



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 8959/1
File Number: DWERVT6022
Duration of Permit: From 13 November 2020 to 13 November 2022

PERMIT HOLDER

Daryn Paul Ingram

LAND ON WHICH CLEARING IS TO BE DONE

Lot 3930 on Deposited Plan 133288, Dingup

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 1 hectare of native vegetation within the areas cross hatched yellow on attached Plan 8959/1.

CONDITION

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. 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); and
- (d) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with Condition 1 of this Permit.

4. Reporting

The Permit Holder must provide to the *CEO* the records required under Condition 2 of this Permit, when requested by the *CEO*.

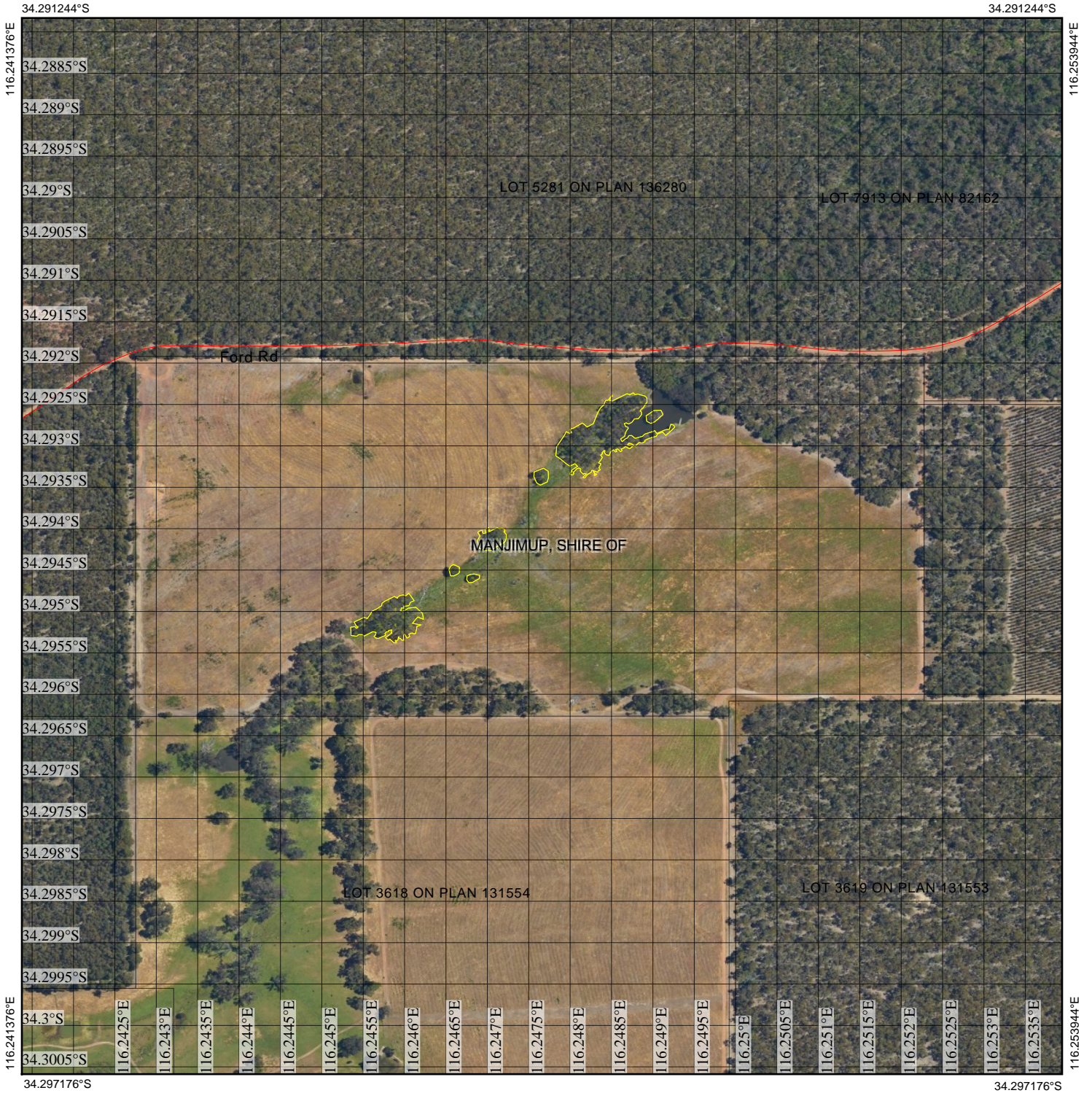
A handwritten signature in black ink, appearing to read "Meenu Vitarana".

Meenu Vitarana
A/MANAGER
NATIVE VEGETATION REGULATION





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

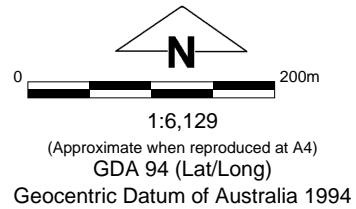
21 October 2020

Plan 8959/1



Legend

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



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



Clearing Permit Decision Report

1. Application details and outcome

1.1. Permit application details

Permit number:	CPS 8959/1
Permit type:	Area Permit
Applicant name:	Mr Daryn Paul Ingram
Application received:	1 July 2020
Application area:	1 hectare
Purpose of clearing:	Constructing a dam (expanding an existing dam)
Method of clearing:	Mechanical
Property:	Lot 3930 on Deposited Plan 133288, Dingup, Shire of Manjimup

1.2. Description of clearing activities

The vegetation applied to clear comprises several small patches scattered between remnant vegetation within an agricultural property with the applicants intention to expand an existing dam to provide water for proposed horticultural activities (see Figure 1, Section 1.5).

1.3. Decision on application and key considerations

Decision:	Granted
Decision date:	21 October 2020
Decision area:	1 hectare (ha) of native vegetation, as depicted in Section 1.5, below.

1.4. Reasons for decision

This clearing permit application was made in accordance with section 51E of the *Environmental Protection Act 1986* (EP Act) and was received by the Department of Water and Environmental Regulation (DWER) on 1 July 2020. DWER advertised the application for public comment and no submissions were received.

In undertaking their assessment, and in accordance with section 51O of the EP Act, the Delegated Officer has considered the Clearing Principles in Schedule 5 of the EP Act (see Appendix D), relevant planning instruments, and any other matters deemed relevant to the assessment (see Section 3 and 4).

The Delegated Officer was satisfied that the applicant has made efforts to avoid and minimise the potential impacts of the proposed clearing (see section 3.1). The delegated officer also considered that the applicant had received development approval from the Shire of Manjimup to construct the dam.

In determining to grant a clearing permit subject to conditions, the Delegated Officer found that the proposed clearing of native vegetation in a degraded to completely degraded condition is not likely to lead to an unacceptable risk to the environment.

1.5. Site map

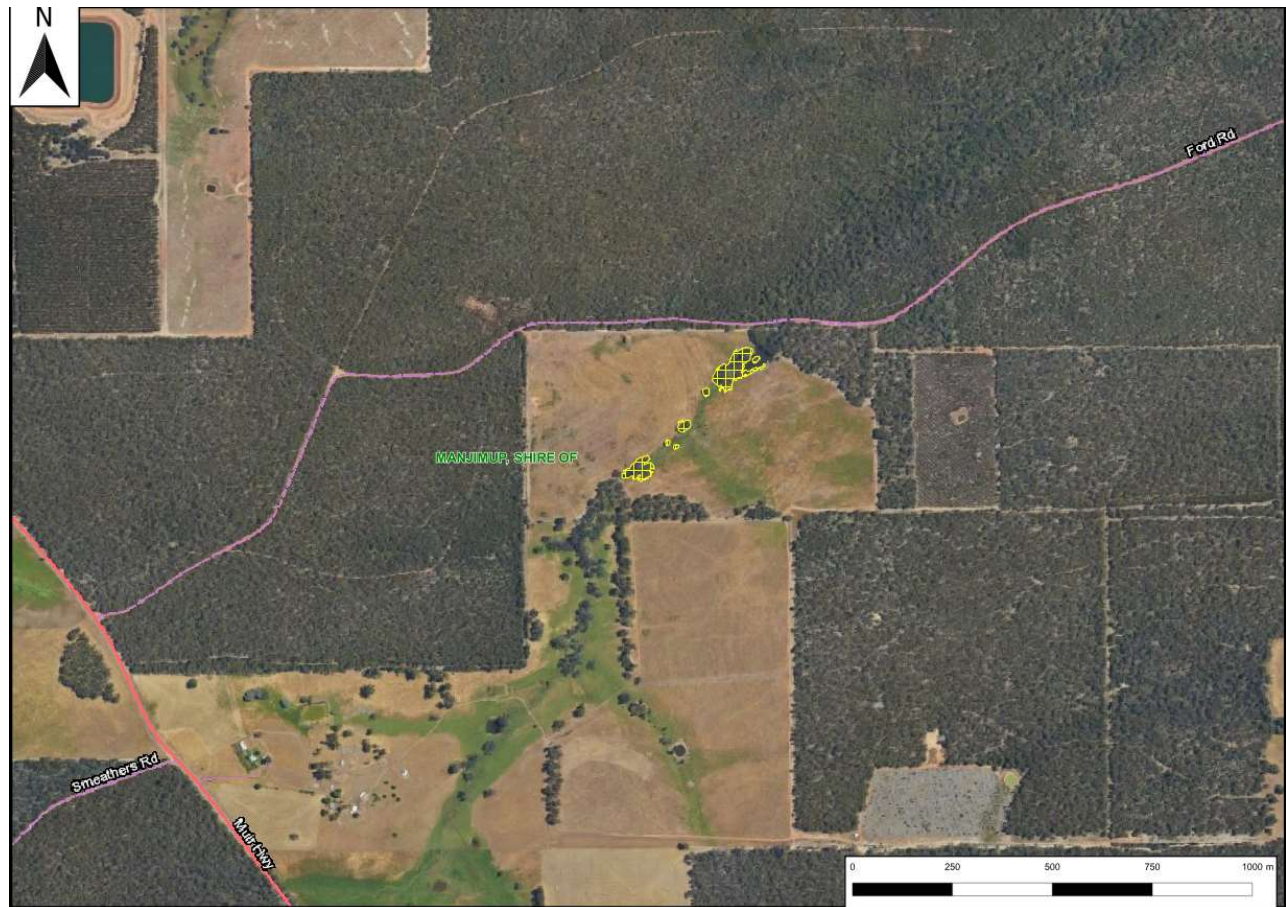


Figure 1. Map of the application area (cross hatched yellow).

2. Legislative context

The clearing of native vegetation in Western Australia is regulated under the EP Act and the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* (Clearing Regulations).

In addition to the matters considered in accordance with section 51O of the EP Act, the Delegated Officer has also had regard to the objects and principles under section 4A of the EP Act, particularly:

1. the precautionary principle;
2. the principle of intergenerational equity;
3. the principle of the conservation of biological diversity and ecological integrity; and
4. the polluter pays principle.

Other legislation of relevance for this assessment include:

- *Country Areas Water Supply Act 1947 (WA)* (CAWS Act)

The key guidance documents which inform this assessment are:

- *A guide to the assessment of applications to clear native vegetation* (December 2013)
- *Procedure: Native vegetation clearing permits* (DWER, October 2019)

3. Detailed assessment of application

3.1. Avoidance and mitigation measures

The applicant advised that the application area has avoided a larger stand of vegetation immediately south, with only relatively minimal clearing proposed in an area that has been largely historically parkland cleared.

The applicant advised that clearing will occur via flooding and the dam has been designed to incur minimal impacts to native vegetation.

The applicant has also proposed to undertake revegetation on the property at a 2:1 ration to that being cleared, to comply with the conditions of a CAWS Act Licence.

3.2. Assessment of environmental impacts

In assessing the application in accordance with section 51O of the EP Act, the Delegated Officer has examined the application and site characteristics (Appendix A) and considered whether the clearing poses a risk to environmental values. The assessment against the Clearing Principles is contained in Appendix B.

This assessment did not identify any significant impacts to environmental values. Therefore, the limited impact of the clearing is acceptable and further detailed consideration of environmental values or management conditions is not warranted.

3.3. Relevant planning instruments and other matters

The application area is within the CAWS Act Warren River Water Reserve Catchment Area which is subject to CAWS Act native vegetation clearing controls to prevent salinisation of water resources. The proposed clearing is located in Zone B, a high salinity risk part of the catchment. Within Zone B DWER Policy and Guidelines provide for the grant of a licence subject to the condition that an equivalent area within the Zone is revegetated.

It is acknowledged that compensation was previously paid to the landowner in 1986 to retain vegetation on the property. Therefore the applicant is required to obtain a CAWS Act Licence to Clear, in addition to requiring a clearing permit

It is noted that a portion of the application area is regrowth and was not subject to the 1986 compensation settlement. The remaining vegetation is scattered paddock trees where the CAWS Act Policy and Guidelines allow for the clearing of scattered paddock trees subject to an equivalent or greater area being revegetated. The CAWS Act Licence will therefore require a revegetation offset for salinity mitigation purposes, at a ratio of 2:1 to that vegetation being cleared. Noting this, the applicant will be required to revegetate 2 hectares in an area to be approved under the CAWS Act Licence. The applicant has supplied DWER with a revegetation plan that accommodates this requirement, and the CAWS Act Licence application will be determined in due course.

Development Approval for the proposed dam under the *Planning and Development Act 2005* was issued by the Shire of Manjimup on 10 March 2020.

The applicant is currently in the process of obtaining a licence to take surface water and a bed and banks permit from DWER under the *Rights in Water and Irrigation Act 1914*. These applications have substantially progressed with a determination to be made in due course.

It is the permit holder's responsibility to comply with the *Aboriginal Heritage Act 1972* (WA) and ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

Appendix A – Site characteristics and analysis

The information provided below describes the key characteristics of the application area and is based on the best information available to DWER at the time of this assessment. This information was used to inform the assessment of the clearing against the Clearing Principles, contained in Appendix B.

1. Site characteristics

Site characteristic	Details
Local context	The application area comprises small scattered patches of native vegetation within an agricultural property. It is surrounded by Tone State Forest which borders Lot 3930 to the north and east. Tone State Forest covers around 24,000 ha.

	Spatial data indicates the local area (10 km radius of the application area) retains around 57% of the original native vegetation cover.
Vegetation description	<p>Photographs (available in Appendix D) indicate the application area consists of small patches of flooded gum (<i>Eucalyptus rudis</i>), with occasional scattered jarrah (<i>Eucalyptus marginata</i>) and areas of exotic southern blue gum (<i>Eucalyptus globulus</i>), over an understorey dominated by exotic grasses.</p> <p>The above vegetation differs from the mapped broad scale vegetation complex which is described as (Mattiske and Havel, 1998):</p> <ul style="list-style-type: none"> • Yanmah Complex (YN2) - Mixture of tall open forest of <i>Eucalyptus marginata</i> subsp. <i>marginata</i>-<i>Corymbia calophylla</i> on slopes and low woodland of <i>Banksia littoralis</i>-<i>Banksia seminuda</i> on valley floors in the humid zone.
Vegetation condition	<p>Photographs supplied by the applicant (Applicant, 2020) indicate the vegetation within the application area is largely in a degraded to completely degraded (Keighery, 1994) condition, described as:</p> <ul style="list-style-type: none"> • Degraded - Basic vegetation structure severely impacted by disturbance. Scope for regeneration but not to a state approaching good condition without intensive management. For example, disturbance to vegetation structure caused by very frequent fires, the presence of very aggressive weeds, partial clearing, dieback and/or grazing; to • Completely degraded - The structure of the vegetation is no longer intact and the area is completely or almost completely without native species. These areas are often described as 'parkland cleared' with the flora comprising weed or crop species with isolated native trees or shrubs. <p>The full Keighery condition rating scale is provided in Appendix C, below. Representative photographs are available in Appendix D.</p>
Soil description	The soil is mapped as the Yanmah Subsystem, described as Shallow (5-20 m) minor valleys, usually U-shaped with gentle sideslopes (3-10%) and broad swampy floors. The soils are described as loamy gravels, sandy gravels and deep sands with non-saline wet soils on the valley floors (DPIRD, 2017).
Waterbodies	<p>The application area is intersected by Kelly Brook (a minor perennial watercourse), which is a tributary of the Wilgarup River.</p> <p>Groundwater salinity within the application area is mapped at 500-1000 milligrams per litre total dissolved solids, which is considered 'marginal'.</p>
Conservation areas	The property is bordered by Tone State Forest on its northern and western boundary, which occurs around 50 metres north of the application area at its closest point.
Climate and landform	Manjimup experiences a relatively high rainfall Mediterranean climate with a mean annual rainfall of 1000 millimetres, the majority occurring in winter. Topographic contours indicate the application area occupies a lower slope position in the landscape.

2. Flora, fauna and ecosystem analysis

2(a) Threatened and Priority Flora

There are four priority flora species and one threatened flora species recorded in the local area. Of these, three have the potential to occur within the application area given they have been recorded on similar soil and landform types to the application area (Western Australian herbarium, 1998-).

Table 1: Threatened and priority flora records within the local area

Taxon	Status	No. of Records	Closest Record (km)	Required landform type	Required landform and soil type present
<i>Caladenia christineae</i>	T	1	4.5	Sand, clay loam, laterite. Margins of winter-wet flats, swamps & freshwater lakes.	Yes
<i>Deyeuxia inaequalis</i>	P1	1	7.6	Loam	Yes
<i>Chamelaucium forrestii</i>	P2	1	10	Granite outcrops	No
<i>Leptinella drummondii</i>	P3	3	6.8	Clay loam, mud. Along rivers.	Yes
<i>Cryptandra arbutiflora</i> var. <i>pygmaea</i>	P3	1	10	Shallow clay. Around granite outcrops.	No

Note: Threatened and priority status retrieved from FloraBase (Western Australian Herbarium 1998-).

2(b) Conservation Significant Fauna

There are records of 16 fauna species of conservation significance within the local area. Of these, 11 species have the potential to occur within the application area based on their current known distribution and the suitability of preferred habitat types within the application area.

Table 2. Conservation Significant Fauna records within the local area.

Common Name	Scientific name	Status	No. of Records	Preferred habitat present
Woylie	<i>Bettongia penicillata ogilbyi</i>	CR	1	No
Western ringtail possum	<i>Pseudocheirus occidentalis</i>	CR	17	No
Carnaby's Cockatoo	<i>Calyptorhynchus latirostris</i>	EN	9	Yes (minimal)
Baudin's cockatoo	<i>Calyptorhynchus baudinii</i>	EN	27	Yes (minimal)
Numbat	<i>Myrmecobius fasciatus</i>	EN	2	No
Forest red-tailed black cockatoo	<i>Calyptorhynchus banksii naso</i>	VU	11	Yes (minimal)
Chuditch	<i>Dasyurus geoffroii</i>	VU	2	Yes
Quokka	<i>Setonix brachyurus</i>	VU	1	No
Carter's freshwater mussel	<i>Westralunio carteri</i>	VU	7	No
South-western brush-tailed phascogale	<i>Phascogale tapoatafa wambenger</i>	CD	31	Yes (minimal)
Peregrine falcon	<i>Falco peregrinus</i>	OS	3	Yes (minimal)
Masked owl (southwest)	<i>Tyto novaehollandiae</i>	P3	1	Yes (minimal)
Blue-billed duck	<i>Oxyura australis</i>	P4	2	No
Water-rat	<i>Hydromys chrysogaster</i>	P4	3	Yes (minimal)
Quenda	<i>Isoodon fusciventer</i>	P4	5	Yes (minimal)
Western brush wallaby	<i>Notamacropus irma</i>	P4	3	Yes

2(c) Threatened and Priority Ecological Communities

There are no threatened or priority ecological communities (TEC/PEC) within the local area. The closest TEC or PEC to the application area is known as the "Open Jarrah forest and woodland developed on young exposed quartzite on Ridge Road" PEC (Priority 1), located around 16km away. The application area is not representative of this PEC.

Appendix B – Assessment against the Clearing Principles

Assessment against the Clearing Principles	Variance level	Is further consideration required?
Environmental value: biological values		
<p>Principle (a): <i>"Native vegetation should not be cleared if it comprises a high level of biodiversity."</i></p> <p>The application area is largely parkland cleared, comprising small patches of flooded gum, and exotic blue gum with scattered occasional jarrah in a completely degraded to degraded (Keighery, 1994) condition.</p> <p>Noting the vegetation condition, it is unlikely to contain the one threatened and three priority flora species recorded on similar landforms within the local area.</p> <p>The application area is not considered to be representative of any known threatened or priority ecological communities and is unlikely to contain significant habitat for fauna.</p> <p>Given the above, the application area is not likely to contain a high level of biological diversity.</p>	Not likely to be at variance	No
<p>Principle (b): <i>"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."</i></p> <p>The application area provides potentially suitable habitat for 11 conservation significant fauna species (see Appendix A (2(b))). While these species may be transient visitors, the application area does not provide significant habitat for these species noting the following:</p> <ul style="list-style-type: none"> • It does not contain dense riparian habitat for small terrestrial mammals • It does not contain hollow bearing trees for nesting avian/mammal species • It is in a degraded to completely degraded (Keighery, 1994) condition • It is surrounded by Tone State Forest (24,000ha) which provides higher quality fauna habitat 	Not likely to be at variance	No
<p>Principle (c): <i>"Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened flora."</i></p> <p>One threatened flora species has been recorded in the local area on a similar landform to the application area. Noting the vegetation condition, it is not likely to include this species.</p>	Not likely to be at variance	No
<p>Principle (d): <i>"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."</i></p> <p>There are no threatened ecological communities (TEC's) mapped within the local area and the application area is not considered to be representative of any know TEC's.</p>	Not likely to be at variance	No

Assessment against the Clearing Principles	Variance level	Is further consideration required?
Environmental values: significant remnant vegetation and conservation areas		
<p>Principle (e): <i>“Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.”</i></p> <p>The local area retains around 57% native vegetation. The application area is within the Jarrah Forest IBRA Bioregion which retains 53% of its pre-European extent (Government of Western Australia, 2019). These figures are above the 30% threshold for the retention of native vegetation outlined in the National Objectives and Targets for Biodiversity Conservation in Australia (Commonwealth of Australia, 2001). The application area is not considered to be within an extensively cleared landscape.</p> <p>Noting the application area is predominantly parkland cleared and in a completely degraded to degraded (Keighery, 1994) condition, it is not considered a significant remnant.</p>	Not likely to be at variance	No
<p>Principle (f): <i>“Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.”</i></p> <p>The application area dissects Kelly Brook (the Brook) (minor perennial watercourse). The dam is proposed to expand on an existing smaller dam which utilises the Brook as its source. The Brook extends south of the application area, and meanders through historically cleared farmland within adjacent properties.</p> <p>The application area largely comprises flooded gum, which is a riparian species. Therefore, the application area does include vegetation growing in association with a watercourse.</p> <p>Noting the condition of the application area, the proposed clearing is not likely to significantly impact on the greater extent of riparian vegetation in the local area. Further, it is unlikely to significantly impact on the hydrological regime noting the pre-existing upstream disturbance of the Brook.</p>	At variance	No
Environmental values: land and water resources		
<p>Principle (g): <i>“Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.”</i></p> <p>Noting the extent of proposed clearing and the condition of the vegetation, the proposed clearing is not likely to result in appreciable land degradation.</p>	Not likely to be at variance	No
<p>Principle (h): <i>“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.”</i></p> <p>The application area does not provide any contiguous linkage values to the Tone State Forest which is around 50 metres north of the application area.</p> <p>The proposed clearing of small patches of remnant vegetation, which are largely separated from the state forest by existing cleared agricultural areas, is not likely to impact on the conservation values of the state forest or any other conservation areas.</p>	Not likely to be at variance	No

Assessment against the Clearing Principles	Variance level	Is further consideration required?
<p>Principle (i): <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.”</i></p> <p>The proposed clearing has the potential to increase sedimentation within Kelly Brook.</p> <p>Noting the purpose of the proposed clearing, impacts to surface water quality are expected to be minimal and contained within the dam expansion area, without compromising the quality of downstream watercourses.</p> <p>Given the topography and the underlying marginal groundwater salinity, the proposed clearing is unlikely to cause deterioration in groundwater quality.</p> <p>As discussed under Section 3.3, the applicant is required to obtain a permit from DWER to interfere with the bed and banks of a watercourse.</p>	May be at variance	No
<p>Principle (j): <i>“Native vegetation should not be cleared if the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.”</i></p> <p>The proposed clearing is to expand on an existing dam and will result in some controlled flooding within the confines of the dam. However noting the extent of clearing and condition of the vegetation, the proposed clearing is not likely to exacerbate the incidence or intensity of flooding outside of the dam confines.</p>	Not likely to be at variance	No

Appendix C – Vegetation condition rating scale

Vegetation condition is a rating given to a defined area of vegetation to categorise and rank disturbance related to human activities. The rating refers to the degree of change in the vegetation structure, density and species present in relation to undisturbed vegetation of the same type. The degree of disturbance impacts upon the vegetation's ability to regenerate. Disturbance at a site can be a cumulative effect from a number of interacting disturbance types.

Measuring Vegetation Condition for the South West and Interzone Botanical Province (Keighery, 1994)

Condition	Description
Pristine	Pristine or nearly so, no obvious signs of disturbance.
Excellent	Vegetation structure intact, with disturbance affecting individual species; weeds are non-aggressive species.
Very Good	Vegetation structure altered, with obvious signs of disturbance. For example, disturbance to vegetation structure caused by repeated fires, the presence of some more aggressive weeds, dieback, logging and/or grazing.
Good	Vegetation structure significantly altered by very obvious signs of multiple disturbances. Retains basic vegetation structure or ability to regenerate it. For example, disturbance to vegetation structure caused by very frequent fires, the presence of some very aggressive weeds at high density, partial clearing, dieback and/or grazing.
Degraded	Basic vegetation structure severely impacted by disturbance. Scope for regeneration but not to a state approaching good condition without intensive management. For example, disturbance to vegetation structure caused by very frequent fires, the presence of very aggressive weeds, partial clearing, dieback and/or grazing.
Completely Degraded	The structure of the vegetation is no longer intact and the area is completely or almost completely without native species. These areas are often described as 'parkland cleared' with the flora comprising weed or crop species with isolated native trees or shrubs.

Appendix D – Biological survey information excerpts / photographs of the vegetation





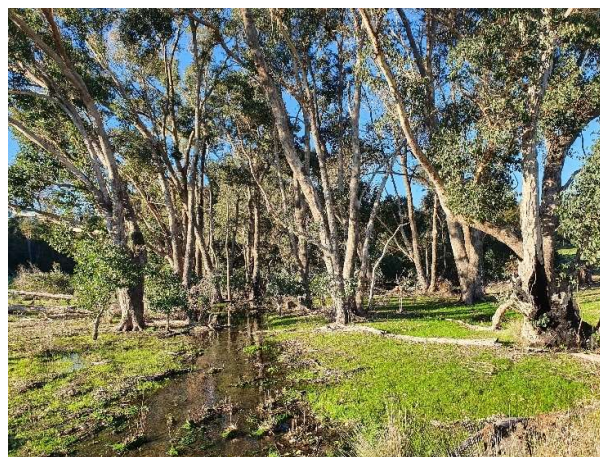
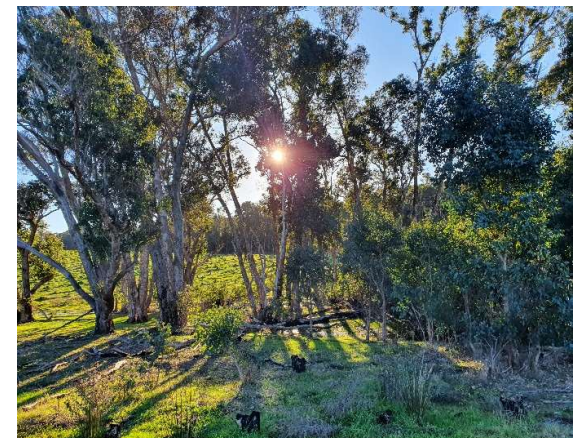
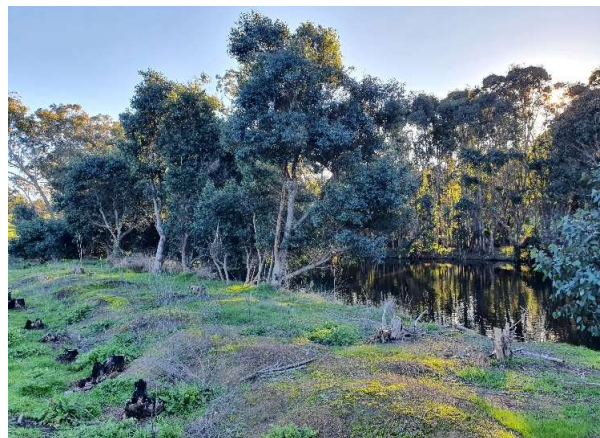


Figure 2-21. Photographs of the application area provided by the applicant (Applicant, 2020).

Appendix E – References and databases

1. GIS datasets

Publicly available GIS Databases used (sourced from www.data.wa.gov.au):

- Contours (DPIRD-073)
- DBCA Legislated Lands and Waters (DBCA-011)
- Groundwater Salinity Statewide (DWER-026)
- IBRA Vegetation Statistics
- Soil and Landscape Mapping – Best Available

Restricted GIS Databases used:

- Threatened Flora (TPFL)
- Threatened Flora (WAHerb)
- Threatened Fauna
- Threatened Ecological Communities and Priority Ecological Communities
- Threatened Ecological Communities and Priority Ecological Communities (Buffers)

2. References

Applicant (2020) Photographs of the application area provided to support clearing permit application CPS 8959/1. Received 7 and 21 September 2020. DWER Ref A1931494 and A1936248.

Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.

Department of Primary Industries and Regional Development (DPIRD) (2017). *NRInfo Digital Mapping*. Accessed at <https://maps.agric.wa.gov.au/nrm-info/> Accessed September 2020. Department of Primary Industries and Regional Development. Government of Western Australia.

Department of Water and Environmental Regulation (2019). *Native vegetation clearing permits Application, assessment, and management requirements under Part V Division 2 of the Environmental Protection Act 1986*. Department of Water and Environmental Regulation, Western Australia.

Department of Water and Environmental Regulation (DWER) (2014). *A guide to the assessment of applications to clear native vegetation Under Part V Division 2 of the Environmental Protection Act 1986*. Department of Water and Environmental Regulation, Western Australia.

Government of Western Australia. (2019). 2018 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of March 2019. WA Department of Biodiversity, Conservation and Attractions. <https://catalogue.data.wa.gov.au/dataset/dbca-statewide-vegetation-statistics>

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 (2020) Development Approval relating to clearing permit application CPS 8959/1. Received by DWER on 12 August 2020 (DWER Ref: A1927060).

Western Australian Herbarium (WAH) (1998-). FloraBase - the Western Australian Flora. Department of Biodiversity, Conservation and Attractions. <https://florabase.dpaw.wa.gov.au/> Accessed May 2018.