Department of Environment
Government of Western Australia

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 989/1
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: **Water & Rivers Commission**

1.3. Property details

Property: STATE FOREST 58 (SCOTT RIVER EAST 6275)
NELSON LOCATION 12890 (SCOTT RIVER EAST 6275)
Local Government Area: Shire Of Nannup
Colloquial name: Nelson location 12890

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
0.02		Mechanical Removal	Bore construction

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
Bore 1 Mattiske: Nillup (Nd) Woodland to open forest of Eucalyptus marginata subsp. marginata Corymbia calophylla - Banksia attenuata-Xylomelum occidentale-Nuytsia floribunda on low sandy rises above plain in the perhumid zone.	Site photographs were provided by the proponent in their original application (DoE TRIM ref IN25059). The area under application is adjacent to an existing gravel vehicle track and site photos show some previous disturbance has occurred in parts of this site, likely to have been part of past road maintenence, drainage or construction works. The remaining vegetation appears healthy and relatively intact, but with some edge effects noticeable.	Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery 1994)	Site photographs were provided by the proponent in their original application (DoE TRIM ref IN25059). Bore 1 requires a 112 square metre cleared site to enlarge the drilling site. It is located adjacent to Fouracres road, within the UCL Reserve 12890.
Bore 4 Mattiske: Jangardup (JN) Open woodland of Eucalyptus marginata subsp. marginata-Corymbia calophylla on rises and low open woodland of Melaleuca preissiana-Banksia littoralis on depressions in hyperhumid and perhumid zones.	Site photographs and descriptions of area applied to be cleared were provided by the proponent in their original application (DoE TRIM ref IN25059).) The area under application is adjacent to an existing vehicle track and site photos show the area under application comprises a dense shrub layer with open canopy. Edge effects are noticeable where the site adjoins the track.	Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery 1994)	Bore 4 is located 20 metres from Jangardup road on the western side of an old track and on the boundary between unallocated crown land and State forest. The drill site is located on State forest and is adjacent to a track. The proposal is for clearing of a 112 square metre drill site.

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 areas under application (bore sites 1 and 4) are located within Unallocated Crown Land and State Forest,

respectively. The proposed clearing at each site will be approximately 112 square metres, for the purpose of installation of groundwater monitoring bores. Distrurbance is to be minimal as clearing is to be undertaken adjacent to existing disturbed areas, namely, vehicle tracks.
Both sites are located in within close proximity to Milyeannup State Forest and Hilliger National Park. Aerial photography and site photographs of these sites shows the vegetation under application does not appear to have a higher diversity than the surrounding area.

Methodology Application for a Purpose permit (DoE TRIM Ref IN25059)
GIS datasets:
Pemberton 1.4m Orthomosaic - DOLA 99
CALM Managed Lands and Waters - CALM 1/07/05_1

(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 proposal is for clearing of up to 225 square metres at two sites in the Shire of Nannup for the purpose of bore construction. The areas to be cleared are relatively small and are located adjacent to exisitng distrurbed areas, namely, vehicle tracks and roads.
The areas under application do not appear to act as ecological linkages. These areas are surrounded by intact native vegetation, namely State Forest, and this is likely to have greater value for fauna habitat. It is unlikely that the proposed clearing would provide significant habitat for native fauna in the local area. Therefore, the proposal is not likely to be at variance to this Principle.

Methodology Application for a Purpose permit (DoE TRIM Ref IN25059)
GIS datasets:
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**
No Declared Rare Flora or priority species have been recorded in the areas proposed to be cleared. However, the CALM Rare and Priority Flora List (1/7/05) shows the following:
- Bore site 1:
1 known DRF (Meziella trifida) within 10 km of the clearing, not on the same vegetation community type.
12 populations of 6 priority flora species within 10 km of the clearing, not on the same vegetation community type.
- Bore site 4:
1 known DRF (Meziella trifida) within 10 km of the clearing and on the same vegetation community type.
7 priority flora species within 10 km of the clearing, not on the same vegetation community type.

CALM Blackwood District Manager has given the proponent permission for the bore works to proceed, on the basis that a site inspection be carried out at Bore Site 4 by a CALM officer prior to works to check for the presence of Meziella trifida (DoE TRIM ref IN22660). The proponent and a CALM officer subsequently visited the site on 30 November 2005 to investigate the presence of DRF species Meziella trifida and, finding it was not present, agreed on and marked out the boundary of the area to be cleared (pers. comm. CALM Blackwood District Manager 2006). The proposal is not likely to be at variance to this principle.

Methodology CALM Blackwood District Manager (pers. comm 2006)
CALM Correspondance (TRIM Ref IN22660)
GIS Datasets:
Declared Rare and Priority Flora List - CALM 1/7/05
Mattiske Vegetation - CALM 24/3/98

(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 at variance to this Principle**
There are no records of threatened ecological communities within the areas under application.
- Bore site 1 is positioned approximately 10.5km east of the closest TEC community (No 122) which requires a buffer zone of 1km.
- Bore site 4 is positioned approximately 18km from the closest TEC community (No 122) which requires a buffer zone of 1km.
As the areas under application are of a sufficient distance from the listed TECs, the proposal is not at variance to this Principle.

Methodology GIS Database:
Threatened Ecological Communities - CALM 12/04/05

(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 areas under application are situated in the Shire of Nannup, which retains 94% of the original total vegetation extent on Public and Private land (Shepherd et al. 2001). The sites are located in an area surrounded primarily by State Forest, Nature Reserves and National Park.

The vegetation at Bore site 1 is defined by Mattiske (1998) as being part of the Nillup (Nd) Complex. There is approximately 88.1% of the original extent of this vegetation community remaining. The vegetation under application at Bore site 4 is defined by Mattiske (1998) as being part of the Jangardup (JN) Complex. There is approximately 84.6% of the original extent of this vegetation community remaining.

Vegetation complexes in this application are well above the recommended minimum of 30% representation that is outlined in the National Objectives and Targets for Biodiversity Conservation (Department of Natural Resources and Environment 2002).

This proposal is therefore not at variance to this principle.

Methodology

Shepherd et al. (2001)
Hopkins et al. (2001)
Department of Natural Resources and Environment (2002)
GIS Databases:
Mattiske Vegetation - CALM 24/3/98

(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

The area under application falls within an area classified as 'Palusplain, seasonally waterlogged flat'. The proposed clearing is to be minimal and the sites are located adjacent to existing vehicle tracks. Clearing at these sites is unlikely to adversely affect ecological communities that are wetland or groundwater dependent.
The Gingilup-Jasper Wetland system lies approximately 6km south of the areas under application. Due to the distance from the wetland system and small size of area applied to clear, the proposal is not likely to have an impact on the wetland system.

Methodology

Application for a Purpose permit (DoE TRIM Ref IN25059)
GIS datasets:
Geomorphic Wetlands, Augusta to Walpole - DOE 18/6/03
Rivers 250K - GA
ANCA, Wetlands - CALM 08/01
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 not likely to be at variance to this Principle

The proposal is for clearing up to 225 square metres at two sites in the Shire of Nannup for the installation of groundwater monitoring bores. The proposed clearing is to be done adjacent to existing vehicle tracks. The impacts of this type of clearing will be minimal and is not likely to cause appreciable land degradation on or off site.

Methodology

Application for a Purpose permit (DoE TRIM Ref IN25059)
GIS datasets:
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

The areas under application are situated in the Shire of Nannup, which retains 94% of the original total vegetation extent on Public and Private land. The sites are located in an area surrounded primarily by State Forest, Nature Reserves and National Park.

Bore site 1 is situated approximately 1 km east of Milyeannup State Forest and Hilliger National Park and 3 km north of D'Entrecasteaux National Park . Bore site 4 is situated within the boundary of Milyeannup State Forest. The proposed clearing is not likely to impact on these, as the clearing is for small sites within areas located adjacent to existing vehicle tracks. The sites do not provide a buffer or ecological linkage to conservation areas.

Methodology Application for a Purpose permit (DoE TRIM Ref IN25059)
GIS Database:
Pemberton 1.4m Orthomosaic - DOLA 99
CALM Managed Lands and Waters - CALM 1/07/05_1

(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
The proposal is for clearing two small areas of native vegetation for the Water and Rivers Commission to install bores for monitoring groundwater. The clearing is located adjacent to existing vehicle tracks on relatively flat ground. This type of clearing is not likely to degrade the water quality in the areas proposed to be cleared.

Methodology

(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 proposal is for clearing two small areas of native vegetation for the Water and Rivers Commission to install bores for monitoring groundwater. The clearing is located adjacent to existing vehicle tracks on relatively flat ground. This type of clearing is not likely to exacerbate flooding in the areas proposed to be cleared.

Methodology GIS Database:
Pemberton 1.4m Orthomosaic - DOLA 99
Topographic Contours, Statewide - DOLA 12/09/02

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

Comments

A native title claim exists over the area under application. Legal advice from DoE Legal Services Solicitor (2005) outlined that granting of a clearing permit would not give rise to any obligations to notify the relevant native title claimant group or native title holders. Under section 11 and Part 4 of the Water and Rivers Commission Act 1995, it is a function of the Water and Rivers Commission to drill bore holes to investigate water resources and it has power to do all things necessary or convenient to be done for or in connection with the performance of its functions. It is the exercise of this statutory power, rather than the grant of the clearing permit that may affect native title.

In addition, the proponent recieved written notification from the Senior Legal Officer (Future Acts), advising that the Region 1 Future Act Sub-Committee have no objection against the proposed works provided they remain in compliance with the provisions of the Aboriginal Heritage Act 1972 (DoE TRIM ref IN 21714).

The Shire of Nannup has given approval to the proponent to utilise road reserves to install groundwater monitoring bores at the proposed sites (DoE TRIM ref IN21801). Shire of Nannup CEO had no objection to the clearing proposed for CPS 989/1 (pers. comm 2006).

CALM Blackwood District Manager has given permission for the works to proceed (pers. comm 2006; Correspondance CALM, DoE TRIM Ref IN22660)

A public submission was recieved and this raised the issue that the level of information available was insufficient to enable adequate third party assessment of the application. The submission has been taken into consideration when assessing this proposal. The information provided by proponents is available to the public via the website at the time of advertising. It is often only throughout the assessment of the application that detailed site information is obtained. Third parties may contact the Department for further information, this will be provided if it is available.

Methodology Shire of Nannup CEO (pers. comm 2006)
Legal Advice, DoE Legal Services Solicitor (2005)
CALM Blackwood District Manager (pers. comm)
CALM Correspondance (DoE TRIM Ref IN22660)
Submission (DoE TRIM ref IN 21714)

4. Assessor's recommendations

Purpose	Method	Applied area (ha)/ trees	Decision	Comment / recommendation
Bore construction	Mechanical Removal	0.02	**Grant**	The assessable criteria have been addresseed and no objections were raised. The assessment identified the proposal is not likely to be at variance to any of the clearing principles. The assessing officer therefore recommends that the permit be granted.

5. References

CALM Blackwood District Manager (pers. comm. 2006)

CALM Correspondance (TRIM Ref IN22660)

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.

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.

Legal Advice, DoE Legal Services Solicitor (2005)

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.

Shire of Nannup CEO (pers. comm 2006)

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)