



## CLEARING PERMIT

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

### PERMIT DETAILS

Area Permit Number: 4159 / 1

File Number: 2011/000068-1

Duration of Permit: From 21 March 2011 to 21 March 2016

### PERMIT HOLDER

Bluestripe Pty Ltd trading as ABA Civil on behalf of Anthony Maiolo and Cosamo Maiolo

### LAND ON WHICH CLEARING IS TO BE DONE

LOT 14 ON DIAGRAM 92958

### AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 1.94 hectares of native vegetation, within the areas shaded yellow on attached Plan 4159/1.

### CONDITIONS

#### 1. Type of clearing authorised

- (a) Clearing authorised under this Permit must be completed by 21 March 2013, being two years from the date from which this Permit becomes valid.
- (b) The Permit Holder shall not clear native vegetation unless extraction activities are enacted within 3 months of the clearing being undertaken.

#### 2. Dieback and weed 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 the introduction and spread of *weeds* and *dieback*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (b) shall not move soils in wet conditions;
- (c) ensure that no *dieback* or *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; 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, ripping, 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 is already cleared.
- (b) within six months following clearing authorised under this Permit, *revegetate* and *rehabilitate* the areas that are no longer required for the purpose of material extraction by:
  - (i) ripping the pit floor and contour banks within the extraction site; and
  - (ii) laying the vegetative material and topsoil retained in accordance with condition 3(a) on the cleared areas.
- (c) within 24 months of laying the vegetative material and topsoil on the cleared area 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, *revegetate* the area by 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 ensuring only *local provenance* seeds and propagating material are used.

#### 4. Records to be kept

The Permit Holder must retain the following records in relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 3 of this Permit:

- (a) 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;
- (b) a description of the *revegetation* and *rehabilitation* activities undertaken; and
- (c) the size of the area *revegetated* and *rehabilitated* (in hectares).

#### 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 21 December 2015, 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 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;

*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 20 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;

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

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

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

*weed/s* 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*.



---

Kelly Faulkner  
MANAGER  
NATIVE VEGETATION CONSERVATION BRANCH

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

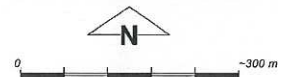
24 February 2011

# Plan 4159/1



## LEGEND

- |   |  |
|---|--|
| <p><b>Clearing Instruments</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Areas Applied to Clear</li> <li><input type="checkbox"/> Areas Subject to Conditions</li> <li><input type="checkbox"/> Areas Approved to Clear</li> <li><input checked="" type="checkbox"/> Road Centrelines</li> <li><input type="checkbox"/> Cadastre</li> </ul> | <p><input type="checkbox"/> Local Government Authorities</p> <p><b>Donnybrook 50cm Orthomosaic - Landgate 2004</b></p> |
|---|--|



Scale 1:10000  
(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.

*K Faulkner* Date 24/2/11

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.



Department of Environment and Conservation

Our environment, our future  
WA Crown Copyright 2002

\* Project Data is denoted by asterisk. This data has not been quality assured. Please contact map author for details.



## 1. Application details

### 1.1. Permit application details

Permit application No.: 4159/1  
Permit type: Area Permit

### 1.2. Proponent details

Proponent's name: Anthony and Cosamo Maiolo Bluestripe Pty Ltd ABA Civil

### 1.3. Property details

Property: LOT 14 ON DIAGRAM 92958 ( UPPER CAPEL 6239)  
Local Government Area:  
Colloquial name:

### 1.4. Application

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

### 1.5. Decision on application

Decision on Permit Application: Granted  
Decision Date: 24 February 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
<p>The vegetation under application is mapped as Beard vegetation association</p> <p>1017: Medium open woodland; jarrah and marri with low woodland; banksia</p> <p>(Hopkins et al 2002; Shepherd 2009)</p> <p>Mattiske Complex:</p> <p>Bidella (BD): Low woodland of Melaleuca preissiana-Banksia littoralis-Hakea lasianthoides on valley floors and open forest to woodland of Eucalyptus marginata subsp. marginata-Corymbia calophylla-Eucalyptus patens on slopes in perhumid and humid zones.</p> <p>(Mattiske and Havel 1998)</p>	<p>The proposal is to clear 1.94 hectares of native vegetation within Lot 14 (a 95.6 ha property) for the purpose of gravel extraction.</p> <p>The vegetation under application is subject to grazing disturbance which has resulted in limited native understorey and mid storey vegetation remaining.</p>	<p>Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994)</p>	<p>The condition of the vegetation was determined through aerial mapping (Donnybrook 50cm Orthomosaic - Landgate 2004) and site photos submitted with the clearing permit application form (Lundstrom Environmental 2011).</p>

## 3. Assessment of application against clearing principles

### Comments

The proposal is to clear a fragmented area of native vegetation (1.94 hectares in size) for the purpose of gravel extraction.

A minor non perennial watercourse (a tributary of Capel River South) runs across the area under application in an east to west direction. The vegetation under application is representative of upland vegetation at approximately 120m AHD with the Capel River South, located 1.5 km west at approximately 70m AHD. However, given the occurrence of a minor watercourse, the proposed clearing is likely to impact vegetation that growing in an environment associated with a watercourse. Therefore the proposed clearing is at variance to Principle (f).

The Department of Water (2011) advised the watercourse within the area under application is a first order non perennial stream, which is a tributary to the Capel River. The removal of any riparian vegetation is not supported and upland vegetation should also remain because of the topography of the site to support and protect other vegetation, land form and water quality (Department of Water 2011). DEC notes that the vegetation under application has been impacted by grazing and as such there is limited, if any, riparian

vegetation occurs within the area.

The vegetation under application and the surrounding area within Lot 14 is subject to grazing disturbance, and photos provided by the applicant shows mostly trees present (typically jarrah and marri) with limited native mid storey and understorey vegetation remaining within the applied area (Lundstrom Environmental 2011). Given the extent of disturbance, the vegetation is considered to be in a degraded (Keighery 1994) condition.

In addition, there are larger areas of remnant vegetation (for example Jarrahwood State Forest) in better condition in close proximity to the property.

Given the relatively small scale of the proposed clearing and the degraded (Keighery 1994) condition, the vegetation under application is considered to comprise limited habitat or biodiversity values and is not likely to impact on the water quality of the minor watercourse or cause appreciable land degradation within the local or regional context. Therefore, the proposed clearing is not considered likely to be at variance to the remaining clearing principles.

- Methodology** References:
- Department of Water (2011)
  - Keighery (1994)
  - Lundstrom Environmental (2011)
- GIS databases:
- Donnybrook 50cm Orthomosaic - Landgate 2004
  - Hydrological, linear
  - Rivers
  - SAC Bio Datasets 11/1/2011
  - Topographic Contours, Statewide

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

##### Comments

The proposal is for the purpose of gravel extraction.

The Shire of Donnybrook-Balingup (2011) advised that the Shire has no objections to the application to clear.

The applied area is located within the Proclaimed Surface Water Area: Capel River and Tributaries, so any interference with bed and banks or abstraction of surface water would require a permit from the Department of Water; and the Proclaimed Groundwater Area: Busselton-Capel, so any dewatering or abstraction of groundwater will require a licence from Department of Water.

The Department of Water (2011) advised the watercourse within the area under application is a first order non perennial stream, which is a tributary to the Capel River. Inappropriate management of stormwater during earthworks, any construction and during the extraction period has the potential to impact on the water quality of the Capel River. It is recommended that a minimum 30m vegetated buffer be maintained, and where necessary, rehabilitated to protect this tributary. Vegetated buffers should include middle, lower and groundcover vegetation.

It would be beyond DEC's power for a clearing permit to include conditions to manage impacts associated with the end land use, which are not associated with the clearing of native vegetation.

Lot 14 on Diagram 92958 is freehold land zoned General Farming Pastoral under the local Town Planning Scheme.

- Methodology** References:
- Department of Water (2011)
  - Shire of Donnybrook-Balingup (2011)
- GIS Databases:
- Cadastre
  - CAWSA Part IIA Clearing Control Catchments
  - RIWI Act, Surface Water Areas, Irrigation Districts
  - Town Planning Scheme Zones

#### 4. References

Department of Water (2011) Direct Interest Submission for Lot 14 Upper Capel Road. DEC Ref A367688

Hopkins, A.J.M., Beeston, G.R. and Harvey J.M. (2001) A database on the vegetation of Western Australia. Stage 1. CALMScience after J. S. Beard, late 1960's to early 1980's Vegetation Survey of Western Australia, UWA Press.

Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of

WA (Inc). Nedlands, Western Australia.

Lundstrom Environmental (2011) Application for a Clearing Permit CPS 4159/1 and Supporting Documentation for Lot 14 Upper Capel Road. DEC Ref A359794

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 Donnybrook-Balingup (2011) Direct Interest Submission for Lot 14 Upper Capel Road. DEC Ref A364239

## 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)