



## CLEARING PERMIT

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

### PERMIT DETAILS

Area Permit Number: 3405/1

File Number: DEC13574

Duration of Permit: From 30 April 2010 to 30 April 2015

### PERMIT HOLDER

B & J CATALANO PTY LTD on behalf of  
GEOFFREY THOMAS PEARSON  
PEARSON NOMINEES PTY LTD

### LAND ON WHICH CLEARING IS TO BE DONE

LOT 4 ON PLAN 15419 (Lot No. 4 LUDLOW MYALUP 6220)

LOT 5 ON PLAN 15419 (Lot No. 5 LUDLOW MYALUP 6220)

### AUTHORISED ACTIVITY

Clearing of up to 4.83 hectares of native vegetation within the area hatched yellow on attached Plan 3405/1.

### CONDITIONS

#### 1. Dieback and Weed Control

- (a) When undertaking any clearing, the Permit Holder must take the following steps to minimise the risk of introduction and spread of *dieback*:
  - (i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
  - (ii) avoid the movement of soil in wet conditions;
  - (iii) ensure that no *dieback*-affected *mulches* or *fill* are brought into an area that is not affected by *dieback*; and
  - (iv) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.
- (b) When undertaking any clearing or other activity pursuant to this Permit the Permit Holder must take the following steps to minimise the risk of the introduction and spread of *weeds*:
  - (i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
  - (ii) ensure that no *weed*-affected *mulch*, *fill* or other material is brought into the area to be cleared; and
  - (iii) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

#### 2. Wind Erosion Management

The Permit Holder shall not clear native vegetation under authorised activity on this Permit unless actively mining that cleared area, within six months of clearing the native vegetation.

### 3. Revegetation

- (a) The Permit Holder shall retain the vegetative material and topsoil removed by clearing in accordance with this Permit.
- (b) Within six month of the area no longer being required for the purpose of limestone extraction the permit holder must *revegetate* the area by:
  - (i) deliberately planting and/or seeding native vegetation that will result in a similar species composition, structure and density of native vegetation to pre-clearing vegetation types in that area;
  - (ii) ensuring only local provenance seeds and propagating material from within 10km of the area cleared are used to *revegetate* the area; and
  - (iii) lay vegetative material and topsoil retained in accordance with condition 4(a) on the area.
- (c) Within one year of undertaking *revegetation* in accordance with condition 4(b), the Permit Holder must:
  - (i) determine the species composition, structure and density of the area revegetated; and
  - (ii) where, in the opinion of an *environmental specialist*, the composition structure and density determined under condition 4(c)(i) will not result in a similar species composition, structure and density to pre-clearing vegetation types in that area the Permit Holder must undertake additional planting or seeding of native vegetation in accordance with the requirements of condition 4(b)(i) and (ii).

### 4. Records must be kept

The Permit Holder must maintain the following records for activities done pursuant to this Permit, as relevant:

- (a) The Permit Holder must maintain the following records for activities done pursuant to this Permit in relation to the *revegetation* of areas pursuant to condition 3:
  - (i) the commencement date of *revegetation*;
  - (ii) the location of any area *revegetated* recorded using Geocentric Datum Australia 1994;
  - (iii) a description of the *revegetation* activities undertaken;
  - (iv) the size of the area *revegetated* (in hectares); and
  - (v) the species, structure and composition of *revegetation* measured.

### 5. 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 4 and activities done by the Permit Holder under this Permit between 1 January and 31 December of the preceding year.
- (b) Before 31 January 2015, the Permit Holder must provide to the CEO a written report of records required under condition 4 where these records have not already been provided under condition 5(a).

### Definitions

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

*dieback* means the effect of *Phytophthora* species on native vegetation;

*environmental specialist* means a person who is engaged by the permit holder for the purpose of providing environmental advice, who holds a tertiary qualification in environmental science or equivalent, and has experience relevant to the type of environmental advice that an environmental specialist is required to provide under this Permit;

*fill* means material used to increase the ground level, or fill a hollow;

**mulch** means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation;

**revegetate, revegetated, revegetation** means the re-establishment of a cover of native vegetation in an area such that the species composition, structure and density is similar to pre-clearing vegetation types in that area, and can involve regeneration, direct seeding and/or planting;

**weed** means a species listed in Appendix 3 of the "Environmental Weed Strategy" published by the Department of Conservation and Land Management (1999), and plants declared under section 37 of the Agriculture and Related Resources Protection Act 1976.

A handwritten signature in black ink, appearing to read 'K. Faulkner', is written over a horizontal line.

Kelly Faulkner  
MANAGER  
NATIVE VEGETATION CONSERVATION BRANCH

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

31 March 2010

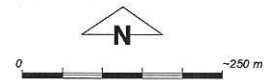


# Plan 3405/1



## LEGEND

- |                         |                        |
|-------------------------|------------------------|
| Clearing Instruments    | Cadastre for labelling |
| Areas Approved to Clear |                        |
| Road Centrelines        |                        |



Scale 1:9082

(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 31/3/10

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.: 3405/1  
Permit type: Area Permit

### 1.2. Proponent details

Proponent's name: B and J Catalano Pty Ltd

### 1.3. Property details

Property: LOT 4 ON PLAN 15419 (Lot No. 4 LUDLOW MYALUP 6220)  
LOT 5 ON PLAN 15419 (Lot No. 5 LUDLOW MYALUP 6220)

Local Government Area:

Colloquial name:

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
4.83		Mechanical Removal	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 Vegetation Unit 998: Medium woodland: tuart (Shepherd, 2007)	The application is for the clearing of 4.83ha of native vegetation for the purpose of limestone extraction. The application area is considered to be mostly devoid of vegetation and scattered areas of Open woodland of Eucalyptus decipiens var. chalaria with occasional Eucalyptus foecunda on upper slopes and occasional Agonis flexuosa over various weeds; and Open Woodland of Eucalyptus gomphocephala over Agonis flexuosa over various weeds. Also within this section is a small area considered to be Closed Low Woodland of Eucalyptus foecunda over the occasional Melaleuca systema and Hakea prostrata over various weeds (MBS, 2009).	Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994)	The vegetation is considered to be in degraded (Keighery, 1994) condition as determined by aerial mapping and site visit (DEC, 2009).
Cottesloe Complex Central and South: Mosaic of woodland of E. gomphocephala and open forest of E. gomphocephala - E. marginata - E. calophylla; closed heath on the Limestone outcrops.			
Yoongarillup Complex : Woodland to tall woodland of Eucalyptus gomphocephala (Tuart) with Agonis flexuosa in the second storey. Less consistently an open forest of Eucalyptus gomphocephala (Tuart) - Eucalyptus marginata (Jarrah) - Corymbia calophylla (Marri). (Hedde et al., 1980)			

## 3. Assessment of application against clearing principles

### Comments

The application has been amended from 8.23ha of vegetation in a 'good' to 'degraded' (Keighery, 1994) condition to 4.83ha of vegetation in a 'degraded' (Keighery, 1994) condition for the purpose of limestone extraction. The vegetation under application is considered to be in a degraded (Keighery 1994) condition (DEC, 2009). The local area (10km radius) has been highly cleared with approximately 25% vegetation remaining.

Two declared weed species were recorded within the application area during a site visit (DEC, 2009), being the Narrow leafed Cotton Bush (*Gomphocarpus fruticosus*) and the Apple of Sodom (*Solanum linnaeanum*).

There are 5 records of threatened fauna within a 10km radius of the applied area, including the Brush Tailed Phascogale (VU) and the Western Ringtail Possum (VU). Large Tuart trees and Peppermint trees were observed in the eastern and south-east portion of the application area (DEC, 2009), which may be providing habitat for these two species, however given the degraded condition of the surrounding vegetation, it is unlikely.

The area under application is 300m east of Lake Preston. The vegetated buffer between the applied area and lake Preston (a Ramsar wetland) is diminished in parts, exposing the lake to the potential incremental impacts of eutrophication and turbidity.

The soils under application are siliceous sands and leached sands in wetter sites (Northcote et al., 1960-68). Given his wind erosion is likely to occur with the clearing of 4.83 ha of native vegetation.

Given the above, clearing as proposed is may be at variance to principle (a), (g) and (i) and unlikely to be at variance to the remaining principles. Revegetation, Weed and Dieback and Wind erosion conditions will be placed on the permit.

- Methodology**
- Northcote et al. (1968)
  - Keighery (1994)
  - DEC (2009)
  - GIS Database:
    - Hydrographic catchments, subcatchments - DoW 01/06/07
    - Hydrography, linear - DOW 13/7/06
    - Topographic contours statewide - DOLA and ARMY 12/09/02
    - Soils, Statewide DA 11/99
    - Heddle Vegetation Complexes DEP 22/06/95
    - SAC Bio Datasets (011209)
    - CALM Managed Lands and Waters CALM 01/08/04
    - Pre European Vegetation - DA 01/01

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

##### **Comments**

The application was initially for 8.23ha and amended by the applicant on 8 January 2010, to remove all vegetation in 'good' (Keighery, 1994) condition. The clearing area is now 4.83ha. By removing the vegetation in 'good' (Keighery, 1994) condition and applying only for the vegetation considered to be 'degraded' (Keighery, 1994), the environmental issues raised in the Department of Environment and Conservation's letter dated 30 December 2009 were addressed.

The proposed clearing is within the South West Coastal groundwater area gazetted for water management under the Rights in Water and Irrigation Act 1914 (RIWI) by the Department of Water (DoW). Any impacts on the groundwater that may result from the limestone extraction are considered under the Extractive Industry Development approval.

The application area falls within the EP Bulletin No. 4 - Dawesville to Binningup survey area, which considers the land use pressures from, amongst other things, the supply of basic raw materials. The EPA advise that a minimum 200m buffer from Ramsar Wetlands is required and the vegetation within the amended application area appears to be severely degraded remnant vegetation which is unlikely to have significant fauna value (EPA, 2009).

- Methodology**
- Reference:
    - EPA (2009)
    - Keighery (1994)
  - GIS Database
    - Cadastre - Landgate Dec 07
    - Native Title Claims - LA 2/5/07
    - RIWI Act, Groundwater Areas - DoW 13/07/06
    - RIWI Act, Irrigation Districts - DoW 13/07/06
    - Town Planning Scheme Zones - MFP 31/08/98

#### **4. Assessment's recommendations**

##### **Comment**

The application has been assessed against the clearing principles, planning instruments and other matters in accordance with s51O of the Environmental Protection Act 1986, and the proposed clearing may be at variance to Principle (a), (g) and (i) and is not likely to be at variance to

the remaining clearing Principles.

## 5. References

- DEC (2009) Site Inspection Report for Lot 2, 4 and 5 Ludlow Road prepared by Department of Environment and Conservation. Unpublished. Trim Ref DOC111116
- EPA (2009) Advice received from the Environmental Protection Authority. Trim Ref: DOC112802
- 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.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- MBS Environmental (2009) Flora and Vegetation Assessment for B & J Catalano Pty Ltd Published October 2009 Trim Ref DOC103184
- 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. (2007). 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. Includes subsequent updates for 2006 from Vegetation Extent dataset ANZWA1050000124.

## 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 (now DEC)
DMP	Department of Mines and Petroleum (ex DoIR)
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)