



## CLEARING PERMIT

*Granted under section 51E of the Environmental Protection Act 1986*

### PERMIT DETAILS

Area Permit Number: 4902/1  
File Number: 2011/002488-1  
Duration of Permit: From 8 June 2012 to 8 June 2016

### PERMIT HOLDER

Bruno Pessotto

### LAND ON WHICH CLEARING IS TO BE DONE

Lot 2 on Diagram 9790 (Middlesex 6258)  
Lot 9388 on Plan 201696 (Middlesex 6258)

### AUTHORISED ACTIVITY

Clearing of up to 0.6 hectares of native vegetation within the area cross hatched yellow on attached Plan 4902/1.

### CONDITIONS

#### 1. Revegetation

The Permit Holder shall establish and maintain trees within the area cross hatched red on attached Plan 4902/1 in accordance with the following requirements:

- (a) trees shall be established and maintained to an average planting density of 50 trees per hectare;
- (b) *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 8 March 2016, 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:

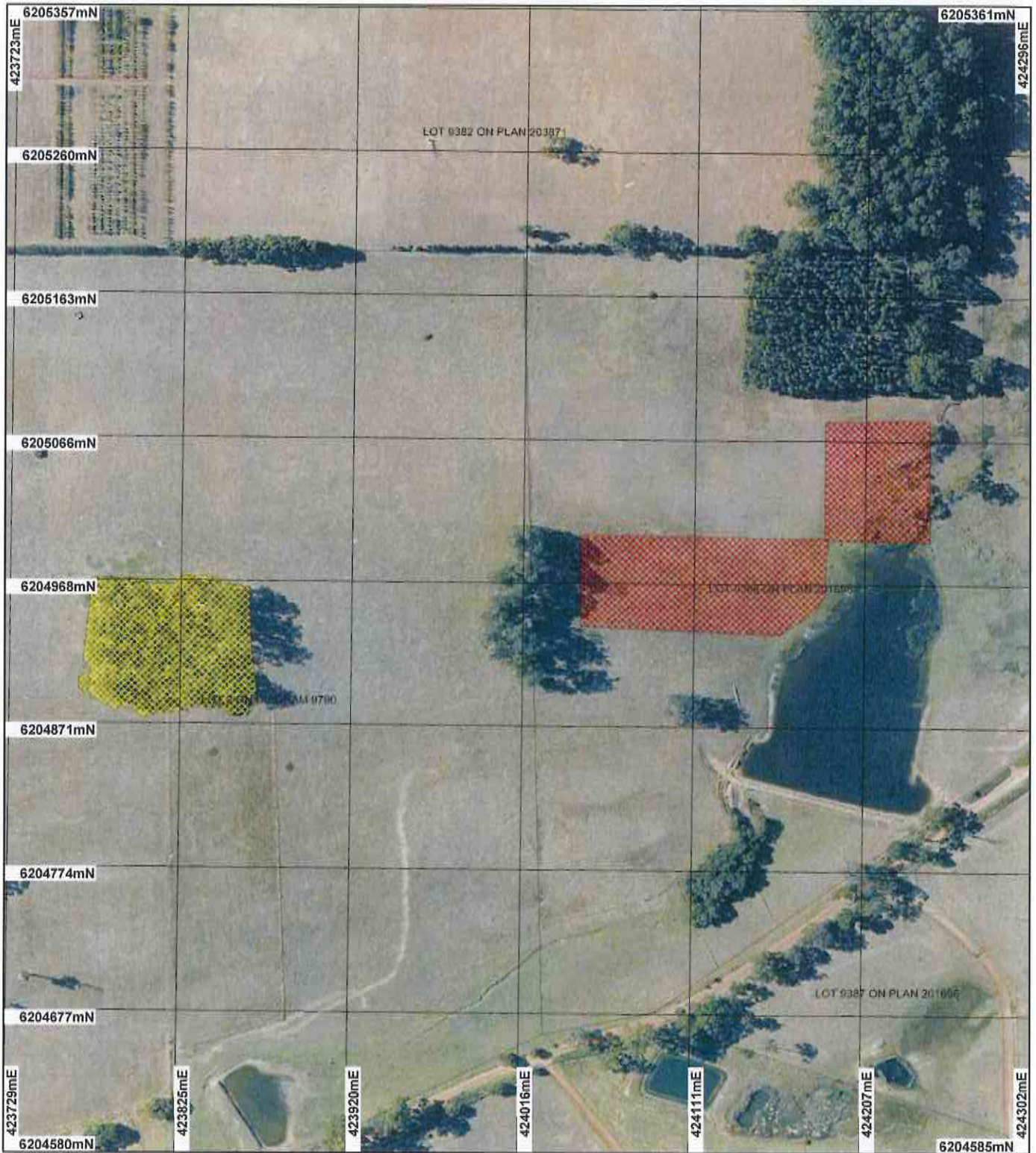
*planting* means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired species.

A handwritten signature in black ink, appearing to read "Kelly Faulkner", written over a horizontal line.

Kelly Faulkner  
MANAGER  
NATIVE VEGETATION CONSERVATION BRANCH  
*Officer delegated under Section 20  
of the Environmental Protection Act 1986*

17 May 2012

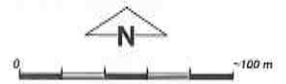
# Plan 4902/1



## LEGEND

- Road Centralines
- Clearing Instruments
- Areas Subject to Conditions
- Areas Approved to Clear
- Cadastre for labelling

Manjimup 50cm Orthomosaic -  
Landgate 2007



Scale 1:3413  
(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 17/5/12  
Kelly 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.: 4902/1  
Permit type: Area Permit

### 1.2. Proponent details

Proponent's name: Bruno Pessotto

### 1.3. Property details

Property: LOT 2 ON DIAGRAM 9790 ( MIDDLESEX 6258)  
LOT 9388 ON PLAN 201696 (House No. 176 IRISH POINT MIDDLESEX 6258)  
LOT 9388 ON PLAN 201696 (House No. 176 IRISH POINT 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: |
| 0.6                |           | Mechanical Removal | Horticulture        |

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 17 May 2012

## 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 1144 is described as Tall forest; karri & marri ( <i>Corymbia calophylla</i> ) | The proposed clearing of 0.25 ha is for the purpose of horticulture and pasture. | Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994) | The description and condition of the vegetation under application was determined via the use of aerial imagery (Manjimup 50cm Orthomosaic - Landgate 2007) |

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.

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 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 area proposed to be cleared is 0.6ha for the purpose of horticulture and grazing within Lot 2 on Diagram 9790, Middlesex.

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 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 468ha holding owned by the applicant.

Given that the small size and degraded condition of the application area, the proposed clearing is not likely to be at variance to this Principle.

**Methodology**

References

- DEC (2011)
- Keighery (1994)

GIS Databases

- SAC Bio Datasets (7 May 2012)
- 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.

A site inspection has been undertaken by DEC in the adjacent lots, the vegetation inspected within these lots was recorded as containing or having 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 proposed clearing:

- Western Ringtail Possum (*Pseudocheirus occidentalis*)
- Forest Red-tailed Black Cockatoo (*Calyptorhynchus banksii naso*)
- Baudin's Black Cockatoo (*Calyptorhynchus baudinii*)
- *Calyptorhynchus latirostris* (Carnaby's Cockatoo)
- 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 (7 May 2012)

#### (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*.

During a site visit conducted within the adjacent lots there was no evidence of rare flora within the inspected area. (DEC, 2011).

Given the above the clearing as proposed is unlikely to be at variance to this principle.

**Methodology** References:  
 -DEC (2011)  
 -WA Herbarium (1998-)

GIS Databases  
 -SAC Bio Datasets (7 May 2012)  
 -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 Biodatasets (7 May 2012)

**(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 Mattiske Vegetation Complex CRy and PM1, which there is approximately 80%, 67% and 74% of pre-European extent remaining, respectively ( Government of Western Australia 2011 and Mattiske and Havel 1998).

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<br>(ha) | Current extent<br>(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              | 126,979                | 80.00 |

\*(Government of Western Australia 2011)

\*\* (Mattiske and Havel, 1998)

**Methodology** References  
 - Commonwealth of Australia (2001)  
 - Commonwealth of Australia (2011)  
 -Mattiske and Havel(1998)

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**

No watercourse or wetlands are located within the application area. There is a minor, perennial watercourse located approximately 300m south of the application.

Given the distance from the watercourse the vegetation proposed to be cleared is not likely to be growing in or in association with an environment associated with a watercourse or wetland.

Given the above, the clearing as propose 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 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 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.

The CAWS Act provides that native vegetation should be retained on at least 10% of the owner's holding area. There is currently less than 10% native vegetation cover on the 468 ha of contiguous land parcels comprising the relevant applicants holding (DoW 2012).

The CAWs Act provides that if there would be less than 10% native vegetation cover on a holding any clearing application should be refused unless there are exceptional reasons for not doing so. DoW policy and guidelines provide for offsetting small (less than 1 ha) degraded stands. This could be construed as 'exceptional reasons' to allow clearing subject to vegetation establishment, and maintenance in perpetuity, of an area twice the size of the approved area (DoW 2012).

The application area appears to meet the small degraded stand definition and therefore clearing of these areas could be permitted, conditional upon the establishment of a vegetation offset of twice the approved area (DoW 2012).

A requirement to revegetate an area of at least 1.2 ha will assist in mitigating the impacts of salinity within the Warren River catchment.

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

**Methodology** Reference:  
DoW (2011)  
DoW (2012)

GIS Databases  
-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 approximately 1km east of the application areas. 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 through spread of weeds or dieback.

Therefore, the proposed clearing is not likely to 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 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 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. There is currently less than 10% native vegetation cover on the 468 ha of contiguous land parcels comprising the relevant applicants holding. (Dow 2012).

The CAWS Act provides that if there would be less than 10% native vegetation cover on a holding any clearing application should be refused unless there are exceptional reasons for not doing so. DoW policy and guidelines provide for offsetting small (less than 1 ha) degraded stands. This could be construed as 'exceptional reasons' to allow clearing subject to vegetation establishment, and maintenance in perpetuity, of an area twice the size of the approved area. (DoW 2012)

The application area appears to meet the small degraded stand definition and therefore clearing of these areas could be permitted, conditional upon the the establishment of a vegetation offset of twice the approved area. (DoW 2012)

A requirement to revegetate an area of at least 1.2ha will assist in mitigating the impacts of salinity within the Warren River catchment.

Given the above, the clearing as proposed maybe at variance to this principle.

**Methodology** Reference:  
DoW (2011)  
DoW (2012)

GIS Databases  
-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 0.6 is for the purpose of horticulture and pasture.

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(2012) advises CAWS Act s.12E(1) provides that native vegetation should be retained on at least 10% of a holding area in the interests of good agricultural and conservation practice. There is currently less than 10% native vegetation cover on the 468 ha of contiguous land parcels comprising the relevant Pessotto holding. The CAWS Act s.12C(3) provides that if there would be less than 10% native vegetation cover on a holding any clearing application should be refused unless there are exceptional reasons for not doing so. DoW policy and guidelines provide for offsetting small (less than 1 ha) degraded stands. This could be construed as 'exceptional reasons' to allow clearing subject to vegetation establishment, and maintenance in perpetuity, of an area twice the size of the approved area. DoW (2012) advised the clearing of 0.6 ha would fit the DoW policy and guidelines 'Granting of Licences to Clear Indigenous Vegetation in Catchments Subject to Clearing Control Legislation' provisions for the removal of trees from small degraded forest stand subject to the establishment of a vegetation offset of twice the approved area.

The Shire of Manjimup (2012) advised that there is no planning or other matters which affects the proposal.

**Methodology** Reference:  
 -DoW (2012)  
 -Shire of Manjimup (2012)

#### 4. References

Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.

DEC (2007 - ) NatureMap: Mapping Western Australia's Biodiversity. Department of Environment and Conservation. URL: <http://naturemap.dec.wa.gov.au/>. Accessed 7 May 2012

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

DoW (2012) CAWS Act Advice and comments on CPS 4902/1 - B and B Pessotto - Lots 9394, 9383, 2379 Irish Point Rd and Lot 9380 Kurandra Rd, Middlesex. Department of Water, Western Australia. DEC ref 489398

Government of Western Australia. (2011). 2011 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). WA Department of Environment and Conservation, Perth.

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.

Northcote, K. H. with Beckmann G G, Bettenay E., Churchward H. M., van Dijk D. C., Dimmock G. M., Hubble G. D., Isbell R. F., McArthur W. M., Murtha G. G., Nicolls K. D., Paton T. R., Thompson C. H., Webb A. A. and Wright M. J. (1960-68): 'Atlas of Australian Soils, Sheets 1 to 10, with explanatory data'. CSIRO and Melbourne University Press: Melbourne.

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 (2012) Advice and comments on CPS 4902/1 - B and B Pessotto - Lots 9394, 9383, 2379 Irish Point Rd and Lot 9380 Kurandra Rd, Middlesex. DEC ref A484927

Western Australian Herbarium (1998-) FloraBase - The Western Australian Flora. Department of Environment and Conservation. <http://florabase.dec.wa.gov.au/> (Accessed 7 May 2012).

#### 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)                    |