



## CLEARING PERMIT

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

### PERMIT DETAILS

Area Permit Number: 3764/1

File Number: 2010/003640-1

Duration of Permit: From 12 December 2011 to 12 December 2018

### PERMIT HOLDER

Omaha Nominees Pty Ltd

### LAND ON WHICH CLEARING IS TO BE DONE

Lot 3618 on Deposited Plan 251474 (Myalup)

### AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 1.9 hectares of native vegetation within the area hatched yellow on attached Plan 3764/1.

### CONDITIONS

#### 1. Period in which clearing is authorised

The Permit Holder shall not clear any native vegetation after 12 December 2013

#### 2. Dieback control

When undertaking any clearing or other activity authorised under this Permit, the Permit Holder must take the following steps to minimise the risk of introduction and spread of *dieback*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (b) shall only move soils in *dry conditions*;
- (c) ensure that no *dieback*-affected soil, *mulch*, *fill* or other material is brought into an area that is not affected by *dieback*; and
- (d) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

#### 3. Retain vegetative material and topsoil, revegetation and rehabilitation

The Permit Holder shall:

- (a) retain the vegetative material and topsoil removed by clearing authorised under this Permit and stockpile the vegetative material and topsoil in an area that has already been cleared.
- (b) at an *optimal time* following clearing authorised under this Permit, *revegetate* and *rehabilitate* the area(s) that are no longer required for the purpose for which they were cleared under this Permit by:
  - (i) re-shaping the surface of the land so that it is consistent with the surrounding 5 metres of uncleared land; and
  - (ii) ripping the ground on the contour to remove soil compaction; and
  - (iii) ripping the pit floor and contour batters within the extraction site; and
  - (iv) laying the vegetative material and topsoil retained under condition 3(a) on the cleared area(s) that are no longer required for the purpose for which they were cleared under this Permit; and
  - (v) deliberately *planting* and/or *direct 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; and
  - (vi) ensuring only *local provenance* seeds and propagating material are used to *revegetate* and *rehabilitate* the area.

- (c) within 24 months of undertaking *revegetation* and *rehabilitation* in accordance with condition 3(b) of this Permit:
  - (i) engage an *environmental specialist* to determine the species composition, structure and density of the area *revegetated* and *rehabilitated*; and
  - (ii) where, in the opinion of an *environmental specialist*, the composition structure and density determined under condition 3(c)(i) of this Permit will not result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area, the Permit Holder must undertake additional *planting* or *direct seeding* of native vegetation in accordance with the requirements of condition 3(b)(v) and (vi) of this Permit.
- (d) where additional *planting* or *direct seeding* of native vegetation is undertaken in accordance with condition 3(c)(ii) of this permit, the Permit Holder shall repeat condition 3(c)(i) and 3(c)(ii) within 24 months of undertaking the additional *planting* or *direct seeding* of native vegetation.
- (e) where a determination by an *environmental specialist* that the composition, structure and density within areas *revegetated* and *rehabilitated* will result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area, as determined in condition 3(c)(i) and (ii) of this permit, that determination shall be submitted for the CEO's consideration. If the CEO does not agree with the determination made under condition 3(c)(ii), the CEO may require the Permit Holder to undertake additional *planting* and *direct seeding* in accordance with the requirements under condition 3(c)(ii).

#### 4. Records to be kept

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

- (a) In relation to the clearing of native vegetation authorised under this Permit:
  - (i) the species composition, structure and density of the cleared area;
  - (ii) the location where the clearing occurred, 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;
  - (iii) the date that the area was cleared;
  - (iv) the date the extraction operations ceased; and
  - (v) the size of the area cleared (in hectares).
- (b) In relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 3 of this Permit:
  - (i) the location of any areas *revegetated* and *rehabilitated*, 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;
  - (ii) a description of the *revegetation* and *rehabilitation* activities undertaken;
  - (iii) the size of the area *revegetated* and *rehabilitated* (in hectares);
  - (iv) the species composition, structure and density of *revegetation* and *rehabilitation*, and
  - (v) a copy of the environmental specialist's report.

#### 5. 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 4 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 12 September 2018, the Permit Holder must provide to the CEO a written report of records required under condition 4 of this Permit where these records have not already been provided under condition 5(a) of this Permit.

#### DEFINITIONS

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

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

***direct seeding*** means a method of re-establishing vegetation through the establishment of a seed bed and the introduction of seeds of the desired plant species;

***dry conditions*** means when soils (not dust) do not freely adhere to rubber tyres, tracks, vehicle chassis or wheel arches;

***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;

***local provenance*** means native vegetation seeds and propagating material from natural sources within 10 kilometres of the area cleared;

***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;

***optimal time*** means the period from April to June for undertaking *direct seeding*, and the period from May to June for undertaking *planting*;

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

***regenerate/ed/ion*** means re-establishment of vegetation from in situ seed banks and propagating material (such as lignotubers, bulbs, rhizomes) contained either within the topsoil or seed-bearing *mulch*;

***rehabilitate/ed/ion*** means actively managing an area containing native vegetation in order to improve the ecological function of that area; and

***revegetate/ed/ion*** means the re-establishment of a cover of *local provenance* native vegetation in an area using methods such as natural *regeneration*, *direct seeding* and/or *planting*, so that the species composition, structure and density is similar to pre-clearing vegetation types in that area.

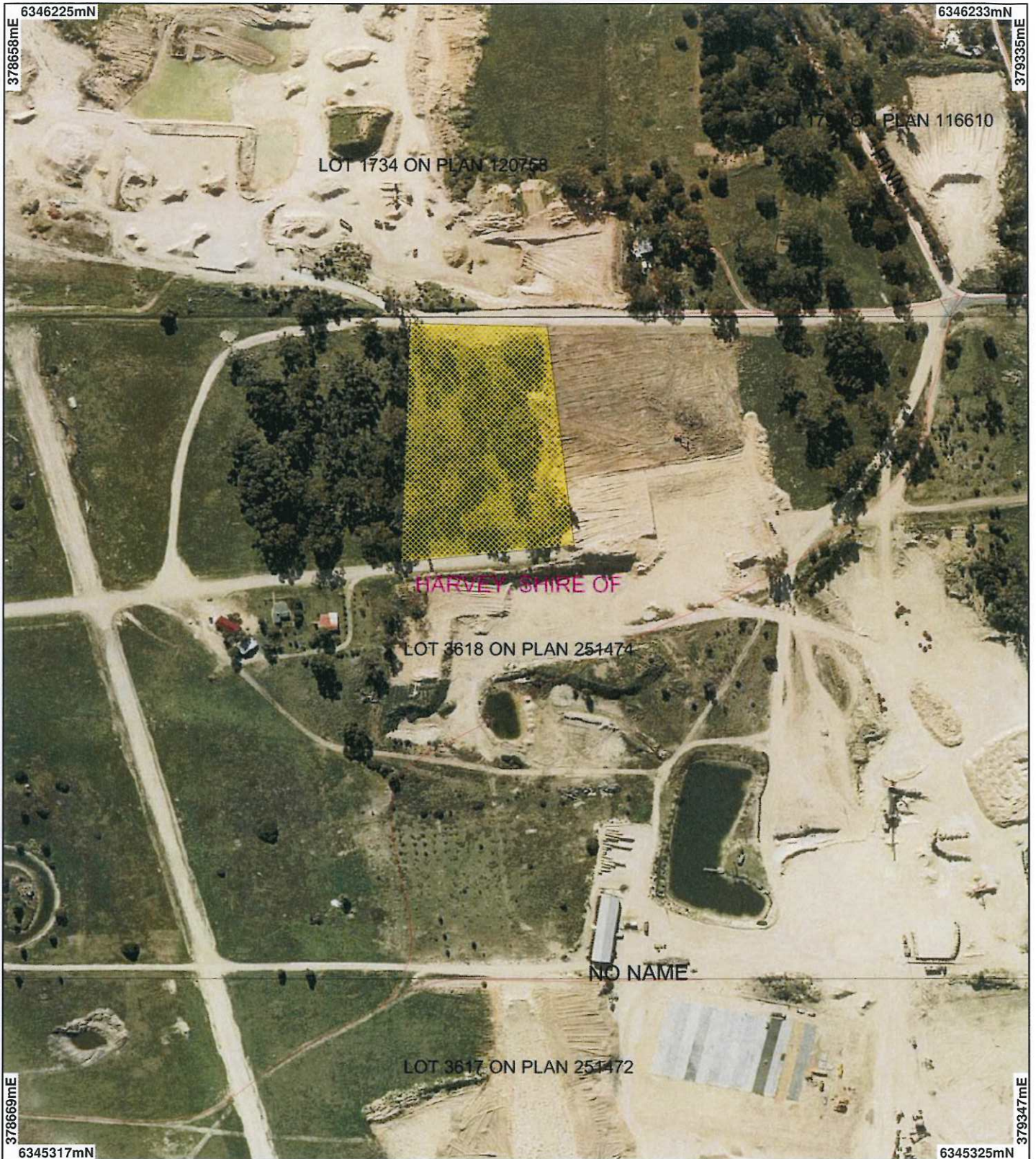


Kelly Faulkner  
MANAGER  
NATIVE VEGETATION CONSERVATION BRANCH

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

16 November 2011

# Plan 3764/1



## LEGEND

- Road Centrelines
- Cadastre
- Clearing Instruments
- Areas Approved to Clear

- Local Government Authorities
- Bunbury 50cm Orthomosaic - Landgate 2008**



0 100 m

Scale 1:4000

(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 16/06/08

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.: 3764/1  
Permit type: Area Permit

### 1.2. Proponent details

Proponent's name: Blair Wellington Howe Omaha Nominees Pty Ltd

### 1.3. Property details

Property: LOT 3618 ON PLAN 251474 ( MYALUP 6220)  
Local Government Area: Shire of Harvey  
Colloquial name:

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
1.9		Mechanical Removal	Extractive Industry

### 1.5. Decision on application

Decision on Permit Application: GRANT  
Decision Date: 16 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 998 is described as medium woodland of Eucalyptus gomphocephala (Tuart). (Shepherd, 2009)	The application is to clear 1.9 hectares for the purpose of limestone extraction. The vegetation contains 44 Eucalyptus gomphocephala (tuart trees) (Omaha Nominees, 2010), the majority of which are immature. The understorey appears to consist of weeds with little to no native understorey persisting. The vegetation is considered to be in degraded to completely degraded (Keighery, 1994) condition.	Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994)	Vegetation description and condition was determined based on aerial photography and photographs and description of the site included with the application (Omaha Nominees, 2010).
Mapped Heddle Vegetation Complex Yoongarillup 57 is described as woodland to tall woodland and open forest. (Heddle et al., 1980)	The application area is part of a remnant of native overstorey vegetation approximately 3.8 hectares in size. This remnant is isolated from other native vegetation by areas cleared for rural pursuits and extractive industry.	To  Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994)	

## 3. Assessment of application against clearing principles

### Comments

The application is to clear 1.9 hectares of native vegetation, including 44 Eucalyptus gomphocephala (tuart) trees, for the purpose of limestone extraction (Omaha Nominees, 2010).

Three threatened black cockatoo species, Carnaby's black cockatoo (*Calyptorhynchus latirostris*) (Endangered, Wildlife Conservation Act 1950; Endangered, Environment Protection and Biodiversity Conservation Act 1999), Baudin's black cockatoo (*Calyptorhynchus baudinii*) (Endangered, Wildlife Conservation Act 1950; Vulnerable, Environment Protection and Biodiversity Conservation Act 1999) and forest red-tailed black cockatoo (*Calyptorhynchus banksii naso*) (Vulnerable, Wildlife Conservation Act 1950; Vulnerable, Environment Protection and Biodiversity Conservation Act 1999), may utilise the application area, however the majority of the trees are immature and not considered to be large enough to support suitable nesting hollows for these species. The proposed clearing is not likely to impact upon significant habitat for these species.

There are no declared rare flora or threatened ecological communities recorded within the vicinity of the application area.

The proposed clearing is unlikely to impact upon vegetated linkages or conservation areas in the local area, nor

is it likely to cause appreciable land degradation, water quality impacts or increase the incidence or intensity of flooding.

The vegetation under application is part of an approximately 3.8 hectare stand of remnant native trees and the proposed clearing will reduce this area by approximately half. Soil disturbance and removal of native vegetation increases the risk of pathogens, such as dieback (*Phytophthora cinnamomi*), being introduced or spread. The long term viability of the remaining vegetation is likely to be reduced due to the proposed clearing and subsequent land use. Dieback management will minimise the impact of the proposed clearing on the remaining vegetation.

The clearing as proposed is not likely to be at variance to the clearing principles.

**Methodology**

References:

Keighery (1994)

Omaha Nominees (2010)

GIS databases:

- Bunbury 50cm Orthomosaic - Landgate 2008
- Existing DEC Managed Lands and Waters - DEC 06/11
- Hydrography Linear - DoE 02/04
- Pre European Vegetation - DA 01/01
- SAC Biodatasets 11/11
- Soils, Statewide - DA 11/99

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

**Comments**

Considering the duration elapsed since the preliminary assessment of this application was conducted, a review of current environmental information has been conducted and the assessment amended to reflect current environmental values.

Originally the application was for 4.2 hectares (64 trees) however this was amended to 1.9 hectares (44 trees) after it was advised by the applicant that a portion of the applied area had already been cleared. The Department of Environment and Conservation (DEC) advised the applicant that retrospective approval for clearing cannot be granted.

The area under application is zoned general farming.

The Shire of Harvey granted planning consent for the proposed extractive industries on 1 November 2011 and advised that an Extractive Industries Licence for the combined development (existing and proposed extraction) will need to be obtained from Council (Shire of Harvey, 2011).

The application area is within the mapped extent of the Lake Preston Aboriginal Site of Significance. The proponent will be advised of their obligations under the Aboriginal Heritage Act 1972.

The application area falls within the South West Coastal groundwater area proclaimed under the Rights in Water and Irrigation Act 1914. If groundwater is to be taken, a groundwater licence will be required from the Department of Water.

The area under application lies within the Greater Bunbury Regional Area (Rural) and the gazetted Peel-Harvey coastal plain catchment (Peel Inlet-Harvey Estuary Environmental Protection Policy 1992). The environmental quality objectives of the Environmental Protection (Peel Inlet Harvey Estuary) Policy 1992 are to reduce the median load (mass) of total phosphorus flowing into the Estuary from the Harvey River and drains. Given that the clearing is for up to 1.9 hectares for extractive industry, and the area will be revegetated following completion of the mining, it is not expected that the nutrient load to the Estuary would be affected.

**Methodology**

References:

Shire of Harvey (2011)

GIS database:

- Aboriginal Sites of Significance - DIA 02/10
- RIWI Act, Groundwater Areas - DoW 03/08
- Town Planning Scheme Zones - MFP 08/98

## 4. References

- 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.
- Omaha Nominees (2010) Application for Clearing Permit CPS 3764/1 Lot 3618 Finn Road Myalup. DEC Ref: A308722
- 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.
- Shire of Harvey (2011) Planning consent for extractive industry granted 1/11/2011. DEC Ref: A447678

## 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)