



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 8641/1
File Number: DWERVT3295
Duration of Permit: From 10 April 2020 to 10 April 2022

PERMIT HOLDER

Moonlight Forest Pty Ltd

LAND ON WHICH CLEARING IS TO BE DONE

Lot 3 on Diagram 26568, Channybearup

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 2.29 hectares of native vegetation within the area hatched cross yellow on attached Plan 8641/1.

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 known *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*.

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*

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 Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking 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*

13 March 2020

Plan 8641/1

34.414776°S

34.414776°S

115.983518°E

115.984134°E








115.983518°E

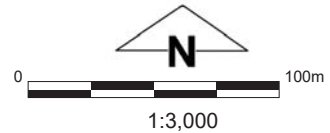
115.984134°E

34.420438°S

34.420438°S

Legend

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



1:3,000

(Approximate when reproduced at A4)

GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

Samara Rogers

2020.03.13 14:58:42

+08'00'

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



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Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 8641/1
Permit type: Area Permit

1.2. Applicant details

Applicant's name: Moonlight Forest Pty Ltd
Application received date: 12 August 2019

1.3. Property details

Property: LOT 3 ON DIAGRAM 26568, CHANNYBEARUP
Local Government Authority: MANJIMUP, SHIRE OF
Localities: CHANNYBEARUP

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
2.29		Mechanical Removal	horticulture

1.5. Decision on application

Decision on Permit Application: Grant

Decision Date: 13 March 2020

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* (EP Act). It has been concluded that the proposed clearing may be at variance with principle (h), and is not likely to be at variance with the remaining principles.

The applicant initially applied to clear an area of 3.63 hectares of native vegetation. The preliminary assessment identified that the application area is within Zone D of the Warren River Water Reserve and vegetation may comprise suitable habitat for black. The Delegated Officer sought further information from the applicant to address these concerns.

To address the impacts identified in the preliminary assessment, the applicant reduced the application area to 2.29 hectares of native vegetation and provided a black cockatoo habitat tree survey that indicated that all trees within the application area were unsuitable for nesting black cockatoos.

The Delegated Officer determined that the proposed clearing may increase the spread of weeds and dieback into adjacent remnant native vegetation. To minimise this risk, a condition has been placed on the permit requiring the implementation of weed and dieback management measures.

Given the above, the Delegated Officer decided to grant a clearing permit subject to weed and dieback management, and an avoid and minimise conditions.

2. Site Information

Clearing Description

The application to clear 3.63 hectares of native vegetation within Lot 3 on Diagram 26568, Manjimup for the purpose of fire mitigation and horticulture (figure 1).

Vegetation Description

The application area is within the following mapped South West Forest vegetation complexes:

- Pemberton (PM1) complex described as tall open forest of *Eucalyptus diversicolor* (karri) with mixtures of *Corymbia calophylla* (marri) on valley slopes and low forest of *Agonis juniperina-Banksia seminuda-Callistachys lanceolata* on valley floors in the perhumid zone; and
- Crowea (CRb) complex 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 (Matiske and Havel, 1998).

The condition of the vegetation under application was determined via the land degradation report provided by the Commissioner of Soil and Land Conservation (2019).

Vegetation Condition

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

To

Completely Degraded: No Longer intact; completely/almost completely without native species (Keighery, 1994).

Soil Type

The land degradation assessment report provided by the Deputy Commissioner Soil and Land Conservation advised that the Manjimup resources survey indicates that the proposed to be cleared on the property is dominated by the following Map Unit;

- Crowea (Pimelia). Map Unit 254PvCRb: Broad ridge crests. Loamy gravels, Red deep loamy duplexes and friable red/brown loamy earths; and
- Pemberton Subsystem (Pimelaia). Map Unity 254PvPM; Minor valleys (20-40 meters deep). Loamy gravels, Friable

Comments

The local area is considered a ten kilometre radius of the application area.



Figure 1. Original application area (highlighted in blue).



Photo 1. Most of the application area consists of planted karri and marri and contains limited understory. Photo provided by the Commissioner of Soil and Land Conservation (2019).



Photo 2. Some mature trees exist within the application area. Photo provided by the Commissioner of Soil and Land Conservation (2019).

3. Assessment of application against clearing principles

The original application was to clear 3.63 hectares of native vegetation within Lot 3 on Diagram 26568, Manjimup, for the purpose of fire mitigation and horticulture. The application area was reduced to 2.29 hectares.

The Department of Primary Industries and Regional Development (DPIRD) land degradation assessment report notes that application area comprises karri-marri-banksia-Sheoak forest or karri forest in a very poor to poor condition with limited understory (DCSLC, 2019). The report also noted that some of the vegetation may have been planted (DCSLC, 2019).

Several specially protected fauna species have been recorded within the local area. The forest red-tailed black-cockatoo (*Calyptorhynchus banksii* subsp. *Naso*) (listed as vulnerable under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), Baudin's cockatoo (*Calyptorhynchus baudinii*) and Carnaby's cockatoo (*Calyptorhynchus latirostris*) (both listed as endangered under the EPBC Act) (collectively known as black cockatoos) nest in hollows in live or dead trees of karri, marri, wandoo, tuart, salmon gum, jarrah, flooded gum, York gum, powder bark, bullich and blackbutt (Commonwealth of Australia, 2012). Noting the application area comprises karri and marri trees the vegetation in the application area may comprise suitable breeding and foraging habitat for black cockatoos. A black cockatoo habitat survey was undertaken on 19 February 2020 (Harewood, 2020). The inspection identified that the application area comprised 48 potential habitat trees and none of those trees were identified to contain hollows suitable for, or in use by black cockatoos (Harewood, 2020). The

The black cockatoo habitat survey also identified that the vast majority of trees are relatively young and appear to have been planted or represent regrowth from a historical clearing event. Because their relatively young age most trees do not contain hollows. Noting that the survey did not identify hollows of suitable size for black cockatoos or show any signs of use, the vegetation in the application area is not likely to comprise significant habitat for black cockatoos.

According to available databases, one priority flora species and three threatened flora species have been mapped within the local area. Of these, the threatened flora species *Caladenia harringtoniae* and has been mapped within similar soil and vegetation type as the application area. *Caladenia harringtoniae* has been recorded approximately 9.6 kilometres from the application area. It is described as a tuberous, perennial, herb growing 0.2-0.4 metres high that flowers pink between October to November (Western Australian Herbarium, 1998 -). This species grows in sandy loam along, creeks and adjacent to lakes, winter wet flats and granite outcrops. The application area is not likely to comprise of suitable habitat to support this threatened flora species.

The National Objectives and Targets for Biodiversity Conservation includes a target that does not support the clearing of ecological communities with an extent below 30 per cent of that present pre-European settlement (Commonwealth of Australia 2001). The application area is located within the Warren (IBRA) bioregions which retain 79 per cent of their pre-European vegetation extents respectively. The application area is also mapped South West Forests vegetation complexes Pemberton (PM1) and Crowea (CRb) complexes which retain approximately 64 and 86 per cent of their pre-European vegetation extents respectively. Aerial imagery indicates that the local area retains approximately 60 per cent native vegetation cover. Noting these figures, the application area is not considered to occur within an extensively cleared landscape.

There are no threatened ecological communities or priority ecological communities are mapped within the local area (10 kilometre radius).

The Big Brook State Forest is 50 metres to the north, and the Donnelly State Forest is 350 metres west of the application area. Considering the close proximity of the application area to these conservation areas, there is the risk that the proposed clearing may result in the spread of weeds and dieback into adjoining native vegetation. Weed and dieback mitigation measures will assist in minimising this risk. The application area also forms part of the South West Regional Ecological Linkage (SWREL) area which has a proximity value of 1b: with an edge touching or <100 metres from a natural area selected in 1a linkage (Molloy et al., 2009). The proposed clearing may impact the vegetation within this linkage through the increase and spread of weeds and dieback. Therefore the proposed clearing may be at variance to principle (h).

The closest mapped wetland is a palusplain and is located 170 metres from the application area. Given the vegetation types within the application area the vegetation is not likely to be associated with a wetland or watercourse.

The Deputy Commissioner of Soil and Land Conservation (DCSLC) (2019) provided advice on land degradation impacts associated with the proposed clearing of 3.63 hectares. The Deputy Commissioner advised that "the land proposed to be cleared is located on the mid slope of the landscape. The Department of Primary Industries and Regional Developments soil-landscape mapping identified the CPS area to be located on two soil-landscape Map Units. Map Unit 254PvCRb is described as broad ridge crests with loamy gravels, red deep loamy duplexes and friable red/brown loamy earths. Map Unit 254PvPM consists of minor valleys with loamy gravels, friable red/brown loamy earths and brown loamy earths and red deep loamy duplexes" (DCSLC, 2019). The Commissioner advised that the vegetation consisted of Karri-Marri forest from poor to very poor condition with no understory and the application area has a moderate to high capability for the proposed landuse and the risk of land degradation is low (DCSLC, 2019). The Deputy Commissioner concluded that the proposed clearing is not at variance with principle (g) (DCSLC, 2019).

The Land degradation report provided by the DCSLC stated that 'the removal of remnant vegetation is not expected to contribute to flooding' (DCSLC, 2019).

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

Planning instruments and other relevant matters

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

The Shire of Manjimup (2019) advised that they have 'no objection and that there are no planning or other matters which would affect the proposal'. The Shire also 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' (Shire of Manjimup, 2019).

DWER's Salinity and Land Use Impacts Branch advised that the application area is within Zone D of the Warren River Water Reserve, a low salinity risk area of the catchment where DWER'S Guidelines for *Country Areas Water Supply Act 1947* Clearing Control Administration allow for clearing for any purpose subject to the statutory one-tenth of the land in question remaining under native vegetation, unless exceptional circumstances apply (DWER, 2019). An analysis of 2017 imagery indicates that the subject land currently has ~51% (4.41 ha) of native vegetation remaining. The advice states that the clearing permit application were approved for the full 3.63 ha applied for there would be only 9% vegetation remaining on the land in question and as such the application should not be supported. However, analysis of the supplied map suggests that if the application area was reduced to only ~2.29 ha of vegetation then ~24.5% (2.1 ha) of native vegetation would remain on the holding and the application could be supported.

The Salinity and Land Use Impacts Branch advised that regardless of the level of native vegetation remaining on the property, clear felling for fire hazard mitigation is not consistent with current Department of Fire and Emergency Services' "Homeowner's Survival Manual" September 2014) for Asset Protection Zones and Hazard Separation Zones for bushfire protection around homes and the Western Australian Planning Commission's "Guidelines for Planning in Bushfire Prone Areas" (December 2017), nor is the purpose for the clearing a necessary action to perform an obligation under the *Bushfires Act 1954* and as such should not be supported (DWER, 2019).

The clearing permit application was advertised on the DWER website on 27 August 2019 with a 21 day submission period. No public submissions have been received in relation to this application.

4. Applicant's Submissions

On 30 January 2020, a Delegated Officer of DWER wrote to the applicant outlining the environmental impacts and planning matters associated with the application and recommending that a black cockatoo survey be undertaken and requested further avoidance and mitigation.

On 20 February 2020, the applicant supplied a fauna survey and confirmed that reduced the area to be cleared to 2.29 hectares of native vegetation.

5. Consideration of variances following applicants submission / further information

In regard to principle (b), a black cockatoo habitat tree survey was conducted by a qualified fauna specialist. The survey report (Harwood, 2020) noted that the application area contained 48 habitat trees (having a diameter at breast height equal to or over 50 centimetres). Of these 48 trees, three had small hollows in narrow branches, and one tree had a small chimney hollow in the upper trunk. All hollows were examined and found to be unsuitable for black cockatoos (Greg Harewood, 2020). Given that the trees within application area are unsuitable for nesting black cockatoos, the proposed clearing is not likely at variance with principle (b).

In regard to planning and other matters, the applicant confirmed that the vegetation required to be cleared within the application footprint area is ~2.29 hectares. As mentioned in the assessment, DWER's Guidelines for *Country Areas Water Supply Act 1947* Clearing Control Administration allow for clearing for any purpose subject to the statutory one-tenth of the land in question remaining under native vegetation, unless exceptional circumstances apply (DWER, 2019). The clearing of ~2.29 hectares would leave ~24.5 per cent (2.1 hectares) of native vegetation on the lot. This meets the one-tenth minimum set by Department's guideline and the proposed clearing is unlikely to cause deterioration in the quality of surface or underground water.

The applicant was able to demonstrate that potential significant environmental impacts could be addressed by confirming that the clearing is to be undertaken within a reduced area, and that the application area is not significant habitat for black cockatoos.

6. 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: Carnaby's cockatoo, Baudin's cockatoo and Forest red-tailed black cockatoo. Commonwealth of Australia
- Department of Water (2010) Guidelines for *Country Areas Water Supply Act 1947* Clearing Control Administration
- Department of Water and Environmental Regulations (DWER) (Salinity and Land Use Impacts) (2019) *Country Areas Water Supply Act 1947* advice (DWER ref: A1829065)
- Government of Western Australia. (2019) 2018 South West Vegetation Complex Statistics. Current as of March 2018. 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.

Deputy Commissioner Soil and Land Conservation (DCSLC) Advice on clearing permit application CPS 8641/1. Department of Primary Industries and Regional Development. 8 October 2019. (DWER Ref: DWERDT209898).

Shire of Manjimup (2019) Planning advice for clearing permit application CPS 8641/1

Western Australian Herbarium (1998–). FloraBase—the Western Australian Flora. Department of Biodiversity, Conservation and Attractions. <https://florabase.dpaw.wa.gov.au/>. Accessed October 2019.