



## CLEARING PERMIT

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

<b>Purpose Permit number:</b>	CPS 8029/1
<b>Permit Holder:</b>	Mr Justin Omodei
<b>Duration of Permit:</b>	5 October 2018 – 5 October 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 establish water point and associated weir, sump and underground pipe.

**2. Land on which clearing is to be done**

State Forest 39, Collins.

**3. Area of Clearing**

The Permit Holder must not clear more than 0.15 hectares of native vegetation within the area cross-hatched yellow on attached Plan 8029/1.

**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 *weeds* and *dieback*:

- 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;

**7. Direction of clearing**

The Permit Holder shall conduct clearing in a slow, progressive manner from west to east to allow fauna to move into adjacent native vegetation ahead of the clearing activity.

**8. Fauna management**

The Permit Holder shall not clear any *Black Cockatoo habitat trees* found within the area cross hatched yellow on attached Plan 8029/1.

**PART III – RECORD KEEPING AND REPORTING**

**9. Records to be kept**

The Permit Holder must maintain the following records 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(s) that clearing occurred;
- (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 5 of this Permit;
- (e) actions taken to minimise the risk of the introduction and spread of *weeds* and *dieback* in accordance with condition 6 of this permit; and
- (f) actions taken in accordance with condition 7 and 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*.

**DEFINITIONS**

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

***black cockatoo breeding tree/s***: means trees that have a diameter, measured at 1.5 metres from the base of the tree, of 50 centimetres or greater, that contains or has the potential to develop hollows or roosts suitable for native fauna;

***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; and

***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*

7 September 2018





CPS 8029/1, 7 September 2018

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# Plan 8029/1



## Legend

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



MGA 94  
Geocentric Datum of Australia 1994

Samara Rogers

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Date.....

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



GOVERNMENT OF  
WESTERN AUSTRALIA



## 1. Application details

### 1.1. Permit application details

**Permit application No.:** CPS 8029/1  
**Permit type:** Purpose Permit

### 1.2. Applicant details

**Applicant's name:** Mr Justin Omodei  
**Application received date:** 22 March 2018

### 1.3. Property details

**Property:** State Forest 39, Collins  
**Local Government Authority:** Shire of Manjimup  
**Localities:** Collins

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
0.15		Mechanical Removal	Water extraction

### 1.5. Decision on application

**Decision on Permit Application:** Grant  
**Decision Date:** 7 September 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*, and it has been concluded that the proposed clearing is at variance to clearing principle (f), may be at variance to clearing principles (h) and (b), and is not likely to at variance to the remaining clearing principles.

Through assessment, it was identified that the vegetation within the application area is growing in association with a watercourse. The Delegated Officer determined that the proposed clearing of 0.15 hectares is not likely to have a significant impact on the associated watercourse.

The proposed clearing may impact on adjacent vegetation within State Forest No.39, through the introduction or spread of weeds and dieback. Implementing weed and dieback management measures will assist in minimising impacts to adjacent vegetation.

Through assessment, it was identified that the application area may comprise significant habitat for indigenous fauna, including species of conservation significance. A fauna condition placed on the permit to avoid clearing of black cockatoo habitat trees, will mitigate any potential impacts to native fauna.

In determining to grant a clearing permit subject to conditions, the Delegated Officer determined that the proposed clearing is not likely to have any unacceptable impacts to environmental values.

## 2. Site Information

**Clearing Description:** The application is for the proposed clearing of 0.15 hectares of native vegetation within State Forest 39, Collins, for the purpose of water extraction (establish water point and associated weir, sump and underground pipe) (refer to Figure 1).

**Vegetation Description:** The application area is mapped as Mattiske vegetation complex 'Permberton PM1', described as tall open forest of *Eucalyptus diversicolor* (Karri) with mixtures of *Corymbia calophylla* (Marri) on valley slopes and low forest of *Taxandria juniperina-Banksia seminuda* (River Banksia)-*Callistachys lanceolata* (Wonnich) on valley floors in the perhumid zone (Mattiske and Havel, 1998).

A targeted threatened flora and fauna survey was conducted within the application area by Bio Diverse Solutions, and included a site assessment undertaken on 15 December 2017 (Bio Diverse Solutions, 2017). The flora and fauna survey report describes three broad vegetation types within the application area (refer to Figure 2):

- Karri/Marri forest in Excellent (Keighery, 1994) condition;
- *Trymalium* spp. thicket in Good (Keighery, 1994) condition; and
- Karri/Marri/Sheoak forest in Very Good (Keighery, 1994) condition (Bio Diverse Solutions, 2017).

A land degradation site inspection of the property found the native vegetation on the property to be forest dominated by *Eucalyptus diversicolor* (Karri) (DPIRD, 2018).



**Vegetation Condition:**

The condition of the vegetation within the application area is considered to be:

- Excellent: vegetation structure intact; disturbance affecting individual species and weeds are non-aggressive species (Keighery, 1994).
- Very Good: vegetation structure altered; obvious signs of disturbance (Keighery, 1994).
- Good: vegetation structure significantly altered by very obvious signs of multiple disturbance; retains basic structure or ability to regenerate (Keighery 1994).

The condition of the vegetation was determined from the flora and fauna survey report (Bio Diverse Solutions, 2017).

A land degradation site inspection of the property also identified the native vegetation on the property to be in good to excellent condition (DPIRD, 2018).

**Soil/Landform Type:**

The application area is mapped as land subsystem 'Pemberton Subsystem (Pimelaia) (254PvPM)', described as 20 to 40 metres deep, flat to gently sloping floors, few channels, 3 to 10 degrees, smooth slopes, red or yellow gradational soils, not calcareous with some red duplex soils. (Schoknecht, 2004).

**Comments:**

The local area considered in the assessment of this application is defined as a 10 kilometre radius around the perimeter of the application area. The local area is comprised of a mix of agricultural land and conservation reserves.

**Maps and photographs**



Figure 1: Application area (cross-hatched blue)



Figure 2: Vegetation types and condition (photos provided by applicant)

### 3. Assessment of application against clearing principles

According to available databases, one rare flora species and two priority flora species have been recorded within the local area. Based on the mapped soil and vegetation types and the condition of the vegetation within application area, one rare flora species could potentially occur within the application area. This species is outlined below:

- Rare Flora Species 1 (Threatened) is known from 97 recorded populations from Boyup Brook to Mt Barker, from sand, clayey loam, laterite; margins of winter-wet flats, swamps, and freshwater lakes (FloraBase website). The nearest record of this species is approximately 7.34 kilometres from the application area. Noting the distance to this record, and the habitat preferences of this species, it is unlikely that this species occurs within the application area.

The Department of Biodiversity, Conservation and Attractions (DBCA) noted the timing of the flora and fauna survey and that it concluded that the application area does not support suitable habitat for the conservation significant taxa listed above, however did not provide justification for this conclusion (DBCA, 2018). DBCA advised, that based on the vegetation types described in the flora and fauna survey, suitable habitat for the above species is not likely to be present within the application area (DBCA, 2018). DBCA noted the linear shape of the application area and extent of the proposed clearing, and that vegetation is likely to re-establish within the application area following completion of the proposed pipeline.

Noting the above, the application area is unlikely to include, or be necessary for the continued existence of, rare or priority flora.

Noting the extent of the proposed clearing, the linear shape of the application area, and the vegetation cover in the vicinity of the application area (refer to Figure 1) which is expected to be of similar type and in similar or better condition to that present within the application area, the application area is unlikely to comprise a high level of biological diversity.

According to available databases, 11 threatened fauna species, four priority fauna species, and one specially protected fauna species have been recorded within the local area (DBCA, 2007-). Noting the habitat requirements of these species, and the mapped vegetation type and the condition of the vegetation within the application area, the application area is likely to comprise suitable habitat for Camaby's cockatoo (*Calyptorhynchus latirostris*), forest red-tailed black cockatoo (*Calyptorhynchus banksia* subsp. *naso*), Baudin's Cockatoo (*Calyptorhynchus baudinii*), western ringtail possum (*Pseudocheirus occidentalis*), quokka (*Setonix brachyurus*), Carter's freshwater mussel (*Westralunio carteri*), south-western brush-tailed phascogale (*Phascogale tapoatafa* subsp. *wambenger*), water-rat (*Hydromys chrysogaster*), and southern brown bandicoot (*Isodon obesulus* subsp. *fusciventer*).

DBCA advised that given the timing and duration of the flora and fauna survey the potential for direct observations of threatened fauna were unlikely and some cryptic species may not have been recorded, however noted that the survey appears to have adequately searched for signs of threatened and priority fauna and appropriately identified suitable habitats (DBCA, 2018). DBCA noted the linear shape of the application area and extent of the proposed clearing, that vegetation is likely to re-establish within the application area following completion of the proposed pipeline, and the absence of hollow-bearing trees as indicated in the flora and fauna survey, and advised that any use of the application area by threatened or priority fauna species is likely to be only occasional/opportunistic (DBCA, 2018a). DBCA noted, however, that the flora and fauna survey identified a number of 'significant trees' within the application area, and advised that these and/or other trees within the application area may be considered as potential/future breeding trees for threatened black cockatoo species (DBCA, 2018).

DBCA made the following recommendations in relation to fauna management:

- Where possible, avoid clearing potential hollow-bearing trees (i.e. Karri, Marri and *Agonis flexuosa* trees with greater than 500 millimetres diameter at breast height (DBCA, 2018).
- A fauna clearance walk-through should be undertaken by a fauna specialist/qualified fauna relocation personnel immediately prior to clearing to confirm that fauna are not present and/or to flush and fauna present out of the clearing area into the adjacent habitat to prevent injury or mortality during clearing (DBCA, 2018).
- Avoid removing trees identified as 'significant trees' by the flora and fauna survey (DBCA, 2018).
- Any felled trees should be immediately checked for hollows, and if any fauna are residing in the hollows they should to be relocated into suitable adjacent habitat (and if injured appropriate action taken, as determined by a fauna specialist) (DBCA, 2018).
- Clearing should be undertaken in a direction that allows vertebrate fauna to move away from the clearance activities and into adjacent vegetated areas (DBCA, 2018).

Noting the above, the application area may comprise significant habitat for indigenous fauna, including species of conservation significance. A fauna condition placed on the permit to avoid clearing of black cockatoo habitat trees, will mitigate any potential impacts to native fauna.

According to available databases, no threatened or priority ecological communities have been recorded within the local area. The nearest ecological community of conservation significance is 'Epiphytic Cryptogams of the karri forest' (Priority 3), located approximately 13 kilometres from the application area. Noting that the mapped vegetation type within the application area is widespread within the local area,

DBCA advised that the mapped vegetation complex has the potential to contain the Priority 3 ecological community 'Epiphytic cryptogams of the karri forests of SW WA', in particular in stream zones (DBCA, 2018). DBCA advised that there are two known occurrences of this ecological community approximately 1.3 kilometres and 3.7 kilometres from the application area, associated with the Diamond Tree Gully (DBCA, 2018). DBCA noted that the Karri regrowth adjacent to the application area is approximately eight years old, and that if this ecological community is present in the vicinity, the logging operations may have affected its sustainability as it generally takes 11 to 20 years for regenerated *Trymalium odoritissimum* to be mature enough for the cryptogam to re-colonise on the bark (DBCA, 2018).



Noting the above, the application area is not likely to comprise, or be necessary for the maintenance of, a threatened or priority ecological community.

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 Warren Interim Biogeographic Regionalisation of Australia bioregion retains approximately 79.1 per cent of its pre-European extent of native vegetation (Government of Western Australia, 2018a). The mapped Matiske vegetation complex retains approximately 64.9 per cent (16,743.91 hectares) of its pre-European extent (Government of Western Australia, 2018b). Given the above, the application area is not in an area that has been extensively cleared and is not considered to be significant as a remnant.

A portion of the application area is mapped within a stream and therefore the proposed clearing will impact on native vegetation growing within, and in association with a watercourse. The proposed clearing is at variance to principle (f). The proposed clearing of 0.15 hectares is not likely to have a significant impact on this watercourse.

Noting the water erosion risk associated with the mapped soil type within the application area (30-50 per cent of the map unit has a high to extreme water erosion risk), the proposed of 0.15 hectares is not likely to result in land degradation in the form of soil erosion. Noting the extent of the proposed clearing, any potential soil erosion or impact to surface water quality as a result of the proposed clearing is expected to be short-term, and not appreciable.

The application area is located in the Warren River Water Reserve gazetted under the *Country Areas Water Supply Act 1947* (CAWS Act), which has been subject to CAWS Act native vegetation clearing controls since December 1978 to prevent salinisation of water resources. The application area is located in 'Zone D' of the Warren River Water Reserve, being the lowest salinity risk area of the CAWS Act catchment, where Department of Water and Environmental Regulation (DWER) policy and guidelines for the granting of licences to clearing native vegetation under the CAWS Act 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. Noting the extent of the proposed clearing and that there is greater than 10 per cent native vegetation remaining within State Forest 39, the proposed clearing is unlikely to appreciably impact on environmental and water resource values of the Warren River Water Reserve and there are no issues with the application with regard to the CAWS Act clearing controls.

According to available databases, the nearest conservation area is the Warren State Forest, within which the application area is located. The application area comprises approximately 0.0004 per cent of this conservation area. The proposed clearing may impact on the adjacent vegetation through the introduction or spread of weeds and dieback. Implementing weed and dieback management measures will assist in minimising impacts to adjacent vegetation.

A land degradation site inspection of the property indicates that the risk of land degradation occurring as a result of the proposed clearing is likely to be low (DPIRD, 2018). The Commissioner of Soil and Land Conservation (CSLC) found that the proposed land clearing is not likely to cause appreciable land degradation and is therefore, not at variance with principle (g) (DPIRD, 2018). Noting this, the extent of the proposed clearing and the mapped soil type within the application area, the proposed clearing is not likely to cause long-term deterioration to the quality of surface or underground water, or cause or exacerbate the incidence or intensity of flooding.

The assessment has found that the proposed clearing is at variance to clearing principle (f), may be at variance to clearing principles (h) and (b), and is not likely to at variance to the remaining clearing principles.

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

The applicant has received a Crown lease under section 97 of the *Conservation and Land Management Act 1984*.

The application area is located within the *Rights in Water and Irrigation Act 1914* Warren River and tributaries area; and the applicant has received draft documents for the necessary permits/licences under the *Rights in Water and Irrigation Act 1914*.

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

The South West Aboriginal Land and Sea Council advised that it has no objection to the proposed clearing, provided that the clearing of native vegetation is kept to a minimum, and that Noongar monitors are onsite during any ground-disturbing works.

The clearing permit application was advertised on DWER's website on 9 April 2018 with a 21 day submission period. No public submissions have been received in relation to this application.

The Shire of Manjimup advised that it has no objection to the proposed clearing and that there are no planning or other matters that apply in this instance (Shire of Manjimup, 2018). The Shire of Manjimup advised that the land is zoned as 'State Forest' in Local Planning Scheme No.4, and that planning approval for the proposed clearing or for the purpose of water extraction is not required (Shire of Manjimup, 2018).

#### 4. References

- Bio Diverse Solutions (2017) Targeted Threatened Flora and Fauna Survey Report Proposed Pipeline in State Forest 39 Warren Road, Pemberton.
- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- Department of Biodiversity, Conservation and Attractions (DBCA) (2007-) NatureMap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife. URL: <http://naturemap.dpaw.wa.gov.au/>. Accessed March 2018
- Department of Biodiversity, Conservation and Attractions (DBCA) (2018) Flora and fauna advice provided in relation to clearing permit application CPS 8029/1, received 30 May 2018 (DWER ref. A1683781).
- Department of Primary Industries and Regional Development (DPIRD) (2018). Land degradation advice provided in relation to clearing permit application CPS 8029/1, including Land Degradation Assessment Report (DWER ref. A1697389).
- Government of Western Australia (2018a) 2017 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of December 2017. WA Department of Biodiversity, Conservation and Attractions. Available from: <https://catalogue.data.wa.gov.au/dataset/dbca-statewide-vegetation-statistics>
- Government of Western Australia (2018b) 2017 South West Vegetation Complex Statistics. Current as of October 2017. WA Department of Biodiversity, Conservation and Attractions, Perth. Available from: <https://catalogue.data.wa.gov.au/dataset/dbca>
- 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.
- Shire of Manjimup (2018) Direct interest advice provided in relation to clearing permit application CPS 8029/1, received 24 April 2018. Shire of Manjimup, Western Australia (DWER ref. A1661566).
- South West Aboriginal Land and Sea Council (2018) Direct interest advice provided in relation to clearing permit application CPS 8029/1, received 31 May 2018. South West Aboriginal Land and Sea Council, Western Australia (DWER ref. A1685127).

#### GIS databases:

- CPS Areas applied to clear
- NatureMap (conservation significant fauna)
- DAFWA Subsystems V5
- Soils of WA
- Vegetation Complexes – South West Forests
- Managed Tenure
- Environmentally Sensitive Areas
- TPFL Data April 2018
- WAHerb Data April 2018
- Aboriginal Sites Register
- IBRA Vegetation WA
- WA TECPEC
- Land Degradation Hazards