



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 4280/1

File Number: 2011/002488-1

Duration of Permit: From 14 November 2011 to 14 November 2014

PERMIT HOLDER

Battista Pessotto

Bruno Pessotto

LAND ON WHICH CLEARING IS TO BE DONE

LOT 2379 ON PLAN 127906 (MIDDLESEX 6258)

LOT 9379 ON PLAN 203168 (MIDDLESEX 6258)

LOT 9380 ON PLAN 203168 (MIDDLESEX 6258)

LOT 9383 ON PLAN 201696 (MIDDLESEX 6258)

LOT 9384 ON PLAN 201696 (MIDDLESEX 6258)

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 1.2 hectares of native vegetation and 29 native trees within the areas shaded yellow on attached Plan 4280/1.

CONDITIONS

1. Revegetation and rehabilitation

The Permit Holder shall maintain trees within the area cross hatched red on attached Plan 4280/1 in accordance with the following requirements:

- (a) trees shall be maintained and established were required to an average planting density of 50 trees per hectare;
- (b) were as required to meet condition 1(a), *planting* is to commence within twelve months of clearing any area authorised under this Permit.

2. Records must be kept

In relation to the planting of areas pursuant to condition 1 of this Permit:

- (a) the location of any areas planted, 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) a description of the planting activities undertaken; and
- (c) the number of trees and density planted.

3. Reporting

- (a) The Permit Holder must provide to the CEO, on or before 30 June of each year, a written report of records required under condition 2 of this Permit and activities done by the Permit Holder under this Permit between 1 January and 31 December of the preceding year.
- (b) Prior to 20 September 2014, the permit holder must provide to the CEO a written report of records required under condition 2 of this Permit where these records have not already been provided under condition 3(a) of this Permit.

DEFINITIONS

The following meanings are given to terms used in this Permit:

planting means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired species.

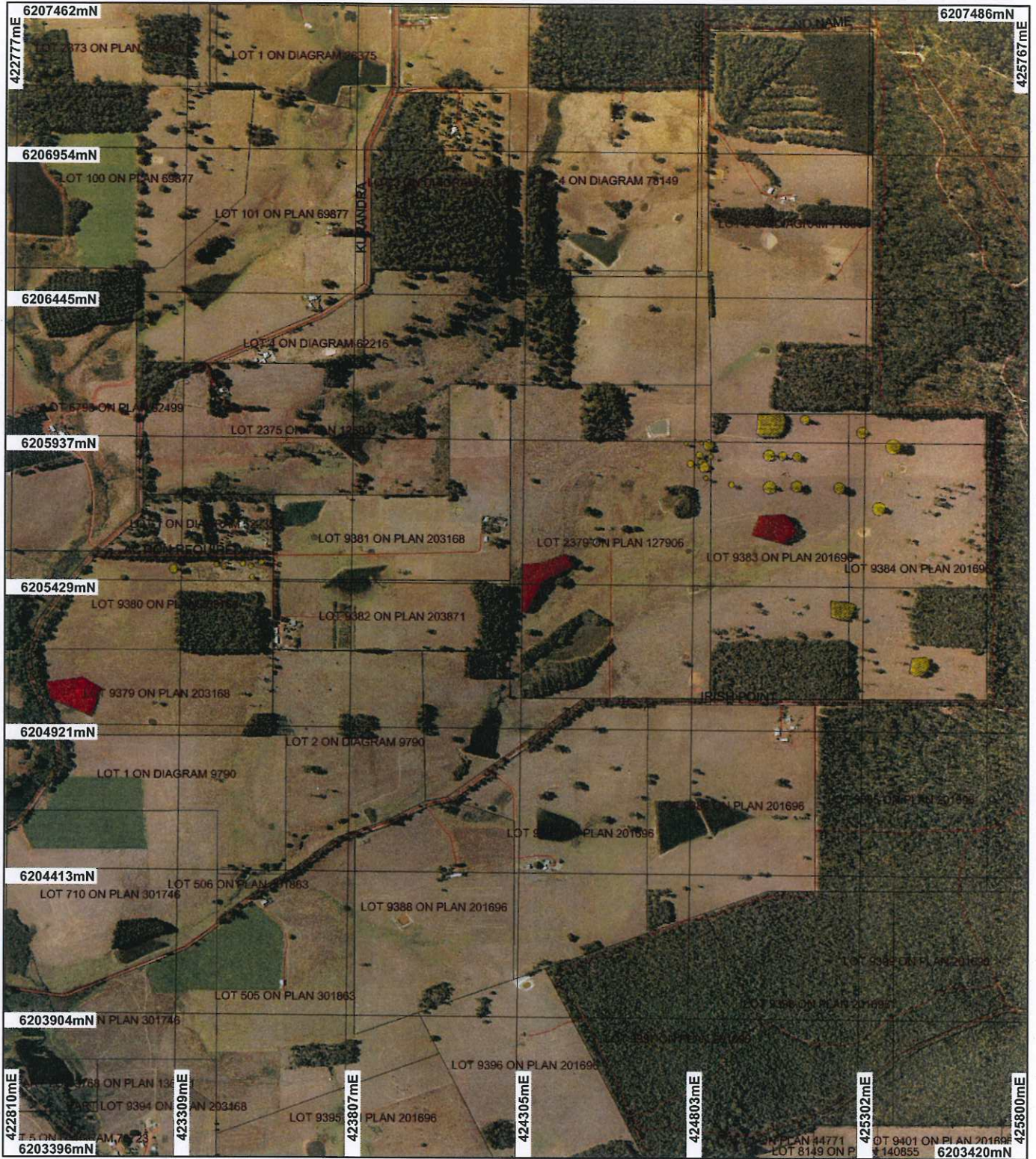


Kelly Faulkner
MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

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

20 October 2011

Plan 4280/1



LEGEND

- Road Centrelines**
 Road Centrelines
- Cadastre for labelling**
- Freehold
 - Crown Reserve
 - State Forest / Timber Reserve
 - Marine Park (cont)

- Crown Lease
- Lease / Reserve
- Lease on State Forest / Timber Reserve
- Public Roads
- Unallocated Crown Land
- Water

- Clearing Instruments**
- Areas Subject to Conditions
 - Areas Approved to Clear
- Manjimup 50cm Orthomosaic - Landgate 2007**



0 500 m

Scale 1:17819
 (Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

Date 26/10/11
 K. Faulkner

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

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.



Department of Environment and Conservation

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1. Application details

1.1. Permit application details

Permit application No.: 4280/1
Permit type: Area Permit

1.2. Proponent details

Proponent's name: Battista and Bruno Pessotto

1.3. Property details

Property: LOT 2379 ON PLAN 127906 (MIDDLESEX 6258)
LOT 2379 ON PLAN 127906 (MIDDLESEX 6258)
LOT 9383 ON PLAN 201696 (MIDDLESEX 6258)
LOT 9383 ON PLAN 201696 (MIDDLESEX 6258)
LOT 9384 ON PLAN 201696 (MIDDLESEX 6258)
LOT 9384 ON PLAN 201696 (MIDDLESEX 6258)
LOT 9379 ON PLAN 203168 (MIDDLESEX 6258)
LOT 9379 ON PLAN 203168 (MIDDLESEX 6258)
LOT 9380 ON PLAN 203168 (MIDDLESEX 6258)
LOT 9380 ON PLAN 203168 (MIDDLESEX 6258)

Local Government Area:

Colloquial name:

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
9.23	29	Mechanical Removal	Horticulture

1.5. Decision on application

Decision on Permit Application: Partial grant
Decision Date: 20 October 2011

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
Mapped Beard (1980) vegetation association 3 is described as medium forest; Eucalyptus marginata (Jarrah) - Corymbia calophylla (Marri).	The proposed clearing of 9.23ha and 29 native trees is for the purpose of horticulture and Pasture.	Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994)	The condition of the vegetation has been established through a site visit conducted by Department of Environment and Conservation officers on 2 May 2011 (DEC 2011).
Mapped Beard (1980) vegetation association 1144 is described as Tall forest; karri & marri (Corymbia calophylla)	The application area consists of three areas and 29 scattered paddock trees. Area 1 (most western area) consists of 50-60year old Karri regrowth over pasture weeds in a degraded (Keighery 1994) condition. The other two small areas (area 2 and 3) consists of Karri and a few Marri trees over Bracken fern, Blackberry and pasture weeds in a degraded (Keighery 1994) condition. Area 2 has some regrowth trees of around 100 years old.		
Mapped Mattiske vegetation complex CRy is described as Tall open forest of Corymbia calophylla with mixture of Eucalyptus marginata subsp. marginata and Eucalyptus diversicolor on uplands in hyperhumid and perhumid zones.	The paddock trees proposed to be cleared are mainly Jarrah trees.		
Mapped Mattiske vegetation complex PM1 is described as 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			

(Shepherd 2009, Mattiske and Havel

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 area proposed to be cleared is 9.23ha and 29 trees for the purpose of horticulture and grazing. The application area consists of three areas and 29 scattered paddock trees. Area 1 (most western area) consists of 50-60year old Karri regrowth over pasture weeds in a degraded (Keighery 1994) condition. The other two small areas (area 2 and 3) consist of Karri and a few Marri trees over Bracken fern, Blackberry and pasture weeds in a degraded (Keighery 1994) condition. Area 2 has some regrowth trees of around 100 years old. The paddock trees proposed to be cleared are mainly Jarrah trees.

The local area (10km radius) is partially vegetated (approximately 40%) with 6 Department of Environment and Conservation (DEC) managed lands in the vicinity constituting most of this 40%. The properties under application have been highly cleared due to the large number of dams and clearing for agriculture. It has been estimated that less than 10% of vegetation remains on the 468ha holding owned by the applicant.

Given that the application areas are in a degraded condition, the proposed clearing is not likely to be at variance to this Principle.

Methodology **References**
-DEC (2011)
-Keighery (1994)
GIS Databases
- SAC Bio Datasets (12 April 2011)
-Pre-European Vegetation

(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 local area (10kms) has been heavily cleared in parts with approximately 40% vegetation remaining, largely within DEC managed land, resulting in areas of vegetation that are highly fragmented. Therefore, the areas under application may act as stepping stones between other isolated remnants and DEC managed land within the local area.

Area 2 and some paddock trees contain or have the potential to develop hollows (DEC 2011). It is considered that within the local area the following vulnerable or priority fauna may be impacted upon with the clearing of karri trees:

- Western Ringtail Possum (*Pseudocheirus occidentalis*)
- Forest Red-tailed Black Cockatoo (*Calyptorhynchus banksii naso*)
- Baudin's Black Cockatoo (*Calyptorhynchus baudinii*)
- Brush-tailed phascogale (*Phascogale tapoatafa* ssp.)

Therefore, the proposed clearing may be at variance to this Principle

Methodology **References**
-DEC (2011)
GIS Databases
-SAC Bio Datasets (12 April 2011)

(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**

Within the local area (10km radius) there are three recorded species of rare flora: *Caladenia christineae*, *Andersonia annelsii* and *Caladenia harringtoniae*.

C. christineae and *C. harringtoniae* are found in winter wet flats, swamps and near creek lines (WA Herbarium, 1998-) and has been recorded on the same soil, but differing vegetation type to the application area. It is considered unlikely that *C. christineae* or *C. harringtoniae* will occur within the application area given the degraded condition of the vegetation and that the application area does not consist of wetland vegetation.

A. annelsii has been recorded on the same soil, but differing vegetation type to the application area. It is found in sandy loam or clay, skeletal soils (WA Herbarium, 2008-). The application area consists predominately of hard acidic yellow mottled soils and therefore does not contain the preferred soil type for *A. annelsii*.

In addition, during a site visit there was no evidence of rare flora within the application area (DEC, 2011).

Given the above the proposal is unlikely to be at variance to this principle.

- Methodology** References
 -DEC (2011)
 -WA Herbarium (1998-)
 GIS Databases
 -SAC Bio Datasets (12 April 2011)
 -Pre-European Vegetation

(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**
 Within the local area (10km radius) there are no known Threatened Ecological Communities. Given this, it is unlikely that the proposed clearing would be at variance to this principle.

- Methodology** GIS Databases
 -SAC Bio Datasets (12 April 2011)

(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 vegetation under application is described as Beard vegetation associations 3 and 1144 and Mattiske Vegetation Complex CRy and PM1, which there is approximately 80%, 80% and 67% and 74% of pre-European extent remaining, respectively (Mattiske and Havel 1998, Shepherd 2009).

The Beard and Mattiske vegetation association/complexes retain more than the threshold level (30%) recommended in the National Objectives Targets for Biodiversity Conservation, below which species loss appears to accelerate exponentially at an ecosystem level (Commonwealth of Western Australia 2001).

In addition, the application area does not occur within an extensively cleared landscape as approximately 40% of pre-European vegetation extent remains in the local area (10km radius). Therefore the proposal is not likely to be at variance to this principle.

	Pre-European (ha)	Current extent (ha)	(%)
IBRA Bioregion*			
Warren	833,981	667,164	80.00
Shire*			
Manjimup	697,370	589,248	84.50
Mattiske Vegetation Complex**			
CRy	33,764	25,111	74.37
PM1	25,801	17,372	67.33
Beard Vegetation Association in Bioregion*			
1144	159,668	127,111	74.37
3	250,262	200,890	80.27

*(Shepherd, et al. 2009)

** (Mattiske and Havel, 1998)

- Methodology** References
 -Shepherd (2009)
 -Mattiske and Havel(1998)
 - Commonwealth of Australia (2001)
 GIS Databases
 -Pre-European Vegetation
 -IBRA Regions
 - NLWRA, Current Extent of Native Vegetation

(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 majority of the paddock trees occur within or in the 30m buffer of a perennial minor watercourse. However, given that the majority of the paddock trees are Jarrah, the proposed clearing within this area is not considered to consist of wetland dependant vegetation.

Therefore, the proposed clearing is not likely to be at variance to this Principle.

Methodology GIS Databases
-Hydrography, linear

(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 is within the Warren River Water Reserve. The Warren River catchment has been subject to Country Areas Water Supply Act 1947 (CAWS Act) native vegetation clearing controls since December 1978 to prevent salinisation of water resources (DoW 2011).

The proposed clearing site is located in Zone C, a moderate salinity risk part of the catchment, where Department of Water (DoW) Policy and Guidelines for the 'Granting of Licences to Clear Indigenous Vegetation' provide for the grant of a licence for the construction of a dam. The CAWS Act however requires the retention of native vegetation on at least 10% of the owner's holding area and 2007 imagery suggests that only approximately 37 ha of native vegetation remains (excluding a number of plantations and 1.9ha of clearing authorised under CPS 3070/1 granted in 2009), 37 ha (i.e. 8%) remains on the holding (DoW 2011).

The DoW Policy and Guidelines also provide for the grant of a Licence to Clear small degraded stands subject to the establishment of a vegetation offset of twice the approved area. The CAWS Act s12C(3) provides for refusal of clearing proposals if there is less than 10% of native vegetation remaining on the holding. Therefore DOW considers that the larger proposed clearing areas of vegetation on Lot 9380 (5.3ha) and Lot 2379 (2.4ha) appear healthy and are significantly greater than 1ha and therefore clearing of these stands will cause and increase in salinity. Therefore, the proposed clearing in these areas does not meet the definition of small degraded stands and therefore should not be cleared.

The two small stands on Lot 8383 (0.6ha and 0.3ha) and the small stand on lot 9384 (0.3ha) plus 29 paddock trees appear to meet the small degraded stand definition and therefore clearing of these areas could be permitted, conditional upon the planting up of 3.0 ha of currently cleared land (DOW 2011).

The proposed clearing of the larger proposed clearing areas of vegetation on Lot 9380 (5.3ha) and Lot 2379 (2.4ha) is therefore considered likely to cause appreciable land degradation in the form of salinisation within the Warren River Water Reserve catchment and is at variance to this Principle.

The proposed clearing of the two small stands on Lot 8383 (0.6ha and 0.3ha) and the small stand on lot 9384 (0.3ha) plus 29 paddock trees is not considered to cause appreciable land degradation in the form of salinisation and therefore is not at variance to this Principle.

Methodology References
-DOW (2011)
GIS Databases
-CAWSA Part IIA Clearing Control Catchments (Zones)
-Hydrography, linear

(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 may be at variance to this Principle

The local area (10km radius) is partially vegetated (approximately 40%) with 6 DEC managed lands in the vicinity constituting most of this 40%. These DEC managed lands consist largely of state forest being Tone, Jarnadup, Donnelley and Warren State Forests. There are also several nature and timber reserves in the vicinity.

The closest reserve is Tone State Forest, which occurs directly adjacently to the eastern portion of the application areas (mainly paddock trees). The conservation area and the proposed clearing is separated by a cleared area and a fence and therefore it is not considered for the proposed clearing to impact on the conservation area although spread of weeds or dieback.

However, the local area (10kms) has been heavily cleared in parts, resulting in areas of vegetation that are highly fragmented. Therefore the areas under application may act as stepping stones for avian fauna moving between other isolated remnants and DEC managed land within the local area. Therefore, the proposed

clearing may be at variance to this Principle.

Methodology GIS Databases
-DEC, Tenure

(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 is within the Warren River Water Reserve. The Warren River catchment has been subject to Country Areas Water Supply Act 1947 (CAWS Act) native vegetation clearing controls since December 1978 to prevent salinisation of water resources (DoW 2011).

The proposed clearing site is located in Zone C, a moderate salinity risk part of the catchment, where DoW Policy and Guidelines for the 'Granting of Licences to Clear Indigenous Vegetation' provide for the grant of a licence for the construction of a dam. The CAWS Act however requires the retention of native vegetation on at least 10% of the owner's holding area and 2007 imagery suggests that only ~37 ha of native vegetation remains there (excluding a number of plantations and 1.9ha of clearing authorized under CPS granted in 2009), 37 ha (i.e. 8%) remains on the holding but on-site verification of these desk top calculations is required (DoW 2011).

The DoW Policy and Guidelines also provide for the grant of a Licence to Clear small degraded stands subject to the establishment of a vegetation offset of twice the approved area. The CAWS Act s12C(3) provides for refusal of clearing proposals if there is less than 10% of native vegetation remaining on the holding. Therefore the DOW considered that the larger proposed clearing areas of vegetation on Lot 9380 (5.3ha) and Lot 2379 (2.4ha) appear healthy and area significantly greater than 1ha and therefore the proposed clearing in these areas do not meet the definition of small degraded stands and therefore should not be cleared.

The two small stands on Lot 8383 (0.6ha and 0.3ha) and the small stand on lot 9384 (0.3ha) plus 29 paddock trees so appear to meet the small degraded stand definition and therefore clearing of these area could be permitted conditional upon the planting up of 3.0 ha of currently cleared land (DOW 2011).

The proposed clearing of the larger proposed clearing areas of vegetation on Lot 9380 (5.3ha) and Lot 2379 (2.4ha) is therefore considered likely to cause deterioration in surface and underground water in the form of salinisation and is at variance to this Principle.

The proposed clearing of the two small stands on Lot 8383 (0.6ha and 0.3ha) and the small stand on lot 9384 (0.3ha) plus 29 paddock trees is not considered likely to cause deterioration in surface and underground water in the form of salinisation and is therefore not at variance to this Principle.

Methodology References
-DOW (2011)
GIS Databases
-CAWSA Part IIA Clearing Control Catchments (Zones)
-Hydrography, linear

(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 proposed clearing is likely to incrementally increase recharge; however, it is for a relatively small area and is unlikely to cause flooding.

Given the above, the proposed clearing is not likely to cause, or exacerbate, the incidence or intensity of flooding.

Methodology GIS Databases
-Hydrography, linear

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

Comments

The proposed clearing of 9.23ha and 29 native trees is for the purpose of horticulture and pasture.

Department of Environment and Conservation (DEC) sent a letter on 14 May 2011, advising that the clearing of larger stands of trees is not supported, but the smaller ones are with 3 ha of revegetation. Applicant submitted a response and advised to continue the application for the original clearing and that over 12 ha of vegetation had been revegetated over time. DEC sent another letter 11 August 2011 advising of a Department of Water site visit findings and request for 3 ha area of revegetation. Discussion between Department of Water and DEC concluded that already planted blue gum area on the property would be considered an appropriate offset to mitigate salinity impacts of the proposed clearing. The applicant responded on the 6 October 2011 and proposed 15 ha of already planted blue gum areas and revegetation of 3 ha with local provenance

species. The applicant wishes to still clear the larger stands on Lot 9380 (5.3ha) and Lot 2379 (2.4ha).

The area under application is within the Warren River Water Reserve. The Warren River catchment has been subject to Country Areas Water Supply Act 1947 (CAWS Act) native vegetation clearing controls since December 1978 to prevent salinisation of water resources (DoW 2011).

The proposed clearing site is located in Zone C, a moderate salinity risk part of the catchment, where DoW Policy and Guidelines for the 'Granting of Licences to Clear Indigenous Vegetation' provide for the grant of a licence for the construction of a dam. The CAWS Act however requires the retention of native vegetation on at least 10% of the owner's holding area and 2007 imagery suggests that only ~37 ha of native vegetation remains there (excluding a number of plantations and 1.9ha of clearing authorized under CPS 3070/1 granted in 2009), 37 ha (i.e. 8%) remains on the holding but on-site verification of these desk top calculations is required (DoW 2011).

The DoW Policy and Guidelines also provide for the grant of a Licence to Clear small degraded stands subject to the establishment of a vegetation offset of twice the approved area. The CAWS Act s12C(3) provides for refusal of clearing proposals if there is less than 10% of native vegetation remaining on the holding. Therefore the DoW considered that the larger proposed clearing areas of vegetation on Lot 9380 (5.3ha) and Lot 2379 (2.4ha) appear healthy and area significantly greater than 1ha and therefore the proposed clearing in these areas do not meet the definition of small degraded stands and therefore should not be cleared.

The two small stands on Lot 8383 (0.6ha and 0.3ha) and the small stand on lot 9384 (0.3ha) plus 29 paddock trees so appear to meet the small degraded stand definition and therefore clearing of these area could be permitted conditional upon the planting up of 3.0 ha of currently cleared land (DOW 2011).

Clearing permit 3070/1 was granted to the applicant on the same holding in October 2009 for 1.9ha with revegetation and reporting conditions. Clearing permit 4529/1 was granted to the applicant on the same holding in September 2011 for 1.17ha with revegetation and reporting conditions.

The Shire of Manjimup (2011) advised that the applicant needs to confer with the local laws relating to movement of heavy vehicles.

No further water licences or permits are required from Department of Water for the proposed purpose.

Methodology References
-DoW (2011)
-Shire of Manjimup (2011)

4. References

- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- DEC (2011) Site Inspection report and regional advice for clearing permit application CPS 4280/1, Lots 9384, 9384, 2379 Irish Point Rd and Lot 9380 Kurandra Rd Middlesex. Site inspection undertaken 2 May 2011. Department of Environment and Conservation, Western Australia (DEC ref A391140).
- DoW (2011) CAWS Act Advice and comments on CPS 4280/1 - B and B Pessotto - Lots 9394, 9383, 2379 Irish Point Rd and Lot 9380 Kurandra Rd, Middlesex. Department of Water, Western Australia. DEC ref A391890
- 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, E.M. and Havel, J.J. (1998) Vegetation Complexes of the South-west Forest Region of Western Australia. Maps and report prepared as part of the Regional Forest Agreement, Western Australia for the Department of Conservation and Land Management and Environment Australia.
- Shepherd, D.P. (2009) Adapted from: Shepherd, D.P., Beeston, G.R., and Hopkins, A.J.M. (2001), Native Vegetation in Western Australia. Technical Report 249. Department of Agriculture Western Australia, South Perth.
- Shire of Manjimup (2011) Advice and comments on CPS 4280/1 - B and B Pessotto - Lots 9394, 9383, 2379 Irish Point Rd and Lot 9380 Kurandra Rd, Middlesex. DEC ref A386350
- Western Australian Herbarium (1998-) FloraBase - The Western Australian Flora. Department of Environment and Conservation. <http://florabase.dec.wa.gov.au/> (Accessed 12/4/2011).

5. 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)