



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 3764/2

File Number: 2010/003640-1

Duration of Permit: From 12 December 2011 to 12 December 2020

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 2.76 hectares of native vegetation within the area hatched yellow on attached Plan 3764/2.

CONDITIONS

1. Period in which clearing is authorised

The Permit Holder shall not clear any native vegetation after 12 December 2015

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. Fauna management

The Permit Holder shall not clear *habitat trees* found at the following coordinates:

- (a) 33° 1' 17.82'' S, 115° 42' 37.62'' E
- (b) 33° 1' 16.32'' S, 115° 42' 39'' E

4. 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 4(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 4(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 4(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 4(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 4(c)(i) and 4(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 4(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 4(c)(ii), the CEO may require the Permit Holder to undertake additional *planting* and *direct seeding* in accordance with the requirements under condition 4(c)(ii).

5. 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).
- (c) In relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 4 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.

6. 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 5 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 2020, the Permit Holder must provide to the CEO a written report of records required under condition 5 of this Permit where these records have not already been provided under condition 6(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;

habitat tree(s) means trees that have a diameter, measured at 1.5 metres from the base of the tree, of 50 centimetres or greater, that contains or has the potential to develop hollows or roosts suitable for native fauna;

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.



M Warnock
MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

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

27 June 2013

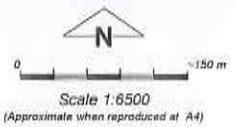
Plan 3764/2



LEGEND

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

Perth Metropolitan Area
South 15cm Orthomosaic -
Landgate 2012



Geocentric Datum Australia 1994
Note: the data in this map have not been
projected. This may result in geometric
distortion or measurement inaccuracies.

M Warnock 27/6/13
Date

M Warnock
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.: 3764/2
Permit type: Area Permit

1.2. Proponent details

Proponent's name: 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:
2.76		Mechanical Removal	Extractive Industry

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 27 June 2013

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 et al 2001).	The application is to increase the application area by 0.86 hectares and to amend condition 1 of permit CPS 3764/1 to allow clearing until 12 December 2015.	Completely Degraded: No longer intact; completely/almost completely without native species (Keighery 1994)	Vegetation description and condition was determined based on a site inspection conducted by Department of Environment and Conservation (2013).
Mapped Heddle Vegetation Complex Yoongarillup 57 is described as woodland to tall woodland and open forest (Heddle et al., 1980).	The initial application area contained 44 Eucalyptus gomphocephala (tuart trees) (Omaha Nominees, 2010), the majority of which were immature. The understorey consisted of weeds with little to no native understorey persisting. The vegetation was considered to be in degraded to completely degraded (Keighery, 1994) condition. The additional application area of 0.86 hectares consists entirely of Eucalyptus gomphocephala (tuart trees) and one Jarrah sp. The vegetation is considered to be in a degraded (Keighery 1994) condition (DEC 2013). 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 Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994)	

3. Assessment of application against clearing principles

Comments

The permit has been amended to increase the area of clearing from 1.9 hectares to 2.76 hectares within Lot 3618 on Plan 251474, Myalup and to amend condition 1 of permit CPS 3764/1 to allow clearing until 12 December 2015.

Three threatened black cockatoo species, Carnaby's cockatoo (*Calyptorhynchus latirostris*), Baudin's cockatoo (*Calyptorhynchus baudinii*) and forest red-tailed black cockatoo (*Calyptorhynchus banksii naso*) listed as rare or likely to become extinct under the Wildlife Conservation Act 1950 may utilise the application area. The additional application area consists entirely of *Eucalyptus gomphocephala* (tuart trees) and one medium jarrah tree. The majority of tuart trees are immature and therefore are not considered to be large enough to support suitable nesting hollows for the black cockatoo species. Two mature tuart trees are located within the application area, one of which does contain hollows. The applicant has advised the two large tuart trees will be retained (DEC 2013). Therefore the clearing as proposed is unlikely to impact upon significant habitat for this

species. Fauna management practices will help mitigate the risk to black cockatoo species.

The findings from the previous assessment are still relevant and can be found in the Clearing Permit Decision Report CPS 3764/1.

Methodology References:
- Keighery (1994)
- DEC (2013)

GIS Databases:
- SAC Biodata sets - accessed May 2013

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

Comments

The Shire of Harvey issued an extractive industry licence for Lot 3617 and 3618 Finn Road, Myalup on the 1 November 2011. The additional clearing area is included within this extractive industry licence.

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.

Methodology

4. References

- DEC (2013) Site Inspection Report for Clearing Permit Application CPS 3764/1, Lot 3618 on Plan 251474, Myalup. Site inspection undertaken 23 May 2013. Department of Environment and Conservation, Western Australia (DEC Ref: A636111).
- Heddlie, 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.
- 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.

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)