



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 4653/1

File Number: DEC11051

Duration of Permit: From 19 December 2011 to 19 December 2015

PERMIT HOLDER

Bruno Pessotto

LAND ON WHICH CLEARING IS TO BE DONE

Lot 100 on Deposited Plan 69877 (Middlesex 6258)

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 60 native trees within the areas shaded yellow on attached Plan 4653/1.

CONDITIONS

1. Revegetation and rehabilitation

The Permit Holder shall establish and maintain trees within the area shaded red on attached Plan 4653/1 in accordance with the following requirements:

- (a) trees shall be maintained and established where required to an average planting density of 50 trees per hectare; and
- (b) *planting* is to commence within 12 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;
- (c) the number of trees *planted*; and
- (d) the species composition, structure and density of *planting*.

3. Reporting

- (a) The Permit Holder must provide to the CEO on or before 30 June of each year, a written report:

- (i) of records required under condition 2 of this Permit; and
- (ii) concerning activities done by the Permit Holder under this Permit between 1 January and 31 December of the preceding year.

- (b) Prior to 19 September 2015, 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.

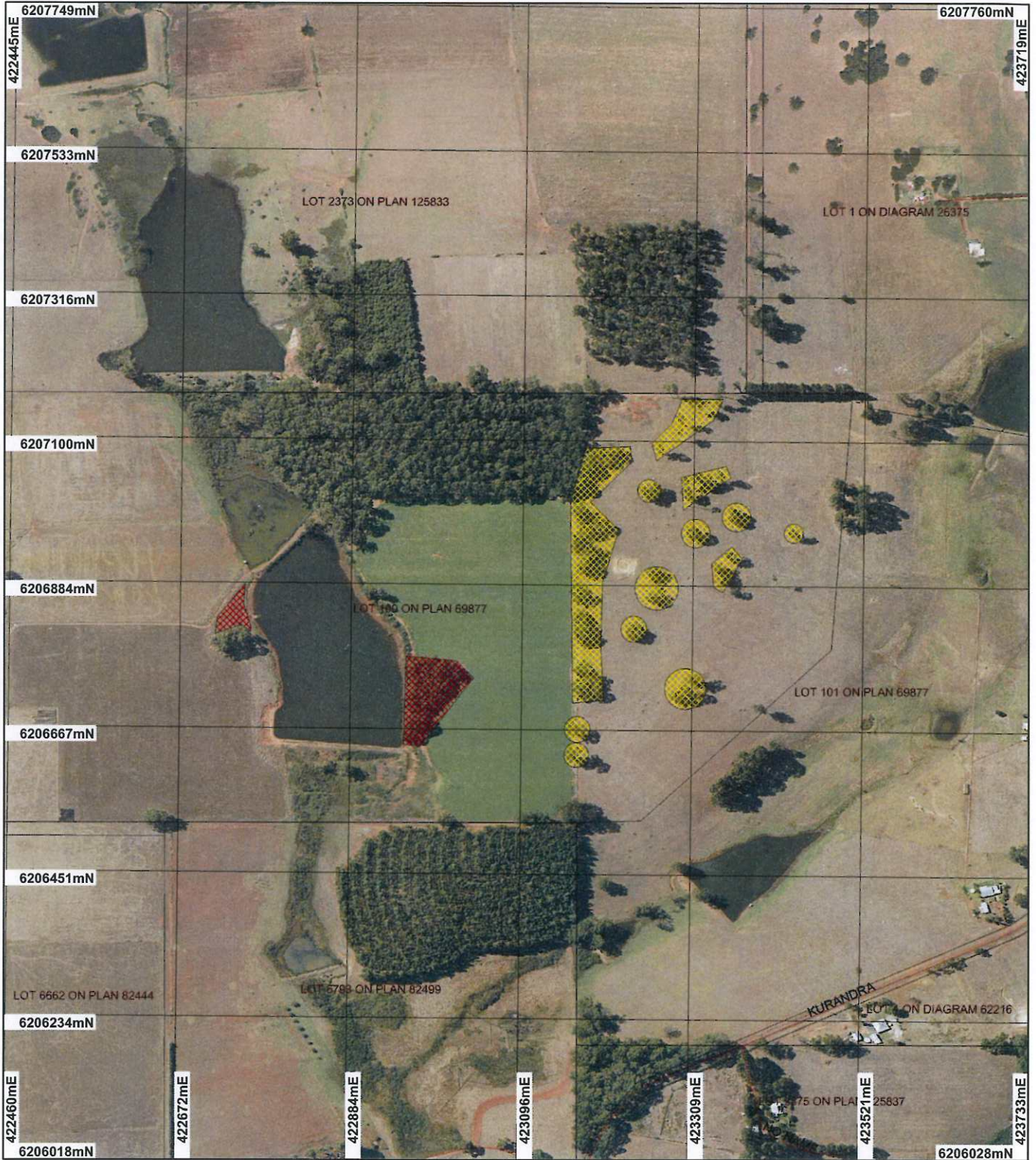


Kelly Faulkner
MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

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

24 November 2011

Plan 4653/1



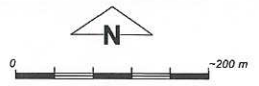
LEGEND

- Road Centrelines
- Cadastre for labelling**
- Freehold
- Crown Reserves
- 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 Applied to Clear
- Areas Subject to Conditions
- Areas Approved to Clear
- Manjimup 50cm Orthomosaic - Landgate 2007**



Geocentric Datum Australia 1994

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

Date 24/4/11

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.



1. Application details

1.1. Permit application details

Permit application No.: 4653/1
Permit type: Area Permit

1.2. Proponent details

Proponent's name: Bruno Pessotto

1.3. Property details

Property: LOT 100 ON PLAN 69877 (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:
	60	Mechanical Removal	Horticulture

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 24 November 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 vegetation association 1144 is described as Mosaic: Medium woodland; York gum & salmon gum / Shrublands; Melaleuca thyioides thicket (Shepherd 2009)	The proposed clearing of 60 trees is for the purpose of horticulture.	Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994)	The condition of the vegetation was established through a site visit conducted on 27 October 2011 (DEC 2011).
Mattiske vegetation complex: CRy - all open forest of <i>Corymbia calophylla</i> with mixture of <i>Eucalyptus marginata</i> subsp. <i>marginata</i> and <i>Eucalyptus diversicolor</i> on uplands in hyperhumid and perhumid zones (Mattiske and Havel 1998).	The vegetation under application consists predominately of Karri (<i>Eucalyptus diversicolor</i>) trees and some small groups of Marri (<i>Corymbia calophylla</i>) and Jarrah (<i>Eucalyptus marginata</i>) trees over paddock grasses in a degraded (Keighery 1994) condition (DEC 2011).		
PM1- Tall open forest of <i>Eucalyptus diversicolor</i> with mixtures of <i>Corymbia calophylla</i> on valley slopes and low forest of <i>Agonis juniperina</i> - <i>Banksia seminuda</i> - <i>Callistachys lanceolata</i> on valley floors in the perhumid zone (Mattiske and Havel 1998).			

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 proposed clearing of 60 trees is for the purpose of horticulture. The vegetation under application consists predominately of Karri (*Eucalyptus diversicolor*) trees and some small groups of Marri (*Corymbia calophylla*) and Jarrah (*Eucalyptus marginata*) trees over paddock grasses in a degraded (Keighery 1994) condition (DEC 2011).

The local area (10km radius) is partially vegetated (approximately 40%) with six Department of Environment and Conservation (DEC) managed lands in the vicinity constituting most of this 40%. The property under application has 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 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 (October 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.

Some of the 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, Marri and Jarrah 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 (October 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 different 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*.

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

Methodology References
-WA Herbarium (1998-)
GIS Databases
-SAC Bio Datasets (October 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 (October 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 association 1144 and Matisse Vegetation Complex CRy and PM1, which there is approximately 84% and 67% and 74% of pre-European extent remaining, respectively (Matisse and Havel 1998, Shepherd 2009).

The Beard and Matiske 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 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
Matiske 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

*(Shepherd, 2009)

** (Matiske and Havel, 1998)

Methodology References
 -Shepherd (2009)
 -Matiske 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 vegetation under application consists of mainly Karri (*Eucalyptus diversicolor*) trees and some small groups of Marri (*Corymbia calophylla*) and Jarrah (*Eucalyptus marginata*) trees over paddock grasses in a degraded (Keighery 1994) condition and occurs approximately 200 m west of minor perennial watercourses including Smith Brook.

It is not considered for the proposed clearing to be growing in or in association with a watercourse or wetland. Therefore, the proposed clearing is not likely to be at variance to this Principle.

Methodology References
 - Keighery (1994)
 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 may be 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 September 1978 to prevent salinisation of water resources (DoW 2011). Therefore, any further clearing within the Warren River Catchment may contribute to salinisation of water resource and cause land degradation.

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 of up to 25 ha for broadacre clearing subject to the retention of native vegetation on at least 10% of the holding area. Additionally the Guidelines provided for the grant of a licence to clear scattered paddock trees and degraded stands subject to the establishment of vegetation offset of twice the approved clearing area where 100 trees is equivalent to 1 ha. The subject holding comprises Lot 100 and

Lot 6662 on Plan 82444 and imagery suggests that only 7.1% of native vegetation remains there.

DoW considers that aerial photography indicates that the northwest corner of the application area is continuous with the northern remnant and should not be cleared as it does not meet the definition of small degraded stands or isolated trees (DEC 2011). The remaining trees are isolated paddock trees and therefore clearing of approximately 50 of them could be permitted conditional upon the planting of up to 1 ha as an offset (DoW 2011).

A site visit of the application area identified that the northwest corner of the application that looks to be continuous with a large northern remnant is separated from the remnant by a fenceline and consists of a degraded stand of Marri and Jarrah trees over pasture weeds (DEC 2011). Therefore, it is considered for this area to consist of a small degraded stand.

Considering that the proposed clearing consist of small degraded stands and isolated paddock trees but occurs within the Warren River Catchment, the proposed clearing may cause land degradation in the form of salinisation. A revegetation condition is considered to mitigate this impact.

Methodology References
-DOW (2011)
-DEC (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 is not likely to be at variance to this Principle

The local area (10km radius) is partially vegetated (approximately 40% remaining) with the DEC managed state forests of Tone, Jarnadup, Donnelley and Warren constituting the majority of this remaining native vegetation.

The closest reserve is Tone State Forest, which is approximately 600m north of the application area.

Given the distance between the conservation reserves and the application area, it is unlikely that the proposal is 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 may be 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 September 1978 to prevent salinisation of water resources (DoW 2011). Therefore, any further clearing within the Warren River Catchment may contribute to salinisation of water resource and cause a further deterioration of surface water quality.

Considering that the proposed clearing consist of small degraded stands and isolated paddock trees but occurs within the Warren River Catchment, the proposed clearing may contribute to salinisation of water resources and cause a further deterioration of surface water quality. A revegetation condition is considered to mitigate this impact.

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

Given that the proposed clearing is for a relatively small area it is not considered likely to cause or exacerbate flooding in the local area.

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

Methodology GIS Databases

-Hydrography, linear

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

Comments

The amended proposed clearing of 60 trees is for the purpose of Horticulture. The applicant has reduced the number of trees from 120 to 60 as he realized the number was greatly overestimated.

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 September 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 of up to 25 ha for broadacre clearing subject to the retention of native vegetation on at least 10% of the holding area. Additionally the Guidelines provided for the grant of a licence to clear scattered paddock trees and degraded stands subject to the establishment of vegetation offset of twice the approved clearing area where 100 trees is equivalent to 1 ha. The subject holding comprises Lot 100 and Lot 6662 on Plan 82444 and imagery suggests that only 7.1% of native vegetation remains there.

DoW considers that aerial photography suggests that the northwest corner of the application area is continuous with the northern remnant and should not be cleared as it does not meet the definition of small degraded stands or isolated trees (DEC 2011). The remaining trees are isolated paddock trees and therefore clearing of approximately 50 of them could be permitted conditional upon the planting of up to 1 ha as an offset (DoW 2011).

A site visit of the application area identified that the northwest corner of the application that looks to be continuous with a large northern remnant is separated from the remnant by a fenceline and consists of a degraded stand of Marri and Jarrah trees over pasture weeds (DEC 2011). Therefore, it is considered for this area to consist of a small degraded stand and therefore could be cleared with the provision of a revegetation offset of 1ha which would remove the risk of increased salinity.

DoW records show that a Licence LCR080 was granted in March 1979 to clear scattered trees on Lot 6662 (same holding) for the purpose of dam construction and no CAWS Act compensation has been paid to retain native vegetation on this holding (DoW 2011).

Clearing permit 3070/1 was granted to the applicant in October 2009 for 1.9ha with revegetation and reporting conditions. Clearing permit 4529/1 was granted to the applicant in September 2011 for 1.17ha with revegetation and reporting conditions. Clearing permit 4280/1 was partially granted to the applicant in October 2011 for 1.2 ha and 29 trees with revegetation and reporting conditions.

The applicant has proposed to maintain/revegetate 1 hectare to address water quality impact in Zone C of Warren River Water Catchment and in accordance with Department of Water policy and guidelines.

The Shire of Manjimup (2011) advised that the applicant does not need planning approval for the proposed horticulture.

The applicant holds a surface water licence on the property for the purpose of horticulture (No. SWL38351(5)). No further water licences or permits are required from Department of Water for the proposed purpose (DoW 2011).

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 for Clearing Permit Application CPS 4653/1, Lot 100 Starkies Road, Middlesex. Site inspection undertaken 27 October 2011. Department of Environment and Conservation, Western Australia (DEC ref A445689).

DoW (2011) CAWS Act Advice and comments on CPS 4653/1- B Pessotto - Lot 100 Starkie road, Middlesex. Department of Water, Western Australia. DEC ref A448402.

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 4653/1 - B Pessotto - Lot100, Starkies road Middlesex. DEC ref A446011

Western Australian Herbarium (1998-) FloraBase - The Western Australian Flora. Department of Environment and Conservation. <http://florabase.dec.wa.gov.au/> (Accessed 31/10/2011).

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)