



GOVERNMENT OF
WESTERN AUSTRALIA

CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 6885/1
Permit Holder:	Omaha Nominees Pty Ltd
Duration of Permit:	12 November 2016 – 05 April 2021

The Permit Holder is authorised to clear native vegetation subject to the following conditions of this Permit.

1. Purpose for which clearing may be done

Clearing for the purpose of limestone extraction.

2. Land on which clearing is to be done

Lot 3618 on Deposited Plan 251474, Myalup
Lot 1734 on Deposited Plan 120758, Myalup

3. Area of Clearing

The Permit Holder must not clear more than 0.165 hectares of native vegetation within the area hatched yellow on attached Plan 6885/1.

4. Clearing not authorised

The Permit Holder shall not clear any native vegetation after 9 February 2021.

5. Application

This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

PART II – MANAGEMENT CONDITIONS

6. Avoid, minimise etc.

In determining the amount of native vegetation to be cleared authorised under this Permit, the Permit Holder must have regard to the following principles, set out in order of preference:

- avoid the clearing of native vegetation;
- minimise the amount of native vegetation to be cleared; and
- reduce the impact of clearing on any environmental value.

James Widenbar
MANAGER
CLEARING REGULATION





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

13 October 2016

Plan 6885/1



Legend

-  Areas approved to clear
 -  Roads
 -  LGA
 -  Cadastre
- Virtual Mosaic (LGATE-V001)



1:2,000

MGA 94

Geocentric Datum of Australia 1994

 Date: 13/10/16

JAMES WIDENSAR

Officer with delegated authority under Section 20
of the Environmental Protection Act 1986



GOVERNMENT OF
WESTERN AUSTRALIA



1. Application details

1.1. Permit application details

Permit application No.: 6885/1
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Omaha Nominees Pty Ltd

1.3. Property details

Property: LOT 3618 ON PLAN 251474, MYALUP
LOT 1734 ON PLAN 120758, MYALUP
HARVEY, SHIRE OF
Local Government Authority: Greater Swan
DER Region: MYALUP
Localities: MYALUP

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 13 October 2016
Reasons for Decision: The clearing application has been assessed against the clearing principles, planning instruments and other matters in accordance with s51O of the *Environmental Protection Act 1986*, and it has been concluded that the proposed clearing is not likely to be at variance to the clearing principles.

The Delegated Officer determined that the proposed clearing of 0.165 hectares of native vegetation is unlikely to have any significant environmental impacts. Consideration was given to the Shire of Harvey granting an Extractive Industry Licence, conditioning revegetation of the property post extraction.

State Government and other relevant policies have been taken into account in this decision to grant the clearing permit.

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 association 998 is described as medium woodland; tuart (Shepherd et al., 2001). Heddle vegetation complex 'Yoongarillup Complex' is described as woodland to tall woodland of <i>Eucalyptus gomphocephala</i> (tuart) with <i>Agonis flexuosa</i> in the second storey. Less consistently an open forest of <i>Eucalyptus gomphocephala</i> - <i>Eucalyptus marginata</i> (jarrah) - <i>Corymbia calophylla</i> (marri)(Heddle et al., 1980).	The applicant proposes to clear up to 0.165 hectares of native vegetation for the purpose of limestone extraction.	Degraded; Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994). To: Completely Degraded; No longer intact; completely/almost completely without native species (Keighery, 1994).	Vegetation condition was determined via a site inspection conducted by DER on 10 February 2016 (DER, 2016).

A site inspection undertaken by the Department of Environment Regulation (DER) found native vegetation to comprise of tuart and *Acacia* sp. regrowth over previously disturbed areas, with one mature tuart tree (DER, 2016).

3. Assessment of application against clearing principles

Comments The clearing of 0.165 hectares of native vegetation within Lot 3618 on Deposited Plan 251474 and Lot 1734 on Deposited Plan 120758, Myalup, is for the purpose of limestone extraction. Native vegetation within the application area is in a degraded to completely degraded (Keighery, 1994) condition, comprising regrowth and one mature tuart over previously disturbed areas (DER, 2016). The application area is surrounded by cleared areas and degraded vegetation.

Given the degraded to completely degraded (Keighery, 1994) condition of the vegetation, lack of understorey species, lack of hollow bearing trees and relatively small size of the application area; the proposed clearing is not likely to impact on rare or priority flora, a priority or threatened ecological community, conservation reserves within the local area or significant fauna habitat and is not likely to be classified as clearing a significant remnant within a highly cleared landscape.

As no wetlands or watercourses are mapped within the application area, given the lack of understorey species, and relatively small size of the application area; the proposed clearing is not likely to impact on riparian vegetation, contribute to or cause land degradation, deteriorate the quality of ground water or surface water and is not likely to cause or exacerbate flooding.

Given the above, the proposed clearing is not likely to be at variance to the clearing principles.

Methodology References:
DER (2016)
Keighery (1994)

GIS datasets:
Geomorphic wetlands, Swan Coastal Plain
Hydrography linear
Parks and Wildlife Estate
SAC bio-datasets (accessed September 2016)

Planning instruments and other relevant matters.

Comments The application is to clear 0.165 hectares of native vegetation within Lot 3618 on Deposited Plan 251474 and Lot 1734 on Deposited Plan 120758, Myalup, for the purpose of limestone extraction.

An Extractive Industry Licence from the Shire of Harvey has been approved. Condition 9 of the Extractive Industries Licence application conditions the rehabilitation of the site through an Environmental Management Plan (EMP). This EMP accounts for all of the extractive industry proposed for the lot and allows for a corridor of natural revegetation as well as areas rehabilitated for pasture. The EMP has been developed to account for the revegetation conditions required under clearing permits CPS 1285/1, CPS 1286/1 and CPS 3764/3.

The application area occurs within the Lake Preston Aboriginal Site of Significance. It is the proponent's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

The clearing permit application was advertised on 1 February 2016 by the Department of Environment Regulation inviting submissions from the public. One submission was received and raised the following concerns (Submission, 2016):

1. Cumulative environmental impacts of growing limestone operations within Lot 1734 on Deposited Plan 120758 and adjacent properties;
2. Non-compliance with the rehabilitation conditions of previous clearing permits CPS 1285/1, CPS 1286/1 and CPS 3764/3;
3. Cumulative loss of Carnaby's cockatoo (*Calyptorhynchus latirostris*; 'rare or likely to become extinct' under the *Wildlife Conservation Act 1950*) habitat;
4. Indirect impacts to Lake Preston, including changes to topography and soil profile within extraction areas which may cause uncontrolled water and soil erosion; and
5. Site management of stormwater runoff.

The management of stormwater runoff and impacts to hydrology as a result of the end land use are addressed via a Water Management Plan under condition 10 of the Extractive Industry Licence.

Condition 2 in clearing permit CPS 1285/1 and condition 1 in clearing permit 1286/1 require the Permit Holder to revegetate specified areas within 12 months after the completion of extractive works by planting or seeding native vegetation that will result in a similar species composition, structure and density of native vegetation to pre-clearing vegetation types in the area. Condition 4 in clearing permit CPS 3764/3 requires that areas no longer required for the purpose of which they were cleared be revegetated following clearing by spreading vegetative material and topsoil and 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 the area.

Under condition 6 of clearing permit CPS 3764/3, the Permit Holder is required to submit an annual report detailing clearing and revegetation activities conducted over the previous year. A review of annual reporting has determined that revegetation commenced within cleared areas in 2014. Clearing permit CPS 1285/1 and clearing permit CPS 1286/1 do not contain reporting conditions.

Cumulative clearing has been considered in the assessment of Clearing Principle (e). In total, four clearing permits approving the cumulative clearing of 7.08 hectares of native vegetation and 37 native trees have been granted within Lot 1734 on Deposited Plan 120758 and adjacent properties (Lot 3618 on Deposited Plan 251474, Lot 3617 on Deposited Plan 251472 and Lot 1794 on Deposited Plan 116610). Including the current application, three additional applications have been submitted by Omaha Nominees Pty Ltd to clear a total of 5.165 hectares within Lot 3618 on Deposited Plan 251474, Lot 1734 on Deposited Plan 120758 and Lot 55 on Deposited Plan 36488, Myalup.

The EMP conditioned as part of the EIL process accounts for the revegetation conditions of previous permits over the property and provides a strategic whole of Lot rehabilitation plan.

Methodology References:
Submission (2016)

GIS datasets:
Aboriginal Sites of Significance

4. References

- Department of Environment Regulation (DER) (2016) CPS 6885/1 site inspection report. Department of Environment Regulation, Perth. DER REF: A1058785.
- 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.
- Shepherd, D.P., Beeston, G.R. and Hopkins, A.J.M. (2001) Native Vegetation in Western Australia, Extent, Type and Status. Resource Management Technical Report 249. Department of Agriculture, Western Australia.
- Submission (2016) Submission received in relation to CPS 6885/1. DER REF: A1048637.