



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 8061/1

File Number: DER2018/000747-1-1

Duration of Permit: From 27 October 2018 to 27 October 2020

PERMIT HOLDER

Kimberley Neil Gandy

LAND ON WHICH CLEARING IS TO BE DONE

Lot 5108 on Deposited Plan 229256, Diamond Tree

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 15 hectares of native vegetation within the area hatched cross yellow on attached Plan 8061/1.

CONDITIONS

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

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

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

2. Dieback and weed control

When undertaking any clearing or other activity authorised under this Permit, the Permit Holder must take the following steps to minimise the risk of the introduction and spread of *weeds* and *dieback*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (b) ensure that no *dieback* or *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
- (c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

3. Records must be kept

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

- (a) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
- (b) the date that the area was cleared;
- (c) the size of the area cleared (in hectares);
- (d) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 1 of this Permit; and
- (e) actions taken to minimise the risk of the introduction and spread of *weeds* and *dieback* in accordance with condition 2 of this permit

4. Reporting

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

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

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


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

fill means material used to increase the ground level, or fill a hollow;

mulch means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation;

weed/s means any plant -

- (a) that is a declared pest under section 22 of the *Biosecurity and Agriculture Management Act 2007*;
or
- (b) published in a Department of Parks and Wildlife Regional Weed Rankings Summary, regardless of ranking; or
- (c) not indigenous to the area concerned.


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Abbie Crawford
MANAGER
NATIVE VEGETATION REGULATION

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

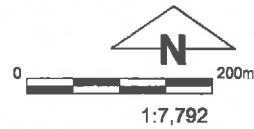
28 September 2018

Plan 8061/1



Legend

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



(Approximate when reproduced at A4)
GDA 94 (Lat/Long)
Geocentric Datum of Australia 1994

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





1. Application details

1.1. Permit application details

Permit application No.: 8061/1
Permit type: Area Permit

1.2. Applicant details

Applicant's name: Mr Kimberley Gandy

1.3. Property details

Property: LOT 5108 ON PLAN 229256, DIAMOND TREE
Local Government Authority: Manjimup, SHIRE OF
DWER Region: South Coast
DBCA District: DONNELLY
Localities: DIAMOND TREE

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
15		Mechanical Removal	improved access and running of stock.

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 28 September 2018
Reasons for Decision: The clearing permit application was received on 23 April 2018 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 the remaining clearing principles.

The Delegated Officer noted that the proposed clearing may increase the risk of weeds and dieback being introduced or spread into adjacent conservation areas. Weed and dieback management measures will minimise impacts to adjacent conservation areas.

Site Information

Clearing Description: The application is to clear up to 15 hectares of native vegetation Lot 5108 on Plan 229256, Diamond Tree, for the purpose of agriculture/horticulture.

Vegetation Description: The application area is mapped as two Matisse vegetation complexes:
'Cry' described as tall open forest of *Corymbia calophylla* with mixture of *Eucalyptus marginata* subsp. *marginata* and *Eucalyptus diversicolor* on uplands in hyperhumid and perhumid zones and;
'Crb' described as tall open forest of *Corymbia calophylla*-*Eucalyptus diversicolor* on upper slopes with *Allocasuarina decussata*-*Banksia grandis* on upper slopes in hyperhumid and perhumid zones (Matisse and Havel, 1998).

The vegetation under application is predominately Karri (*Eucalyptus diversicolor*) regrowth forest with Marri (*Corymbia calophylla*) and some Jarrah (*Eucalyptus marginata*) over a midstorey of *Agonis flexuosa* (DWER, 2018a).

The condition and structure of the vegetation within the application area was obtained via a site inspection undertaken by officers of the Department of Water and Environment Regulation (DWER) (DWER, 2018a).

Vegetation Condition: Good; Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).
To
Completely Degraded; Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).

The site inspection determined that the majority of the application area was in a degraded to good (Keighery, 1994) condition as the area has been subject to historical disturbance from past clearing activities and cattle grazing.

Soil and Landform Type: The application area is mapped as the following land subsystem:
• Crowea (Pimelia) Subsystem yellow duplex phase (Map Unit 254PvCry) is described as gravelly yellow duplex sands, jarra-marri forest (Schoknecht et al., 2004; DPIRD, 2017).

Comment:

The local area referred to in this assessment is defined as the area within a 10 kilometre radius of the application area. Aerial imagery indicates that the local area retains approximately 80 per cent native vegetation cover.

Figure 1: Map of application area



Figure 2: Photographs of vegetation within the application area



Photo 1: Representation of the vegetation within the application area.



Photo 2: Representation of the vegetation within the application area.

2. 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

The application is to clear up to 15 hectares of native vegetation for the purpose of agriculture/horticulture.

As discussed above, the vegetation within the application area comprises of karri regrowth forest with marri and some jarrah over a midstorey of *Agonis flexuosa* (DWER, 2018a).

According to available databases, three priority flora species and two rare flora species have been recorded within the local area. The mapped priority flora species and the two mapped rare flora have been recorded within different soil and vegetation types to the application area. Rare flora are discussed further under Principle (c).

According to available databases, *Calyptorhynchus banksii subsp. naso* (forest red-tailed black-cockatoo), *Calyptorhynchus baudinii* (Baudin's cockatoo), *Calyptorhynchus latirostris* (Carnaby's cockatoo), *Galaxiella munda* (western mud minnow), *Pseudocheirus occidentalis* (western ringtail possum) and *Setonix brachyurus* (quokka) have been recorded within the local area, however the application area is unlikely to provide significant habitat for these species. Fauna habitat and conservation significant fauna species are discussed under Principle (b).

According to available databases, no priority ecological communities (PEC) are known to occur within the local area. The closest PEC is the 'Basalt Association of the Warren Region (P2)' located approximately 49 kilometres west of the application area. Noting the vegetation type within the application area and the distance to the closest known PEC, the application area is unlikely to comprise the whole or part of, or be necessary for the maintenance of a PEC.

The application area is not likely to contain priority or rare flora, is not a representation of a PEC or contain significant fauna habitat. Noting this, the proposed clearing is not likely to be at variance to this Principle.

(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

According to available databases, six fauna species specially protected under the *Wildlife Conservation Act 1950*, one fauna species protected under international agreement and five priority fauna have been recorded within the local area (DBCA, 2007-). Based upon the application area comprising of a karri regrowth forest with marri and some jarrah over a midstorey of *Agonis flexuosa*, it is considered that the application areas could provide habitat for black cockatoos and the western ringtail possum (WRP).

Black cockatoo species nest in hollows in live or dead trees of tuart, jarrah, marri, *Eucalyptus diversicolor* (karri), *Eucalyptus wandoo* (wandoo), *Eucalyptus salmonophloia* (salmon gum), *Eucalyptus rudis* (flooded gum), *Eucalyptus loxophleba* (York gum), *Eucalyptus accedens* (powder bark), *Eucalyptus megacarpa* (bullich) and *Eucalyptus patens* (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 proteaceae plant species such as *Banksia* sp., *Hakea* sp. and *Grevillea* sp. (Commonwealth of Australia, 2012).

A site inspection of the application area did not observe any trees with suitable nesting hollows with the majority of the trees being regrowth, tall and slender in nature as indicated within photo 1 (DWER, 2018a). During the site inspected a small flock of forest red-tailed black cockatoos were observed within the application area (DWER, 2018a). Whilst the application area provides foraging habitat for black cockatoos, it is considered to be of a low quality based upon the trees being predominately karri and regrowth. Additionally the local area retains approximately 80 per cent of vegetation cover with a large portion of this being in the nearby Donnelly State Forest. Noting this, it is unlikely the application areas comprises of significant habitat for black cockatoos.

Although the application area contains *Agonis flexuosa*, which is suitable habitat for the western ringtail possum, there were no dreys or scats noted during site inspection. It was also noted that the *Agonis flexuosa* were sporadic throughout the application area, with areas consisting of no midstorey (DWER, 2018a). It was also noted that the *Agonis flexuosa* trees were relatively small consisting of a slender nature lacking dense leaf foliage. As with black cockatoos, the local area retains approximately 80 per cent vegetation cover which is likely to be suitable for WRP. Noting this, it is unlikely the application area consists of significant habitat for WRP.

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

(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 databases, two rare flora species have been recorded within the local area, between eight and nine kilometres from the application area.

Caladenia christineae favours margins of winter-wet flats, swamps and freshwater and *Commersonia apella* is known to occur within tall shrublands (WA Herbarium, 1998). Noting the vegetation type identified during the site inspection and that no wetlands or watercourses are within the application area (DWER, 2018a), the application area is not likely to contain suitable habitat for these species.

Noting the vegetation type within the application area and the distance of the rare flora species to the application area, the application area is not likely to include, or be necessary for the continued existence of, rare flora including the abovementioned conservation significant species.

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

(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 databases, no threatened ecological communities (TEC) are known to occur within the local area. The closest TEC is the 'Scott Ironstone Associations' located approximately 46 kilometres west of the application area.

Noting the vegetation type within the application area and the distance to the closest known TEC, the application area is unlikely to comprise the whole or part of, or be necessary for the maintenance of a TEC.

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

(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 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).

As indicated in Table 1, the remaining extents of native vegetation within the bioregion, local government authority and mapped vegetation complexes are above the 30 per cent threshold.

Aerial imagery indicates that the local area retains approximately 80 per cent native vegetation cover, with large proportion of this vegetation occurring within Department of Biodiversity Conservation and Attractions (DBCA) managed lands.

Noting the vegetation extent in the local area and the application area does not provide significant habitat for conservation significant fauna and flora, the application area is unlikely to be significant as a remnant within an extensively cleared area. The proposed clearing is not likely to be at variance to this Principle.

Table 1: Vegetation extents

	Pre-European (ha)	Current Extent (ha)	Remaining (%)	Current Extent in DBCA Managed Lands (%)
IBRA Bioregion*				
Warren	833 985	659 438	79	85.5
Local government authority*				
Shire of Manjimup	697 368	586 344	84	94
Mattiske Vegetation Complex in Bioregion **				
CRy:	33 764	24 441	72	66
PM1:	25 801	16 743	65	58

Government of Western Australia. (2018a)*

Government of Western Australia. (2018b)**

(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 not at variance to this Principle

According to available databases, there are no wetlands or watercourses mapped within the application area. A site inspection did not identify any watercourses or wetlands within the application area (DWER, 2018a).

Noting the above, the vegetation under application is not growing in, or in association with, an environment associated with a watercourse or wetland.

The proposed clearing is not at variance to this Principle.

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

Proposed is not likely to be at variance to this Principle

The application area is located within the Crowea (Pimelia) Subsystem yellow duplex phase (Schoknecht et al., 2004; DPIRD, 2017). The land degradation risk categories that apply to this subsystem are;

- Water Erosion:
 - 10-30% of map unit has a high to extreme wind erosion risk.
- Wind Erosion:
 - 10-30% of map unit has a high to extreme water erosion risk
- Salinity:
 - 30-50% of map unit has a moderate to high salinity risk or is presently saline
- Subsurface Acidification:
 - <3-% of map unit has a high subsurface acidification risk or is presently acid
- Flood risk:
 - <3-% of the map unit has a moderate to high flood risk
- Water logging:
 - <3-% of map unit has a moderate to very high waterlogging risk

Noting the above figures, the greatest land degradation risk associated with the proposed clearing is increased salinity, with 30-50 per cent of the map unit having a moderate to high risk or is presently saline. The application area has been subject to a previous clearing permit (CPS 5124/1) and has been historically grazed. Noting this and that the local area retains approximately 80 per cent native vegetation, the proposed clearing is unlikely to increase the salinity levels in the local area.

Given the above, the proposed clearing is unlikely to cause appreciable land degradation. The proposed clearing is not likely to be at variance to this Principle.

(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 may be at variance to this Principle

According to available datasets, a number of conservation areas have been recorded within the local area, most notably being the Donnelly State Forest which is mapped approximately 20 metres north and south of the application area. The application area and state forest are separated by cleared land (currently being grazed) and a gravel road (DWER, 2018a). However, noting approximately 75 per cent of the proposed clearing boundary is within close proximity to the Donnelly State Forest, the disturbance caused by the proposed clearing may increase the risk of weeds and dieback being introduced or spread into the state forest. Weed and dieback management practices will assist in mitigating this risk.

The South West Regional Ecological Linkage (SWREL) report (Molloy et al.,2009) is located approximately 1.2 kilometres west from the application area. The ecological linkage is defined as a series of both contiguous and non-contiguous patches of vegetation which, by virtue of their proximity to each other, act as stepping stones of habitat which facilitate the maintenance of ecological processes and movement of organisms within, and across a landscape (Molloy et al.,2009).

Remnant vegetation within the SWREL boundary can be assigned a 'proximity analysis' group. A patch of vegetation with an edge touching or less than 100 metres from a linkage is assigned to proximity analysis group 1(a) which is the highest category group (Molloy et al.,2009). Noting that the application area is a part of patch of contiguous vegetation that touches the axis line, the proposed clearing could degrade to the quality of the linkage. However the proposed clearing will not sever this linkage and noting the linkage is surrounded by vegetation in good or better condition, it is unlikely the proposed clearing will significantly impact on the values of this linkage.

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

(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 Principle (f), no watercourses or wetlands occur within the application area.

As discussed under Principle (g), 30-50 percent of map unit has a moderate to high salinity risk or is presently saline. Noting the extent of the proposed clearing, the absence of watercourses and wetlands within the application area, the proposed clearing is unlikely to cause deterioration in the quality of surface or underground water.

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

(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

As discussed under Principle (f), no watercourses or wetlands occur within the application area. Noting this, and the permeable nature of the soils (gravelly yellow duplex sands), the proposed clearing is unlikely to cause, or exacerbate, the incidence or intensity of flooding.

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

3. Planning instruments and other relevant matters.

The Shire of Manjimup (2018) has advised the following;

- It has no objection to the application and that there are no planning or other matters which would affect the proposal;
- the land is zoned by Local Planning Scheme NO. 4 as "Priority Agriculture" and planning approval for clearing of vegetation is not required; and
- the purpose (agriculture/horticulture) does not require local government planning approval.

A previous clearing permit was granted over an area which included the application area, being clearing permit CPS 5124/1. The permit allowed for the clearing of 36.8 hectares for timber harvesting and occurred over seven different areas of which the current application was one of these areas.

Under the 'Country Area Water Supply Act 1947', Warren River Water Reserve (CAWS Act) the proposed clearing is located within Zone D of the catchment. This is a low salinity risk area where the Department of Water and Environmental Regulation's (DWER) Policy and Guidelines for the "Granting of Licences to Clear Indigenous Vegetation" recommends that licences would normally be granted subject to compensation payment and at least the statutory amount of 10 per cent native vegetation remains on the owner's holdings. No compensation payments have been made (DWER, 2018b). The applicants holding currently has 23.89 per cent cover of native vegetation and after the proposed clearing will maintain a 21.06 per cent cover of native vegetation (DWER, 2018b). Noting this, the clearing meets the statutory requirement under the CAWSA Act.

The application was advertised on DWER's website on 15 May 2018 for a 21 day public submission period. No submissions were received during this period.

No registered Aboriginal Sites of Significance occur within the application area.

4. References

- 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 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 August 2018
- Department of Primary Industries and Regional Development (2017). NRInfo Digital Mapping. Department of Primary Industries and Regional Development. Government of Western Australia. URL: [Error! Hyperlink reference not valid.](#) (accessed August 2018)
- Department of Water and Environmental Regulation (2018a). Site Inspection Report for Clearing Permit Application CPS 8061/1 – Mr Kim Gandy. DWER Ref:A1715747
- Department of Water and Environmental Regulation (Regulatory Services – Water) (2018b) *Country Area Water Supply Act 1947* advice (DWER Ref: A1721936)
- 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 and Attractions, Perth
- Government of Western Australia. (2018b). 2017 South West Vegetation Complex Statistics. Current as of October 2017. WA Department of Biodiversity, Conservation and Attractions, Perth, <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.
- Molloy, S., Wood, J., Hall, S., Wallrodt, S. and Whisson, G. (2009) South West Regional Ecological Linkages Technical Report, Western Australian Local Government Association and Department of Environment and Conservation, Perth.
- 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) Advice received in relation to Clearing Permit Application CPS 8061/1 - Mr Kym Gandy. DWER Ref:A1675473
- Western Australian Herbarium (1998-) FloraBase - The Western Australian Flora. Department of Parks and Wildlife. <http://florabase.dpaw.wa.gov.au/> (Accessed August 2018).

GIS Databases:

Aboriginal Sites of Significance
DBCA Estate
Groundwater salinity
Hydrography, linear
Remnant vegetation
SAC bio datasets (accessed August 2018)
Soils, Statewide
Topographic contours
Augusta to Walpole Wetlands