



## 1. Application details

### 1.1. Permit application details

Permit application No.: 914/1

Permit type: Area Permit

### 1.2. Proponent details

Proponent's name: MR Harvey Giblett

### 1.3. Property details

Property: LOT 13143 ON PLAN 181722 ( MIDDLESEX 6258)

Local Government Area: Shire Of Manjimup

Colloquial name:

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
2		Mechanical Removal	Horticulture

## 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
<p>Beard: Unit 1144 - Tall forest; karri &amp; marri (Corymbia calophylla).</p> <p>Mattiske: Pemberton (PM1) - Tall open forest of Eucalyptus diversicolor with mixtures of Corymbia calophylla on valley slopes and low forest of Agonis juniperina-Banksia seminuda-Callistachys lanceolata on valley floors in the perhumid zone.</p>	<p>There are two areas on the property proposed for clearing.</p> <p>Area 1</p> <p>This is a highly disturbed wetland area with only a few pockets of native vegetation. The area has been grazed for a long period of time and recent earthworks (construction of drainage line) has had a further impact. The remnant is in degraded condition consisting of mostly pasture and agricultural weeds. Many of these weeds are invasive particularly an Isolepis spp.. The existing native species were spread sparsely throughout the area and consisted of Juncus pallidus, Agonis linearifolia, Lepidosperma tetraquetrum, Acacia spp., Leucopogon spp., Baumea spp., Melaleuca spp., Albizia spp., and Corymbia calophylla and Eucalyptus diversicolor.</p> <p>Area 2</p> <p>The vegetation is parkland cleared with Corymbia calophylla and Eucalyptus diversicolor existing over an absent midstorey and an understorey consisting of exotic grasses only.</p>	<p>Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994)</p>	<p>Vegetation condition established through Site Visit undertaken on 10 May 2006.</p>

### 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 is not likely to be at variance to this Principle**

The vegetation within the area under application is in Degraded condition (Keighery 1994). The two areas proposed for clearing are disturbed consisting of either previously cleared vegetation with pockets of recolonising species, and a small stand of parkland cleared trees. Both these areas consist of a low level of species and ecosystem diversity. The regrowth in the south western corner of Lot 13143 is however recolonising well.

Given the above information it is not likely the proposed clearing will compromise a high level biological diversity within the local area.

**Methodology**      Keighery, BJ (1994)  
DEC Site Report 2006

#### (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 is not likely to be at variance to this Principle**

The vegetation proposed to be cleared is in degraded condition (Keighery 1994) and consists of patches of recolonising species and a stand of parkland cleared trees.

The vegetation may be providing some form of habitat to native fauna however given the high level of disturbance through the property, the larger remnants within the local area (10km radius) are more likely to be favoured by local fauna species.

It is concluded the clearing proposal is not likely to be at variance to this principle.

**Methodology**      DEC Site Report 2006  
GIS database:  
- Pemberton 1.4m Orthomosaic - DOLA 99

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

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

There are no known records of Declared Rare Flora or Priority species within the local area and it is therefore not likely the proposed clearing is at variance to this principle.

**Methodology**      GIS databases:  
- Declared Rare and Priority Flora List - CALM 13/08/03

#### (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**

There are no records of Threatened Ecological Communities (TEC) in the local area of the proposed clearing.

It is therefore not likely the clearing is at variance to this principle.

**Methodology**      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 not likely to be at variance to this Principle**

The application is located in the Warren Bioregion in the Shire of Manjimup. The extent of native vegetation in these areas is 86.6% and 83.9% respectively (Shepherd et al. 2001).

The vegetation in the area under application is a component of Beard Unit 1144 (Hopkins et al. 2001) of which there is 69.7% (Shepherd et al. 2001) of the pre-European extent remaining, and therefore of 'least concern' status for biodiversity conservation (Department of Natural Resources and Environment 2002).

One section of the vegetation under application has also been mapped as a component of Mattiske Pemberton (PM1) (Havel 2002) of which there is 65.6% of the pre-European extent remaining and therefore of a 'least concern' status for biodiversity conservation (Department of Natural Resources and Environment 2002).

The remaining portion of vegetation under application is a component of Mattiske Crowea (CRb) (Havel 2002) of which there is 81.2% of the pre-European extent remaining and therefore of a 'least concern' status for biodiversity conservation (Department of Natural Resources and Environment 2002).

On the basis that the Pre-European extent of the identified Vegetation Associations meets the National Objectives Targets for Biodiversity Conservation 2001-2005, being 30% of that present pre-1750, this proposal is not likely to be at variance to this principle.

**Methodology** Havel (2002)  
Hopkins et al. (2001)  
Shepherd et al. (2001)  
GIS databases:  
- Mattiske Vegetation - CALM 24/3/98  
- Interim Biogeographic Regionalisation of Australia - EM 18/10/00  
- Local Government Authorities - DLI 8/07/04  
- Pre European Vegetation - DA 01/01

**(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 area under application lies within Zone C of the Warren River Water Reserve gazetted under the County Areas Water Supply Act 1987 (CAWS Act). Water and Rivers Commissions Policy indicates that a 30m buffer is required on First, Second and Third Order streams and small swamps (WRC Policy, 1996) in order to protect surface water quality and riparian vegetation in catchments subject to clearing control legislation.

The two areas proposed for clearing, both have vegetation within 30m of an identified stream existing on the property. These sections of vegetation therefore have areas growing in association with a watercourse.

Given the above information, the proposed clearing is at variance to this principle.

**Methodology** WRC Policy (1996)  
GIS databases:  
- Hydrography Linear - DoE 1/2/04  
- Pemberton 1.4m Orthomosaic - DOLA 99

**(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 area under application lies within Zone C of the Warren River Water Reserve gazetted under the County Areas Water Supply Act 1947 (CAWS Act). The CAWS Act controls land clearing within the Warren River Water Reserve in order to protect drinking water quality and was developed in response to increased dryland salinity and increasing concentrations of salts in drinking water within the catchment.

The CAWS Act requires that 10 per cent of vegetation must remain on the land in question: The Act requires any application to clear below this threshold be refused.

The land holding in question is 28.8 ha, therefore ten per cent of this is 2.88 ha. The current area of vegetation remaining on the property is 2.85 ha (calculated from Site Visit and Aerial Photography 1999). Therefore currently less than ten per cent of vegetation remains on the land in question.

Advice from the Land & CAWSA Clearing Management Section, Department of Water is that the clearing proposal should not be approved.

The Shire of Manjimup advised that they have no objection to the proposed clearing but pointed out 'Council contributed to the rock pitching of a channel through this area to minimise erosion and anticipate that any modifications to this channel will cause future erosion'.

Based on the above information the proposed clearing is at variance to this principle.

**Methodology** WRC Policy 1996  
DEC Site Report 2006  
DoW Advice TRIM Ref SWD45144  
GIS database:  
- Pemberton 1.4m Orthomosaic - DOLA 99

**(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**

There are five CALM Managed Lands within a 10km radius of the proposed clearing. The closest being an unnamed Reserve located 900m south west of the property under application. None of these reserves are linked by vegetation to the area under application.

Based on this information it is not likely that the proposed clearing would impact on the environmental values of adjacent or nearby conservation areas.

**Methodology** Keighery (1994)

GIS database:

- CALM Managed Lands and Waters - CALM 1/06/04

- Register of National Estate - EA 28/01/03

- Pemberton 1.4m Orthomosaic - DOLA 99

**(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 area under application lies within Zone C of the Warren River Water Reserve gazetted under the County Areas Water Supply Act 1947 (CAWS Act). The CAWS Act controls land clearing within the Warren River Water Reserve in order to protect drinking water quality and is in response to increased dryland salinity and increasing concentrations of salts in drinking water within the catchment.

The CAWS Act indicates that if ten per cent or less vegetation remains on the land in question an application to clear further vegetation should be refused.

The current land in question is 28.8 ha therefore ten per cent is 2.88ha. The current area of remaining vegetation on the property is 2.85ha (calculated from Site Visit and Aerial Photography 1999). Therefore less than ten per cent vegetation remains on the land in question and assessment under CAWS Act would result in the refusal of the proposed clearing.

Water and Rivers Commissions Policy indicates that a 30m buffer is required on First, Second and Third Order streams, seepage areas and small swamps (WRC Policy, 1996) in order to protect surface water quality and riparian vegetation in catchments subject to clearing control legislation.

Some of the vegetation under application is within 30m of the existing stream on the property and is therefore not consistent with the WRC policy.

Based on this information the proposal is likely to be at variance to this principle.

**Methodology** WRC Policy 1996

DECF Site Report 2006

GIS databases:

- Hydrographic Catchments, Catchments - DoE 3/4/03

- Public Drinking Water Source Areas (PDWSAs) - DOE 29/11/04

- Pemberton 1.4m Orthomosaic - DOLA 99

**(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**

Due to the scale of the proposed clearing, flooding impacts are unlikely to occur.

**Methodology** GIS databases:

- Topographic Contours, Statewide - DOLA 12/09/02

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

**Comments**

The area proposed to clear is zoned rural.

Advice from the Shire of Manjimup indicates they have no objection to the proposed clearing and pointed out that 'Council contributed to the rock pitching of a channel through this area to minimise erosion and anticipate that any modifications to this channel will cause future erosion. This work was carried out with the approval and help of the previous owner.'

The area under application is within a Rights In Water Irrigation (RIWI) proclaimed Surface Water Area, being

the Warren Water Reserve. An application to interfere with bed and banks on the property was received by the Department of Water on 19 January 2006. Currently the assessment under RIWI Act is awaiting advice from Native Vegetation Section, South West Region, in accordance with section 7(2) of the RIWI Act.

The applicant currently holds a Surface Water Licence (SWL) with an allocation of 450,000 kL/a for horticultural purposes. DoW, Manjimup District, confirmed the applicant will not require extra water for additional horticultural practices if the clearing was approved, because the current SWL allocation is inclusive of all future horticultural expansion on the property.

The area under application lies within Zone C of the Warren River Water Reserve gazetted under the County Areas Water Supply Act 1947 (CAWS Act). The CAWS Act indicates that if a clearing proposal will result in less than ten per cent of vegetation to remain on the land in question, an application to clear vegetation should be refused.

As previously discussed in both Principle G and I, there is already less than ten per cent of vegetation remaining on the property. Assessment under the CAWS Act would result in the refusal of the proposed clearing.

Water and Rivers Commission's Policy indicates that a 30m buffer is required on First, Second and Third Order streams, seepage areas and small swamps (WRC Policy, 1996) in order to protect surface water quality and riparian vegetation in catchments subject to clearing control legislation. Some of the vegetation proposed for clearing is within 30m of the existing stream on the property.

**Methodology** WRC Policy 1996  
 Direct interest advice from Shire of Manjimup (SWD45144)  
 Perscomm. NRMO, DoW, Manjimup  
 DoW Advice TRIM Ref: SWO29579

#### 4. Assessor's recommendations

Purpose	Method	Applied area (ha)/ trees	Decision	Comment / recommendation
Horticulture	Mechanical Removal	2	Refuse	<p>The clearing proposal is at variance with Principles (f), (g) &amp; (i).</p> <p>Principle F - Both remnants of vegetation proposed for clearing on Lot 13143 have a stream flowing through them. The proposed clearing will therefore impact on vegetation growing in association with a watercourse. Water and Rivers Commissions Policy also requires that a 30m buffer is placed on First, Second and Third Order streams, seepage areas and small swamps.</p> <p>Principle G and I - The area under application lies within Zone C of the Warren River Water Reserve gazetted under the County Areas Water Supply Act 1947 (CAWS Act). The CAWS Act requires that 10 per cent of vegetation must remain on the land in question. The Act recommends any application to clear below this threshold be refused. Assessment of the proposal found that less than ten per cent of vegetation is already remaining on the property. Approval of this application would therefore conflict with the CAWS Act, which protects against land degradation.</p> <p>Giving consideration to the principles that are at variance to this clearing proposal, and to remain consistent with related legislation and policies, it is recommended the clearing application be refused.</p>

#### 5. References

- Department of Environment and Conservation, 2006, DEC Site Report, Department of Environment and Conservation, Western Australia
- 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.
- Havel, J.J. and Mattiske Consulting Pty Ltd (2002) Review of management options for poorly represented vegetation complexes, Conservation Commission.
- 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.
- Mattiske Consulting (1998) Mapping of vegetation complexes in the South West forest region of Western Australia, CALM.
- 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.
- 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
CALM	Department of Conservation and Land Management
DAWA	Department of Agriculture
DEP	Department of Environmental Protection (now DoE)
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 DoE)