



**1. Application details**

**1.1. Permit application details**

Permit application No.: 889/1  
 Permit type: Area Permit

**1.2. Proponent details**

Proponent's name: E and GA Leusciatti and Co.

**1.3. Property details**

Property: LOT 1931 ON PLAN 123163 ( ORCHID VALLEY 6394)  
 Local Government Area: Shire Of Kojonup  
 Colloquial name:

**1.4. Application**

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
5		Mechanical Removal	Fence Line Maintenance

**2. Site Information**

**2.1. Existing environment and information**

*2.1.1. Description of the native vegetation under application*

Vegetation Description	Clearing Description	Vegetation Condition	Comment
Beard: Unit 4 - Medium woodland; marri & wandoo. Unit 992 - Medium forest; jarrah & wandoo.	The area under this application consisted of 5ha of vegetation likely to have been in very good condition. It should be noted the vegetation under this application was cleared prior to the Department completing an assessment of the proposal.	Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery 1994)	Vegetation condition established by advice received from DoW Enforcement Unit, who completed a site inspection of the property. The officers rated the condition of the vegetation that was remaining on the property, assuming the cleared vegetation would have been in a similar condition.

**3. Assessment of application against clearing principles**

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

**Comments** **Proposal may be at variance to this Principle**  
 The vegetation under this application was cleared prior to the Department completing an assessment of the proposal.

Photographs taken from the clearing investigation and advice received from DoW indicate the vegetation within the area under this application would have been in Very Good to excellent condition (Keighery 1994).

The native vegetation cleared was part of a 600ha remnant that provides a vegetated link to other significant remnants within a predominantly cleared local area (10km radius).

Given the vegetation cleared may have been in very good condition, and was part of a significant remnant within the local area, the clearing proposal may have been determined to be at variance to this principle.

**Methodology** Department of Water Advice TRIM Ref DOC9394  
 Department of Water Advice TRIM Ref DOC10420  
 Keighery (1994)  
 GIS database:  
 - Dinninup 50cm Orthomosaic - DLI04

**(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.**

**Comments** **Proposal may be at variance to this Principle**  
 The vegetation under this application was cleared prior to the Department completing an assessment of the proposal.

The vegetation under this application was in Very Good (Keighery 1994) condition with a relatively intact structure including good canopy cover, mid and understorey species. The area provided good connectivity to other remnants within the local area (10km radius). The local area is approximately 20% vegetated with the majority of remaining vegetation existing within a few large remnants. The area under application was part of a large remnant providing good vegetated links between much of the remaining remnants and was likely to have been utilised by local native fauna.

The vegetation that was under this application may have contained significant habitat for native fauna.

**Methodology** Department of Water Advice TRIM Ref DOC9394  
Department of Water Advice TRIM Ref DOC 10420  
Keighery (1994)  
GIS database:  
- Dinninup 50cm Orthomosaic - DLI04

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

**Comments Proposal may be at variance to this Principle**

The vegetation under this application was cleared prior to the Department completing an assessment of the proposal.

Records show the Declared Rare Flora (DRF) species *Caladenia dorrienii* exists 170m west from the area under this application and was directly linked by vegetation of the same complex. This species prefers moist sites adjacent to rivers and seasonal creeks (Florabase).

The vegetation was rated to be in Very Good (Keighery 1994) condition with three minor watercourses running through the area under application. It is possible that this DRF species exists within the proposal area.

A Flora survey would have been required to determine if DRF existed within the area that has been cleared.

**Methodology** Florabase WA, DEC  
Department of Water Advice TRIM Ref DOC9394  
Department of Water Advice TRIM Ref DOC 10420  
GIS databases:  
- Declared Rare and Priority Flora List - CALM 13/08/03  
- Dinninup 50cm Orthomosaic - DLI04

**(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.**

**Comments Proposal is not likely to be at variance to this Principle**

The vegetation under this application was cleared prior to the Department completing an assessment of the proposal.

There are no records of Threatened Ecological Communities or Threatened Plant Communities found within 10km of the proposed area under this application.

It is therefore unlikely that the area under application would have contained or would have been necessary for the maintenance of a Threatened Ecological Community.

**Methodology** Department of Water Advice TRIM Ref DOC 10420  
GIS databases:  
- Threatened Ecological Communities - CALM 15/7/03  
- Threatened Plant Communities - DEP 06/95

**(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.**

**Comments Proposal is at variance to this Principle**

The vegetation under this application was cleared prior to the Department completing an assessment of the proposal.

The property is located in the Jarrah Forest Bioregion in the Shire of Kojonup. The extent of native vegetation in these areas is 58.3% and 15.2% respectively (Shepherd et al. 2001).

The vegetation within the area under application was a component of Beard Unit 4 and Beard Unit 992 (Hopkins et al. 2001) of which there is 23.5% and 22.4% (Shepherd et al. 2001), respectively, of the pre-European extent

remaining, and therefore of 'vulnerable' status for biodiversity conservation (Department of Natural Resources and Environment 2002).

The representative Beard vegetation types in the area under application are under 30%. The State Government is committed to the National Objectives Targets for Biodiversity Conservation which includes a target that prevents clearance of ecological communities with an extent below 30% of that present pre-1750 (Department of Natural Resources and Environment 2002; EPA, 2000).

The vegetation under application is likely to have been in Very Good (Keighery 1994) condition. The area was considered to be part of a significant remnant (over 600 hectares) within the local area (10km radius) which has approximately 20% vegetation remaining.

The area under this application was within the agricultural zone of EPA Position Statement No. 2. The EPA does not support the further reduction in native vegetation through clearing for agriculture and support active management by landholders to maintain environmental values of remaining vegetation.

The area under this application, therefore, would have been at variance to this Principle, given the vegetation was considered to be part a significant remnant within an extensively cleared area.

**Methodology** Department of Water Advice TRIM Ref DOC9394  
Department of Water Advice TRIM Ref DOC 10420  
Department of Natural Resources and Environment (2002)  
EPA (2000)  
Keighery (1994)  
Hopkins et al. (2001)  
Shepherd et al. (2001)  
GIS databases:  
- Interim Biogeographic Regionalisation of Australia - EM 18/10/00  
- Local Government Authorities - DLI 8/07/04  
- Pre European Vegetation - DA 01/01  
- Dinninup 50cm Orthomosaic - DLI04

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

**Comments Proposal is at variance to this Principle**

The vegetation under this application was cleared prior to the Department completing an assessment of the proposal.

There are no EPP areas, EPP lakes, RAMSAR wetlands, ANCA wetlands or Geomorphic wetlands within the local area (10km radius) of the application.

Three minor non-perennial watercourses run through the area under application. It is therefore likely some of the vegetation cleared was riparian.

The area under application was within Zone A of the Warren River Water Reserve (CAWS Act 1947 catchment). The WRC CAWS Act Policy and Guidelines (1996) impose buffer distances of 30m either side of any first, second or third order watercourse.

Given the above, this application would have been at variance to this Principle.

**Methodology** Department of Water Advice TRIM Ref DOC 10420  
WRC (1996)  
GIS databases:  
- ANCA, Wetlands - CALM 08/01  
- EPP Areas - DEP 06/95  
- EPP Lakes - DEP 28/07/03  
- Geomorphic Wetlands (Mgt Categories) Swan Coastal Plain - DoE 15/9/04  
- Geomorphic Wetlands, Augusta to Walpole - DoE 18/6/03  
- Hydrography Linear - DoE 1/2/04  
- RAMSAR, Wetlands - CALM 21/10/02  
- CAWSA Part2A clearing control catchment - DoE 17/11/05

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

**Comments Proposal is at variance to this Principle**

The vegetation under this application was cleared prior to the Department completing an assessment of the

proposal.

The area under this application was within Zone A of the Warren River Water Reserve. The Warren River Water Reserve is protected under the CAWS Act 1947 as a recognised future drinking water source area. The CAWS Act 1947 is designed to prevent degradation of the land through salinisation to protect the quality of future drinking water source areas. Under the WRC (1996) Policy and Guidelines for clearing in a CAWS catchment, clearing for fence lines in Zone A would normally be granted, conditional of revegetation and an Agreement to Reserve being placed on the Certificate of Title.

Given the vegetation was cleared prior to the Department of Water issuing a licence and resolving the above requirements with the applicant, the clearing proposal would have been at variance to this Principle.

**Methodology** Department of Water Advice TRIM Ref DOC 10420  
WRC (1996)  
GIS database:  
- CAWSA Part2A clearing control catchment - DoE 17/11/05

**(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.**

**Comments Proposal is not likely to be at variance to this Principle**

The vegetation under this application was cleared prior to the Department completing an assessment of the proposal.

The area under application was located 2.4km north west of the Mettabinup Nature Reserve. Although there was a direct vegetated link between the area under application and the Nature Reserve, it is unlikely the clearing of this area will impact on the environmental values of the Nature Reserve, given the distance between the two reserves and the remaining vegetation on the property.

**Methodology** Department of Water Advice TRIM Ref DOC 10420  
GIS database:  
- CALM Managed Lands and Waters - CALM 1/06/04  
- Register of National Estate - EA 28/01/03  
- System 6 Conservation Reserves - DEP 06/95  
- System 1-5 and 7-12 Areas - DEP 06/95  
- Dinninup 50cm Orthomosaic - DLI04

**(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.**

**Comments Proposal is at variance to this Principle**

The vegetation under this application was cleared prior to the Department completing an assessment of the proposal.

The area under application was within Zone A of the Warren River Water Reserve. The Warren River Water Reserve is protected under the CAWS Act 1947 as a recognised future drinking water source area. The CAWS Act 1947 is designed to protect the quality of future drinking water source areas by preventing salinisation. Under the WRC (1996) Policy and Guidelines for clearing in a CAWS catchment, clearing for fence lines in Zone A would normally be granted, conditional of revegetation and an Agreement to Reserve being placed on the Certificate of Title.

Given the vegetation was cleared prior to the Department of Water issuing a licence and resolving the above requirements with the applicant, the clearing proposal would have been at variance to this Principle.

**Methodology** Department of Water Advice TRIM Ref DOC 10420  
WRC (1996)  
GIS database:  
- CAWSA Part2A clearing control catchment - DoE 17/11/05  
- Public Drinking Water Source Areas (PDWSAs) - DOE 29/11/04

**(j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.**

**Comments Proposal is not likely to be at variance to this Principle**

The vegetation under this application was cleared prior to the Department completing an assessment of the proposal.

Given the size of the area under application, it was unlikely the clearing would exacerbate the incidence or intensity of flooding.

**Methodology** Department of Water Advice TRIM Ref DOC 10420  
GIS databases:  
- Topographic Contours, Statewide - DOLA 12/09/02

#### Planning instrument, Native Title, Previous EPA decision or other matter.

#### Comments

The vegetation under this application was cleared prior to the Department completing an assessment of the proposal (ICMS6516). The illegal clearing is being pursued through DoW for an offence under the CAWS Act 1947.

DEC has been advised by the Manager for Land & CAWS Clearing Management, DoW, the property in question, Lot 1931, was subject to compensation in November 1982. This results in the clearing proposal requiring approval under the CAWS Act as well as the Environmental Protection Act. DoW confirmed no approval for the clearing was issued.

Assessment of the area under this application indicates the clearing would have been at variance to Principles (e), (f), (g) and (i) and may have been at variance to Principles (a), (b) and (c). These issues could have been resolved through negotiations of permit conditions; however, as the area under application has already been cleared.

**Methodology** Department of Water Advice TRIM Ref DOC 10420  
DoW, CAWS manager advice (2006) TRIM ref DOC7564

#### 4. Assessor's comments

Purpose	Method	Applied area (ha)/ trees	Comment
Fence Line Maintenance	Mechanical Removal	5	The area has already been cleared (as confirmed by Department of Water) without approval under the EP Act 1986.
			Assessment of the clearing proposal indicates the clearing would have been at variance to Principles (e), (f), (g) and (i) and may have been at variance to Principles (a), (b) and (c).

#### 5. References

- Department of Natural Resources and Environment (2002) Biodiversity Action Planning. Action planning for native biodiversity at multiple scales; catchment bioregional, landscape, local. Department of Natural Resources and Environment, Victoria.
- Department of Water, CAWS Manager, CAWS compensation advice (2006) TRIM Ref DOC7564.
- Department of Water, Environmental Enforcement Unit Advice, November 2006. TRIM Ref: DOC10419
- Department of Water, Environmental Enforcement Unit Advice, November 2006. TRIM Ref: DOC10420
- Department of Water, Environmental Enforcement Unit Advice, October 2006. TRIM Ref: DOC9394
- EPA (2000) Environmental protection of native vegetation in Western Australia. Clearing of native vegetation, with particular reference to the agricultural area. Position Statement No. 2. December 2000. Environmental Protection Authority.
- Hopkins, A.J.M., Beeston, G.R. and Harvey J.M. (2001) A database on the vegetation of Western Australia. Stage 1. CALMScience after J. S. Beard, late 1960's to early 1980's Vegetation Survey of Western Australia, UWA Press.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Shepherd, D.P., Beeston, G.R. and Hopkins, A.J.M. (2001) Native Vegetation in Western Australia, Extent, Type and Status. Resource Management Technical Report 249. Department of Agriculture, Western Australia.
- Western Australian Herbarium, Department of Environment and Conservation. Florabase: The Western Australian Flora.
- WRC (1996) Policy and Guidelines: Granting of Licences to Clear Indigenous Vegetation in Catchments Subject to Clearing Control Legislation. Water and Rivers Commission, Western Australia.

#### 6. Glossary

Term	Meaning
BCS	Biodiversity Coordination Section of DEC
CALM	Department of Conservation and Land Management (now BCS)
DAFWA	Department of Agriculture and Food
DEC	Department of Environment and Conservation
DEP	Department of Environmental Protection (now DEC)
DoE	Department of Environment
DoIR	Department of Industry and Resources
DRF	Declared Rare Flora

EPP Environmental Protection Policy  
GIS Geographical Information System  
ha Hectare (10,000 square metres)  
TEC Threatened Ecological Community  
WRC Water and Rivers Commission (now DEC)