



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 7839/1
Permit Holder:	Mr Barry James Dunnet
Duration of Permit:	19 July 2018 – 19 July 2023

The Permit Holder is authorised to clear native vegetation subject to the following conditions of this Permit.

PART I – CLEARING AUTHORISED

1. Purpose for which clearing may be done

Clearing for the purpose of expanding an existing dam for increased horticultural production.

2. Land on which clearing is to be done

Lot 2 on Diagram 10390, Yeagarup.

3. Area of Clearing

The Permit Holder must not clear more than 3.03 hectares of native vegetation within the area cross-hatched yellow on attached Plan 7839/1.

4. Application

This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

PART II – MANAGEMENT CONDITIONS

5. 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:

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

6. 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 *dieback* and *weeds*:
 - clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
 - ensure that no *dieback* or *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared;
 - restrict the movement of machines and other vehicles to the limits of the areas to be cleared;
- Prior to leaving the area cross-hatched yellow on attached Plan 7839/1, the Permit Holder must clean earth-moving machinery of soil and vegetation.

7. Direction of clearing

The Permit Holder shall conduct clearing in a progressive manner from one direction to the other (e.g. west to east) to allow fauna to move into adjacent native vegetation ahead of the clearing activity.

8. Fauna Management

- (a) In relation to the area cross-hatched yellow on attached Plan 7839/1, clearing must cease in any area where (*Pseudocheirus occidentalis*) Western Ringtail Possum(s) have not moved into adjacent native vegetation in accordance with condition 7 of this Permit.
- (b) Clearing must cease in any area where fauna referred to in condition 8(a) above are identified until either:
 - (i) the Western Ringtail Possum(s) individual has been removed by a *fauna specialist*; or
 - (ii) the Western Ringtail Possum(s) individual has moved on from that area to adjoining *suitable habitat*.
- (c) Any Western Ringtail Possum (*Pseudocheirus occidentalis*) individuals removed in accordance with condition 8(b)(i) of this Permit must be relocated by a *fauna specialist* to *suitable habitat*.
- (d) Where fauna is identified under condition 8(a) of this Permit, the Permit Holder must provide the following records to the *CEO* as soon as practicable:
 - (i) the number of individuals identified;
 - (ii) the date each individual was identified;
 - (iii) the location where each individual was identified 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;
 - (iv) the number of individuals removed and relocated;
 - (v) the date each individual was removed;
 - (vi) the date each individual was relocated;
 - (vii) the location where each individual was relocated to, recorded using a GPS unit set to GDA94, expressing the geographical coordinates in Eastings and Northings or decimal degrees; and
 - (viii) details pertaining to the circumstances of any death of, or injury sustained by, an individual.

PART III - RECORD KEEPING AND REPORTING

9. 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) the purpose for which clearing was undertaken;
- (e) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 5 of this Permit;
- (f) actions taken to minimise the risk of the introduction and spread of *dieback* and *weeds* in accordance with condition 6 of this Permit;
- (g) the direction of clearing in accordance with condition 7 of this Permit; and
- (h) of records required under condition 8 of this Permit.

10. Reporting

The Permit Holder must provide to the *CEO* the records required under condition 9 of this Permit, when requested by the *CEO* or *Delegated Officer*.

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*;

Delegated Officer: means the person appointed by the CEO to administer the clearing provisions under the *Environmental Protection Act 1986*;

dieback means the effect of *Phytophthora* species on native vegetation;

fauna specialist: means a person who holds a tertiary qualification specializing in environmental science or equivalent, and has a minimum of 2 years work experience in fauna identification and surveys of fauna native to the region being inspected or surveyed, and who holds a valid fauna licence issued under the *Wildlife Conservation Act 1950*;

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;

suitable habitat: means habitat known to support western ringtail possums (*Pseudocheirus occidentalis*) within the known current distribution of the species. This often includes stands of myrtaceous trees (usually Peppermint Tree (*Agonis flexuosa*)) growing near swamps, watercourses or floodplains, and at topographic low points which provide cooler, often more fertile, conditions;

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.



Mathew Gannaway
MANAGER
CLEARING REGULATION

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

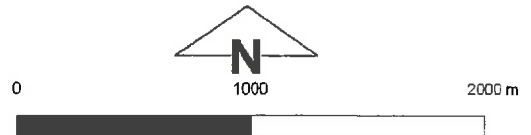
19 June 2018

Plan 7839/1



Legend

- Areas approved to clear
- Roads
- Local Government Authority cadastre
- Cadastre
- WANow_Imagery



MGA94
Geocentric Datum of Australia 1994
MS
Mathew Gannaway Date: *19/06/2018*
Officer with delegated authority under Section 20
of the Environmental Protection Act 1986





Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 7839/1
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Barry James Dunnet
Application received date: 20 October 2017

1.3. Property details

Property: Lot 2 on Diagram 10390
Local Government Authority: Shire of Manjimup
Localities: Yeagarup

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category
3.03	-	Mechanical Removal	Dam maintenance

Decision on Permit Application: Grant

Decision Date: 19 June 2018

Reasons for Decision: The clearing permit application 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 (b) and (h) and is not likely to be at variance to any of the remaining clearing principles.

Through the assessment, the Delegated Officer determined that the proposed clearing may result in the spread of dieback and weeds into adjacent areas of native vegetation, including the adjacent Donnelly Sate Forest. A dieback and weed management condition has been placed on the clearing permit to minimise this risk.

The threatened fauna species western ringtail possum and quokka have been recorded within the local area and may be present within the application area. Given this, although the habitat is not likely to be significant to the species, they may be impacted by the proposed clearing. A fauna management condition ensuring clearing is undertaken slowly, in one direction to allow fauna to move into adjacent vegetation and/or be relocated is likely to minimise the potential risk to these species.

In determining to grant a clearing permit subject to conditions, the Delegated Officer found that the proposed clearing is unlikely to lead to an unacceptable risk to the environment.

2. Background

Clearing Description The application is to clear 3.03 hectares of native vegetation within Lot 2 on Diagram 10390, Yeagarup, for the purpose of expanding an existing dam for increased horticultural production.

Vegetation Description The vegetation under application is mapped within South West Vegetation association PM1 (Government of Western Australia, 2017):

- 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 of the application area conducted by Department of Water and Environmental Regulation (DWER)(DWER site inspection) officers, described two vegetation types within the application area (DWER, 2017)(Figure 1):

- Agonis flexuosa* forest within little to no understorey, on the western edge of the current dam, in a degraded (Keighery, 1994) condition.
- Tall Closed *Eucalyptus diversicolor* forest, on the eastern bank of the application area, with a dense understorey, in a very good (Keighery, 1994) condition.

The majority of the application area occurs on the eastern bank of the application area within the *Eucalyptus diversicolor* forest.

Vegetation Condition

The condition of the vegetation was determined through the DWER site inspection (DWER, 2017).

Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).

To

Very Good; Vegetation structure altered; obvious signs of disturbance. For example, disturbance to vegetation structure caused by repeated fires; the presence of some more aggressive weeds; dieback; logging; grazing (Keighery, 1994).

Comment

The local area is defined as a 10 kilometre radius measured from the outside of the application area.

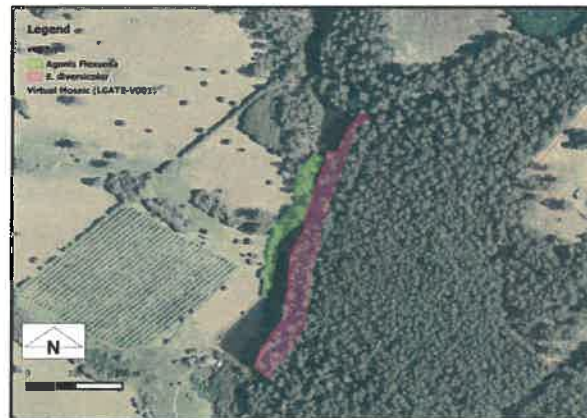


Figure 1: Application area and vegetation type.



Figure 2: Vegetation within the local area.

3. Avoidance and mitigation

The applicant has not provided avoidance and mitigation measures.

4. Assessment of application against clearing principles

The local area is highly vegetated retaining 83 per cent native vegetation. The application area adjoins extensive areas of native vegetation (figure 2). The majority of the native vegetation within the local area occurs within Department of Biodiversity Conservation and Attractions (DBCA, 2018) tenure. Given this, the application area does not occur within a highly cleared landscape.

The December DWER site inspection noted that (DWER, 2017):

- Although trees with a suitable diameter at breast height (DBH) are present within the application area, no fauna hollows were identified. It is noted that the entire application area was not inspected due to the density of the understorey and time constraints;
- The vegetation to the east of the application area contains noticeably older vegetation, with larger trees containing noticeable tree hollows;

- The dam wall is compromised. Wetland vegetation has established on the downstream side of the dam and infrastructure in close proximity to the dam wall is compromised by water due to water permeating through the dam wall.

The Department of Biodiversity Conservation and Attractions (DBCA, 2017; DBCA, 2018) has advised that:

- Western ringtail possums are likely to occur within or in close proximity to the application area as they have been recorded nearby. The vegetation is described as *Agonis flexuosa* and *Eucalyptus diversicolor*, both of which may be used by possums;
- Quokkas have also been recorded in the local area and are known to preferentially use dense vegetation near waterways and waterbodies, as present within the application area;
- If vegetation clearing is approved, inspection of trees should be required prior to removal to ensure that no possums are present. Clearing should be conducted in the direction that allows fauna present to move into adjacent vegetation that will not be cleared; and
- Based on figure 15 in the site inspection report, showing the wetland vegetation established on the downstream side of the dam, it is unlikely that pouched lamprey would be able to migrate into and out of the dam.

Given the lack of hollow bearing trees identified within the application area, presence of large tracts of conservation estate within the local area and presence of adjoining vegetation (figure 2), the application area is unlikely to represent significant fauna habitat. Although foraging habitat for black cockatoos is present within the application area, given the extent and condition of vegetation within the local area, the application area is not considered significant foraging habitat for these species. Given the position of the application in relation to conservation estate, clearing the application area will not impact on the movement of fauna through the landscape or between reserves.

The threatened fauna species western ringtail possum and quokka have been recorded within the local area and may be present within the application area. Given this, although the habitat is not likely to be significant to the species, they may be impacted by the proposed clearing. Ensuring clearing is undertaken slowly, in one direction to allow fauna to move into adjacent vegetation is likely to minimise the potential risk to these species.

Two threatened flora species and six priority flora species have been recorded within the local area. Given the habitat types present within the application area (DWER, 2017) compared to the habitat preferences of these species (Western Australian Herbarium, 1998-), one threatened and one priority flora species has the potential to occur. DBCA has confirmed that the remaining flora species are not likely to be present within the application area (DBCA, 2017).

The Priority flora species has been recorded once in Western Australia and once in Tasmania. Although the habitat present within the application area appears consistent with the mapped location, given the lack of records of this species and unclear taxonomy, it is not likely to be present within the application area.

The threatened flora species is known from 43 populations and approximately 1000 plants across a wide distribution (DBCA, 2017). As the *Agonis flexuosa* forest contains no understorey, the species is not likely to be present within the western application area. Due to the steep slopes of the existing dam, suitable wetland habitat is restricted to the margins of the eastern application area. Given the small size of potential habitat, there is a low probability of it occurring within the application area. Given the wide distribution of the species, altered landscape within the application area and availability of wetland habitat within the local area, the application area is not likely to be significant in the maintenance of this species.

The priority ecological community (PEC) 'Epiphytic Cryptogam of the SW karri forests' (priority 3) has been recorded within the local area and has the potential to be present within the application area. This PEC extends from south Nannup through Karri forest to Northcliffe, ranging 71 kilometres. The majority of occurrences are recorded within State Forest and reserves. Given that the majority of the occurrences of this PEC are within conservation estate the loss of an occurrence on private land would not affect the status, and is unlikely to be significant.

The application area occurs adjacent to the Donnelly State Forest. Given this, the proposed clearing has the potential to increase the spread of weeds and dieback into the State Forest. Weed and dieback management measures are likely to minimise this risk.

Given the extent of adjoining vegetation and as a dam is already present within the location, the proposed clearing is not likely to further impact on surface water or groundwater quality and is not likely to cause or exacerbate land degradation. As the proposed clearing occurs on the edge of a dam, riparian vegetation will be impacted however, given the historically altered state of the riparian vegetation (maintained as a dam) and given the extent of adjoining vegetation, impacts to the watercourse are likely to be minimal.

Given the above, the proposed clearing is at variance to Principle (f), may be at variance to Principles (b) and (h) and is not likely to be at variance to the remaining clearing Principles.

5. Planning instruments and other relevant matters.

The clearing permit application was advertised on the DWER website on 28 November 2017 with a 21 day submission period. No public submissions have been received in relation to this application.

The Shire of Manjimup has advised that development approval is required if the expanded edge of the dam wall is less than 20 metres from any lot boundary and a development application has not yet been received (Shire of Manjimup, 2017). The applicant advised DWER on 28 May 2018 that the dam wall and all associated components are more than 20 meters from the property boundary. This was confirmed by DWER using GIS satellite imagery.

The applicant holds a 'licence to take water' (SWL60419) and a 'permit to interfere with bed and banks' (PMB180228) from DWER under the *Rights in Water and Irrigation Act 1914*. The licence to interfere permits the modification of the dam within Lot 2 by raising the dam wall. Dam construction conditions have been imposed on the permit in order to monitor and manage the environmental impacts of the dam.

No Aboriginal sites of significance have been recorded within the application area.

6. References

- Department of Biodiversity Conservation and Attractions (DBCA) (2017) Species and Communities Flora Advice received in relation to CPS 7839/1. Received 21 December 2017 (DWER ref: A1617255).
- Department of Biodiversity Conservation and Attractions (DBCA) (2017) Species and Communities Fauna Advice received in relation to CPS 7839/1. Received 21 December 2018 (DWER ref: A1617251).
- Department of Water and Environment Regulation (DWER) (2017) Site inspection report for clearing permit application CPS 7839/1, undertaken 21 December 2017 (DWER ref: A1617258).
- Government of Western Australia (2017) 2016 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of December 2017. 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.
- Shire of Manjimup (2017) Advice received in relation to clearing permit application CPS7839/1. Received 19 December 2017. (DWER ref: A1581798).
- Western Australian Herbarium (1998-) FloraBase - The Western Australian Flora. Department of Parks and Wildlife. <http://florabase.dpaw.wa.gov.au/> Accessed January 2018.

GIS Databases Accessed:

- SAC Biodata Sets 2018
- Hydrography, linear
- Wetlands
- DBCA Tenure
- WA Aerial Imagery