



## 1. Application details

### 1.1. Permit application details

Permit application No.: 983/1  
 Permit type: Area Permit

### 1.2. Proponent details

Proponent's name: Allan & Kerry Dean

### 1.3. Property details

Property: LOT 1 ON DIAGRAM 43277 (Lot No. 1 DUCANE NORTH BOYANUP 6237)  
 Local Government Area: Shire Of Capel  
 Colloquial name:

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
	30	Cutting	Extractive Industry
	20	Cutting	Extractive Industry

## 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 1000 - Mosaic: Medium forest; jarrah-marri / Low woodland; banksia / Low forest; tea-tree (Melaleuca spp.)	Thirty trees within a parkland cleared area with no under storey.	Completely Degraded: No longer intact; completely/almost completely without native species (Keighery 1994)	Vegetation condition established through aerial photography and discussion with the proponent on January 18 2006.
Heddl: Southern River Complex - Open woodland of marri-jarrah-banksia on elevated areas. Fringing woodland of E. ruidis-M raphiophylla along streams.		Completely Degraded: No longer intact; completely/almost completely without native species (Keighery 1994)	

## 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**  
 Part of the vegetation under application was cleared prior to the Department completing an assessment of the proposal. Approximately 20 trees were not cleared within the area under application.

Aerial photography indicated that the area under this application was Completely Degraded (Keighery 1994). It appeared to be parkland cleared and looked likely to no longer have an intact structure, with few native mid or understorey species.

The apparent high level of disturbance at this site suggests the original biodiversity value has been significantly compromised.

Given the vegetation appeared to have been in completely degraded condition (Keighery, 1994), it may have been determined the proposal was not likely to be at variance to this principle.

**Methodology** Keighery 1994  
 GIS database:  
 - Bunbury 1m Orthomosaic - DLI 03

**(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**

Part of the vegetation under application was cleared prior to the Department completing an assessment of the proposal. Approximately 20 trees were not cleared within the area under application.

Aerial photography indicates that the area under this application was Completely Degraded (Keighery 1994) consisting of approximately 30 paddock trees.

The high level of disturbance at this site, close proximity to existing extractive industry operations and the apparent limited diversity of native species suggests the vegetation under the proposal was not providing significant habitat for local fauna species.

It is concluded the vegetation that was under this application was not likely to be at variance to this principle.

**Methodology Keighery (1994)**

GIS database:

- Bunbury 1m Orthomosaic - DLI 03

**(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**

Part of the vegetation under application was cleared prior to the Department completing an assessment of the proposal. Approximately 20 trees were not cleared within the area under application.

Records indicate that two Declared Rare Flora (DRF), five Priority 1, seven Priority 3 and 25 Priority 4 populations exist within the local area (10km radius) of the proposed clearing.

Aerial photography of the proposed area indicates the vegetation consisted of scattered paddock trees. Given the apparent absence of understorey species and the Completely Degraded nature of the area under application it is considered unlikely any rare species would have been present within the proposed area.

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

**Methodology GIS databases:**

- Declared Rare and Priority Flora List - CALM 13/08/03

- Bunbury 1m Orthomosaic - DLI 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**

Part of the vegetation under application was cleared prior to the Department completing an assessment of the proposal. Approximately 20 trees were not cleared within the area under application.

Records indicate there are 10 Threatened Ecological Communities (TEC) and one Threatened Plant Community (TPC) within the local area (10km radius) of the proposed clearing. The closest is located 3.3km south east of the area. There were no vegetation links between the area under this application and local TEC's or TPC's.

Aerial photography indicated that the area under this application was Completely Degraded (Keighery 1994).

Due to the condition of the vegetation and surrounding land use, it is considered unlikely the area under this application comprised of, or was necessary for the maintenance of a threatened ecological community.

**Methodology Keighery (1994)**

GIS databases:

- Threatened Ecological Communities - CALM 15/7/03

- Threatened Plant Communities - DEP 06/95

- Bunbury 1m Orthomosaic - DLI 03

**(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**

Part of the vegetation under application was cleared prior to the Department completing an assessment of the proposal. Approximately 20 trees were not cleared within the area under application.

The area under application was located in the Swan Coastal Plain Bioregion in the Shire of Capel. The extent of native vegetation in these areas is 41.8% and 35.9% respectively (Shepherd et al. 2001).

The vegetation was a component of Heddle Southern River Complex (Heddle et al. 1980) of which there is 19.8% of the pre-European extent remaining and therefore of a 'vulnerable' status for biodiversity conservation (Department of Natural Resources and Environment 2002).

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 representative Heddle vegetation complex has 19.8% remaining.

However due to the size and nature of the area under application being highly degraded it is not likely to represent a significant remnant of native vegetation.

**Methodology** Keighery (1994)  
EPA (2000)  
Department of Natural Resources and Environment (2002)  
Heddle et al. (1980)  
Hopkins et al. (2001)  
Shepherd et al. (2001)  
GIS databases:  
- Heddle Vegetation Complexes - DEP 21/06/95  
- 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 not likely to be at variance to this Principle**  
Part of the vegetation under application was cleared prior to the Department completing an assessment of the proposal. Approximately 20 trees were not cleared within the area under application.

Records indicate there were no ANCA or RAMSAR wetlands within the local area (10km radius) of the proposed clearing.

A perennial swamp is located on the property, 180m south west and the Preston River is located 2.2km east of the area under this application. There were no vegetation links between the area under this application and the above mentioned watercourse and wetland.

There are over fifty EPP Lakes within the local area of the proposed clearing. The closest is located 180m south west of the area under application. Although this lake is mapped as an EPP Lake aerial mapping shows that this wetland currently has an extractive industry sand pit on it's boundary with a road to service the sand pit running through its centre. This same wetland is also mapped as a multiple use wetland under Department of Environment wetland mapping.

There are many Multiple Use wetlands and Resource Enhancement wetlands within the local area of the proposed clearing. Multiple Use wetlands are considered to be 'Wetlands with few important ecological attributes and functions remaining' (Wetlands Position Statement 2001).

Aerial photography indicates the area under this application was Completely Degraded (Keighery 1994) and unlikely to have held any significant value for these wetlands.

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

**Methodology** Wetlands Position Statement, Water and Rivers Commission (06/06/2001)  
Keighery (1994)  
GIS databases:  
- ANCA, Wetlands - CALM 08/01  
- EPP Lakes - DEP 28/07/03  
- Geomorphic Wetlands (Mgt Categories) Swan Coastal Plain - DoE 15/9/04  
- Hydrography Linear - DoE 1/2/04  
- RAMSAR, Wetlands - CALM 21/10/02  
- Bunbury 1m Orthomosaic - DLI 03

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

**Comments**      **Proposal is not likely to be at variance to this Principle**  
Part of the vegetation under application was cleared prior to the Department completing an assessment of the proposal. Approximately 20 trees were not cleared within the area under application.

Aerial photography indicated that the area under this application was Completely Degraded (Keighery 1994) consisting of 30 paddock trees.

It is considered the proposal would not have caused appreciable land degradation and it is therefore was not likely to be at variance to this principle.

**Methodology**    GIS databases:  
- Acid Sulfate Soil Risk Map, SCP - DoE 01/02/04  
- Salinity Risk LM 25m - DOLA 00.  
- Groundwater Salinity, Statewide - 22/02/00

**(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**  
Part of the vegetation under application was cleared prior to the Department completing an assessment of the proposal. Approximately 20 trees were not cleared within the area under application.

There are no CALM Managed Lands or Waters or Registered National Estates within the local area (10km radius) of the clearing proposal.

There are two System 6 Conservation Reserves within the local area, one exists 4km west and the other is found 6.1km north west of the property. There were no direct vegetation links between these Reserves and the area under this application.

It is concluded the clearing of the area that was under application would not have impacted on the environmental values of the identified reserves.

**Methodology**    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  
- Bunbury 1m Orthomosaic - DLI 03

**(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 not likely to be at variance to this Principle**  
Part of the vegetation under application was cleared prior to the Department completing an assessment of the proposal. Approximately 20 trees were not cleared within the area under application.

The area under this application was within the northern part of the Leschenault Estuary, Preston River Catchment and the Bunbury proclaimed ground water area. The proposed clearing of thirty trees was unlikely to degrade local water quality due to its degraded condition and scale.

**Methodology**    GIS databases:  
- Hydrographic Catchments, Catchments - DoE 3/4/03  
- Public Drinking Water Source Areas (PDWSAs) - DOE 29/11/04  
- RIWI Act Groundwater Areas WRC 13/06/00

**(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**  
Part of the vegetation under application was cleared prior to the Department completing an assessment of the proposal. Approximately 20 trees were not cleared within the area under application.

The proposed clearing was unlikely to exacerbate the incidence or intensity of flooding due to its size.

**Methodology**    GIS databases:  
- Topographic Contours, Statewide - DOLA 12/09/02

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

### Comments

The area under this application is zoned rural under the Town Planning Scheme Zones.

The property under application currently has an active ground water licence for stock watering. The proposed clearing is for the purpose of sand extraction. The Department of Water has confirmed with the applicant's consultant that no extra water would be needed from the current GWL on the property for sand suppression.

The Shire of Capel referred the application for an extractive industry licence (EIL) to the EPA for assessment. The EPA set the level of assessment as informal 'Not Assessed- Public Advice Given' (TRIM ref CRN152708). The shire of Capel has approved the EIL.

In August 2006, the Shire notified the Department that a major proportion of the area under application had been cleared without authorisation. This matter has been dealt with by the SW Region Compliance Unit, with a formal letter of warning the result. The letter detailed that the applicant is required to undertake rehabilitation in the area, and includes the planting of no less than 30 seedlings that area indigenous to the site and excluding stock form the site by erecting a stock-proof fence. This is required to be completed by 31 January 2008.

The attached clearing permit covers the area of native vegetation that remained under application.

**Methodology** DEC, Formal letter of warning - South West Region (Trim ref DOC14289)  
GIS database:  
- Town Planning Scheme Zones - MFP 8/98  
- WRL, Properties, Ground Water Licences - WRC (Current)

## 4. Assessor's comments

Purpose	Method	Applied area (ha)/ trees	Comment
Extractive Industry	Cutting	30	Part of the vegetation under application was cleared without approval under the EP Act 1986 (ICMS7244).  DEC had made a commitment to the proponent to issue a clearing permit upon them receiving an Extractive Industry Licence from the Shire of Capel.  Assessable criteria have been addressed and found it is not likely to be at variance with all principles.
Extractive Industry	Cutting	20	Mapped area of the remaining vegetation not cleared.  The proposed is considered to be not likely to be at variance to any of the clearing principles.

## 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.
- Hedde, E. M., Loneragan, O. W., and Havel, J. J. (1980) Vegetation Complexes of the Darling System, Western Australia. In Department of Conservation and Environment, Atlas of Natural Resources, Darling System, Western Australia.
- Hill, A.L., Semenuik, C. A, Semenuik, V. Del Marco, A. (1996) Wetlands of the Swan Coastal Plain. Volume 2b, Wetland mapping, classification and evaluation. Wetland Atlas. WRC and DEP. Perth WA.
- 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.
- Wetlands Position Statement, Water and Rivers Commission, 06 June 2001

## 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)