure
Hydrography, linear
Imagery
NLWRA, Current Extent of Native Vegetation
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.

Proposed clearing is not likely to be at variance to this principle

Noting the size of the application area and the extent of native vegetation cover in the local area, the proposed clearing is not likely to cause, or exacerbate, the incidence or intensity of flooding. The DPIRD report indicates that the application area is dominated by loamy gravels and duplex sandy gravels, and that proposed clearing is not expected to contribute to flooding on the proposed area (Commissioner of Soil and Land Conservation, 2017).

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

References:
Commissioner of Soil and Land Conservation (2017)

Planning instruments and other relevant matters.

The application was advertised on the Department of Water and Environmental Regulation's website for a 21 day public comment period closing 31 October 2017. No public submissions were received.

The application area is located within the Donnelly River System Surface Water Area proclaimed under the *Rights in Water and Irrigation Act 1914* (RIWI Act). As the watercourse originates on Lot 9185 and is a natural seep at this location, unless specifically declared a bed and banks permit and a licence to take water is not required under the RIWI Act.

The Shire of Manjimup advised that the land is zoned by Local Planning Scheme No. 4 as 'Priority Agriculture' and planning approval for clearing of vegetation is not required in this zone. The Shire of Manjimup also advised that horticulture does not require planning approval (Shire of Manjimup, 2017).

References:
Shire of Manjimup (2017)

GIS Datasets:
RIWI Act, Surface Water Areas and Irrigation Districts

4. References

- Brown, A., Thomson-Dans, C. and Marchant, N. (1998). Western Australia's Threatened Flora, Department of Conservation and Land Management, Western Australia.
- Commonwealth of Australia (2001). National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- Commissioner of Soil and Land Conservation (2017). Land Degradation Assessment Report for CPS 7769/1. Department of Primary Industries and Regional Development, Western Australia. DWER Ref: A1567226.
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- 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 30 November 2017.
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- 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.
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- Western Australian Herbarium (1998-). FloraBase – the Western Australian Flora. Department of Biodiversity, Conservation and Attractions. <https://florabase.dpaw.wa.gov.au/>. Accessed 30 November 2017.
- Wheeler, J., Marchant, N. and Lewington, M. (2002). Flora of the South West: Bunbury – Augusta – Denmark. Volume 1: Introduction, Keys, Ferns to Monocotyledons. Australian Biological Resources Study and University of Western Australia Press (pp 410-411).