



## CLEARING PERMIT

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

<b>Purpose Permit number:</b>	CPS 10277/1
<b>Permit Holder:</b>	Midland Brick Pty Ltd
<b>Duration of Permit:</b>	From 23 July 2025 to 23 July 2038

### ADVICE NOTE

In relation to conditions 10 and 11 of the permit, a total of 5.59 hectares of *native vegetation* within Lot 202 on Deposited Plan 403408, Bullsbrook, will be attributed to the offset for this project. The offset site will be *revegetated* and *rehabilitated* to improve the quality of suitable foraging habitat for forest red-tailed black cockatoo (*Calyptrorhynchus banksii naso*), Carnaby's cockatoo (*Zanda latirostris*) and Baudin's cockatoo (*Zanda baudinii*) and will be fenced and conserved in perpetuity.

The permit holder is authorised to clear *native vegetation* subject to the following conditions of this permit.

### PART I – CLEARING AUTHORISED

**1. Clearing authorised (purpose)**

The permit holder is authorised to clear *native vegetation* for the purpose of clay extraction.

**2. Land on which clearing is to be done**

Lot 6 on Deposited Plan 49665, Muchea

**3. Clearing authorised**

The permit holder must not clear more than 2.09 hectares of *native vegetation* within the area cross-hatched yellow in Figure 1 of Schedule 1.

**4. Period during which clearing is authorised**

The permit holder must not clear any *native vegetation* after 28 February 2033

### PART II – MANAGEMENT CONDITIONS

**5. Avoid, minimise, and reduce impacts and extent of clearing**

In determining the *native vegetation* authorised to be cleared under this permit, the permit holder must apply the following principles, set out in descending order of preference:

- (a) Avoid the clearing of *native vegetation*;

- (b) Minimise the amount of *native vegetation* to be cleared; and
- (c) Reduce the impact of clearing on any environmental value.

## 6. Weed and dieback management

When undertaking any clearing authorised under this permit, the permit holder must take the following measures to minimise the risk of 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) Ensure that no known *dieback* or *weed*-affected soil, *mulch*, *fill*, or other material is brought into the area to be cleared; and
- (c) Restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

## 7. Directional clearing

The permit holder must:

- (a) Conduct *clearing* activities in a slow, progressive manner towards adjacent *native vegetation*; and
- (b) Allow reasonable time for fauna present within the area being cleared to move into adjacent *native vegetation* ahead of the clearing activity.

## 8. Fauna management – black cockatoos

- (a) Prior to undertaking any clearing authorised under this permit and within the combined areas cross-hatched yellow on Figure 1 of Schedule, the permit holder must engage a *fauna specialist* to inspect *black cockatoo habitat trees* identified within the permit area for evidence of current or past breeding use by *black cockatoo species* listed below:
  - (i) *Zanda lateriosis* (Carnaby's cockatoo);
  - (ii) *Calyptorhynchus banksii naso* (forest red-tailed black cockatoo); and
  - (iii) *Zanda baudinii* (Baudin's cockatoo).
- (b) Where a *black cockatoo habitat tree* with no *evidence* of current or past use by *black cockatoo species* is identified in accordance with condition 8(a), that tree must only be cleared immediately after the inspection.
- (c) Where a *black cockatoo habitat tree* is identified within the combined areas cross-hatched yellow on Figure 1 of Schedule 1 and that tree shows evidence of current or past breeding use by *black cockatoo species* under condition 8(c), and clearing of that tree cannot be avoided, that tree must be monitored by a *fauna specialist* to determine when it is no longer in use for that breeding season.
- (d) Any *black cockatoo breeding tree* with *evidence* of current breeding use by *black cockatoo species* must not be cleared whilst it is in use for that breeding season as determined by the *fauna specialist* under condition 8(a).
- (e) For each *black cockatoo breeding tree* with *evidence* of current or past breeding use by *black cockatoo species* identified that cannot be avoided, the permit holder must install an artificial black cockatoo nest hollow.
- (f) Each artificial black cockatoo nesting hollow required by condition 8(e) must be installed prior to commencement of the next black cockatoo breeding season following clearing of the related *black cockatoo breeding tree(s)*.

- (h) The artificial black cockatoo nest hollow(s) required by condition 8(e) of this permit must:
  - (i) be installed within the area cross-hatched red on Figure 1 of Schedule 2;
  - (ii) be designed and placed in accordance with the specifications detailed in Schedule 3; and
  - (iii) be monitored and maintained in accordance with the specifications detailed in Schedule 3, for a period of at least ten years.
- (i) Within two months of clearing authorised under this permit within the combined areas cross-hatched yellow on Figure 1 of Schedule 1, the permit holder must provide the results of the fauna survey in a report at the discretion of the *CEO*.

## 9. Wind erosion management

The permit holder must commence the extraction of clay no later than six (6) months after undertaking the authorised *clearing* activities to reduce the potential for wind erosion.

## 10. Offset- Revegetation and rehabilitation

Within 12 months of the commencement of clearing authorised under this permit, the permit holder must *revegetate* and *rehabilitate* 5.59 hectares of *native vegetation* within the area crossed hatched red on Figure 1 of Schedule 2 by:

- (a) Implementing and adhering to the approved *Revegetation plan*, including but not limited to the following actions:
  - (i) Undertake *weed* control prior to *planting* and *direct seeding*;
  - (ii) Rip the offset site where safe to do so, to remove any areas of compaction or other obstruction that could prevent root penetration of seedlings;
  - (iii) Deliberately *plant* and/or *direct seed* with *native vegetation* at an *optimal time*, using species that will provide foraging habitat for forest red-tailed black cockatoo (*Calyptorhynchus banksia naso*), Carnaby's cockatoo (*Zanda latirostris*) and Baudin's cockatoo (*Zanda baudinii*);
  - (iv) Ensure only *local provenance* seeds and propagating material are used to *revegetate* and *rehabilitate* the area.
  - (v) Establish a minimum of four 10 x 10 metre quadrat monitoring sites across the *revegetation* site;
  - (vi) Undertake annual weed control activities;
  - (vii) Implement hygiene protocols by cleaning earth-moving machinery of soil and vegetation prior to entering and leaving the site;
  - (viii) Water planted vegetation for the first two years, post planting, as required.
- (b) The permit holder must achieve the completion criteria specified in Table 1 of Schedule 2 of this permit, after the 5-year monitoring period for areas *revegetated* and *rehabilitated* under this permit.
- (c) Undertake remedial action for areas *revegetated* and *rehabilitated*, where monitoring indicated that *revegetation* has not met the Completion Criteria, outlined in Table 1 of Schedule 2 of this permit, including:
  - (i) *revegetate* the area by deliberately *planting* and/or *direct seeding native vegetation* that will result in the minimum completion criteria outlined in Table 1 of Schedule 2 and ensuring only *local provenance* seeds and propagating material are used;

- (ii) undertake further *weed control* activities;
- (iii) annual monitoring by an *environmental specialist* of the revegetation areas, until the Completion Criteria, outlined in Table 1 of Schedule 2 of this permit, are met.
- (d) Where an *environmental specialist* has determined that the completion criteria outlined in Table 1 of Schedule 2 has been met, a report is to be provided to the *CEO* within three months of the determination being made.
- (e) Where the *CEO* does not agree with the determination made by an environmental specialist, the *CEO* may require the permit holder to undertake remedial actions in accordance with the requirements under condition 10(c).

#### 11. Offset- conservation covenant

Within 12 months of commencing clearing under this permit, the permit holder must, for the area cross-hatched red in Figure 1 of Schedule 2, give a conservation covenant under section 30B of the *Soil and Land Conservation Act 1945* for the protection and management of vegetation in perpetuity, in accordance with the following conditions:

- (a) *Native vegetation* in the area subject to the conservation covenant must not be cleared, other than for clearing required under the *Bush Fire Act 1954*;
- (b) The conservation covenant is to apply in perpetuity and be registered on the title of the property; and
- (c) Within one month of executing and returning the conservation covenant to the Commissioner of Soil and Land Conservation the permit holder shall notify the *CEO* in writing that the conservation covenant has been executed.

#### 12. Vegetation management- fencing

- (a) Within 12 months of commencement of clearing, the permit holder must construct a fence along the perimeters of the area cross hatched red in Figure 1 of Schedule 2;
- (b) The fence should allow for the movement of wildlife by being raised 15 centimetres from the ground;
- (c) Within one (1) month of installing the above fences, the permit holder shall notify the *CEO* in writing that the fencing has been completed.

### **PART III - RECORD KEEPING AND REPORTING**

#### 13. Records that must be kept

The permit holder must maintain records relating to the listed relevant matters in accordance with the specifications detailed in Table 1.

**Table 1: Records that must be kept**

No.	Relevant matter	Specifications
1.	In relation to the authorised clearing activities generally	<ul style="list-style-type: none"> <li>(a) the species composition, structure, and density of the cleared area;</li> <li>(b) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to GDA2020, expressing the geographical coordinates</li> </ul>

No.	Relevant matter	Specifications
		<p>in Eastings and Northings;</p> <p>(c) the date that the area was cleared;</p> <p>(d) the size of the area cleared (in hectares);</p> <p>(e) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 5; and</p> <p>(f) actions taken to minimise the risk of the introduction and spread of <i>weeds</i> and <i>dieback</i> in accordance with condition 6.</p> <p>(g) actions taken to minimize wind erosion in accordance with condition 9</p>
2.	In relation to fauna management pursuant to condition 7 and 8	<p>(a) The time(s) and date(s) of inspection(s) of the suitable black cockatoo habitat tree by the fauna specialist;</p> <p>(b) a description of the inspection methodology employed by the fauna specialist;</p> <p>(c) the species name of any fauna determined by the fauna specialist to be occupying the suitable <i>black cockatoo habitat tree</i>;</p> <p>(d) where the suitable <i>black cockatoo habitat tree</i> is determined by the <i>fauna specialist</i> to be occupied by <i>black cockatoo species</i>;</p> <p>(e) the time and date that it was determined to be no longer occupied; and</p> <p>(f) a description of the evidence by which it was determined to be no longer occupied;</p> <p>(g) the time and date that the <i>suitable black cockatoo habitat tree</i> was cleared.</p> <p>(h) a copy of the <i>fauna specialist</i> report;</p> <p>(i) the location where each artificial nesting hollow hollows were installed, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (GDA2020), expressing the geographical coordinates in Eastings and Northings;</p> <p>(j) a description of the monitoring and maintenance activities undertaken.</p> <p>(k) actions taken in accordance with condition 7.</p>
	In relation to the revegetation and rehabilitation of areas pursuant to condition 10, 11 and 12	<p>(a) A description of the <i>revegetation</i> and <i>rehabilitation</i> activities undertaken;</p> <p>(b) The size of the area <i>revegetated</i> and <i>rehabilitated</i>;</p> <p>(c) The date/s on which the <i>revegetation</i> and <i>rehabilitation</i> was undertaken;</p>

No.	Relevant matter	Specifications
		<p>(d) the boundaries of the area <i>revegetated</i> and <i>rehabilitated</i>, recorded using a Global Positioning System (GPS) unit set to GDA2020, expressing the geographical coordinates in Eastings and Northings;</p> <p>(e) description of any remediation works undertaken;</p> <p>(f) the date completion criteria are considered to be met; and</p> <p>(g) any other actions taken in accordance with condition 10.</p> <p>(h) Actions taken in accordance with condition 11.</p> <p>(i) Actions taken in accordance with condition 12</p>

#### 14. Reporting

- (a) The permit holder must provide to the *CEO* on or before 30<sup>th</sup> June of each calendar year, a written report containing:
- (i) the records required to be kept under condition 13; and
  - (ii) records of activities done by the permit holder under this permit between 1 January and 31 December of the preceding calendar year.
- (b) If no clearing authorised under this permit has been undertaken, a written report confirming that no clearing under this permit has been carried out, must be provided to the *CEO* on or before 31 December of each calendar year
- (c) The permit holder must provide to the *CEO*, no later than 90 calendar days prior to the expiry date of this permit, a written report of records required under condition 13, where these records have not already been provided under condition 14(a).

#### DEFINITIONS

In this permit, the terms in Table have the meanings defined.

**Table 2: Definitions**

Term	Definition
black cockatoo habitat trees	means trees that have a diameter, measured at 130 centimetres from the base of the tree, of 50 centimetres or greater (or 30 centimetres or greater for <i>Eucalyptus salmonophloia</i> or <i>Eucalyptus wandoo</i> ) that contain hollows suitable for breeding by black cockatoo species.
black cockatoo species	means one or more of the following species: (a) <i>Zanda lateriosis</i> (Carnaby's cockatoo); (b) <i>Zanda baudinii</i> (Baudin's cockatoo); and/or (c) <i>Calyptorhynchus banksii naso</i> (forest red-tailed black cockatoo).
CEO	Chief Executive Officer of the department responsible for the administration of the clearing provisions under the <i>Environmental Protection Act 1986</i> .
clearing	has the meaning given under section 3(1) of the EP Act.

Term	Definition
condition	a condition to which this clearing permit is subject under section 51H of the EP Act.
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 holds a tertiary qualification in environmental science or equivalent, and has a minimum of 2 years work experience relevant to the type of environmental advice that an environmental specialist is required to provide under this permit, or who is approved by the CEO as a suitable environmental specialist.
evidence	Means showing chew marks or scratching on the habitat trees representative of the species being surveyed, the presence of the species entering or leaving the habitat tree, and/or presence of chicks/young.
fauna specialist	means a person who holds a tertiary qualification specialising in environmental science or equivalent, and has a minimum of 2 years work experience in fauna identification and surveys of fauna native to the region being inspected or surveyed, or who is approved by the CEO as a suitable fauna specialist for the bioregion, and who holds a valid fauna licence issued under the <i>Biodiversity Conservation Act 2016</i> .
fill	means material used to increase the ground level, or to fill a depression.
dieback	means the effect of <i>Phytophthora</i> species on native vegetation.
department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> (WA) and designated as responsible for the administration of the EP Act, which includes Part V Division 3.
EP Act	<i>Environmental Protection Act 1986</i> (WA)
local provenance	local provenance means native vegetation seeds and propagating material from natural sources within 50 kilometres and the same IBRA subregion 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.
native vegetation	has the meaning given under section 3(1) and section 51A of the EP Act.
optimal time	means the period from May to June for undertaking seeding and planting.
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.
remedial action/s	means any activity that is required to ensure successful reestablishment of vegetation to its pre-clearing composition, structure and density, and may include a combination of soil treatments and <i>revegetation</i> .
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.
Revegetation plan	Means the plan developed by the permit holder for the <i>revegetation</i> and <i>rehabilitation</i> of the offset site in accordance with condition 10 of this Permit: “ <i>Revegetation Plan, Lot 202 Great Northern Highway, Bullsbrook, 2025 (Del Botanics, 2025)</i> ”.
weeds	means any plant –

Term	Definition
	<p>(a) that is a declared pest under section 22 of the <i>Biosecurity and Agriculture Management Act 2007</i>; or</p> <p>(b) published in a Department of Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking summary, regardless of ranking; or</p> <p>(c) not indigenous to the area concerned.</p>

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**END OF CONDITIONS**



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 Jessica Burton

MANAGER

NATIVE VEGETATION REGULATION

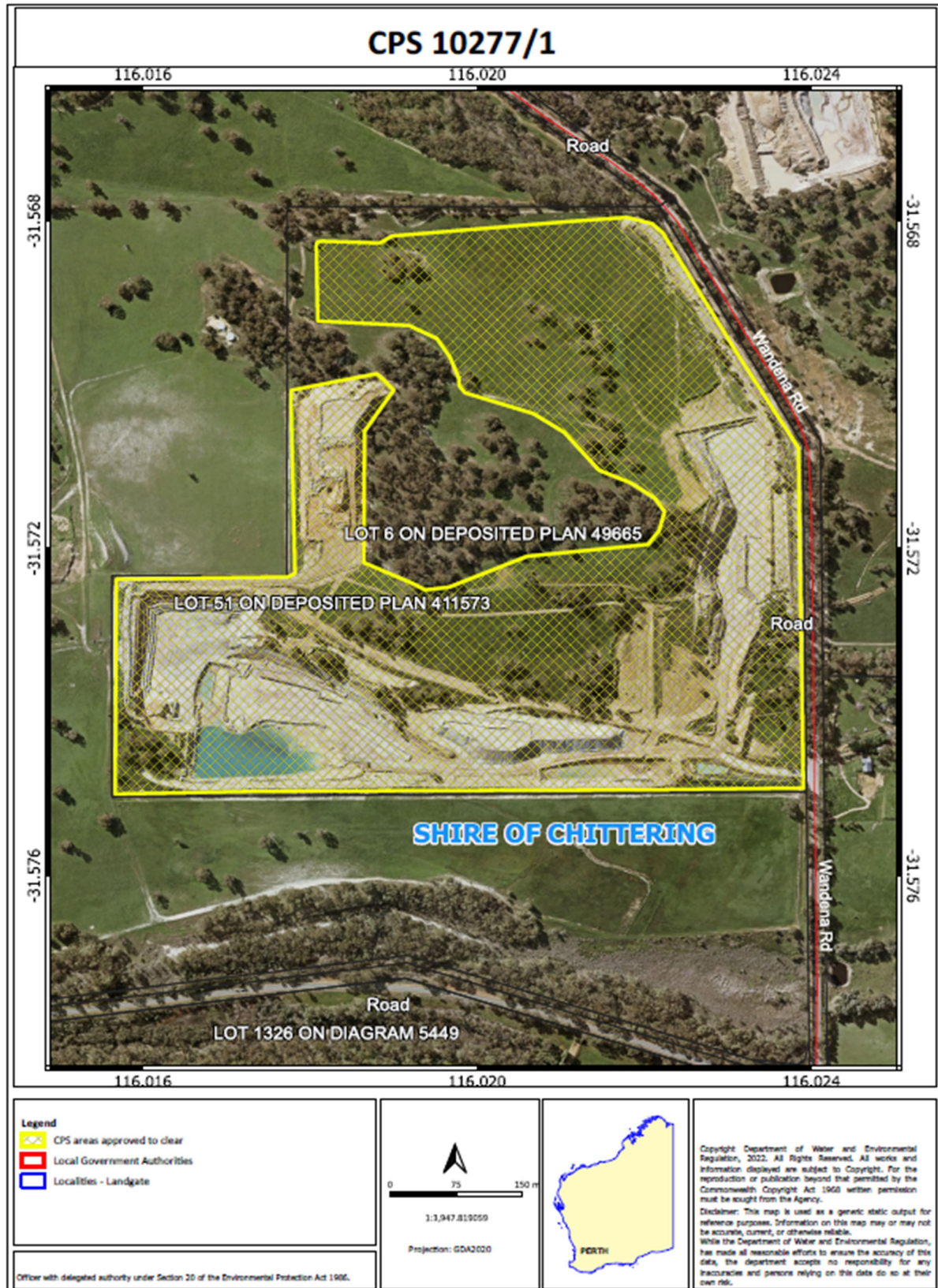
*Officer delegated under Section 20  
Of the Environmental Protection Act 1986*

30 June 2025



# SCHEDULE 1

The boundary of the area authorised to be cleared is shown in the map below (Figure 1).

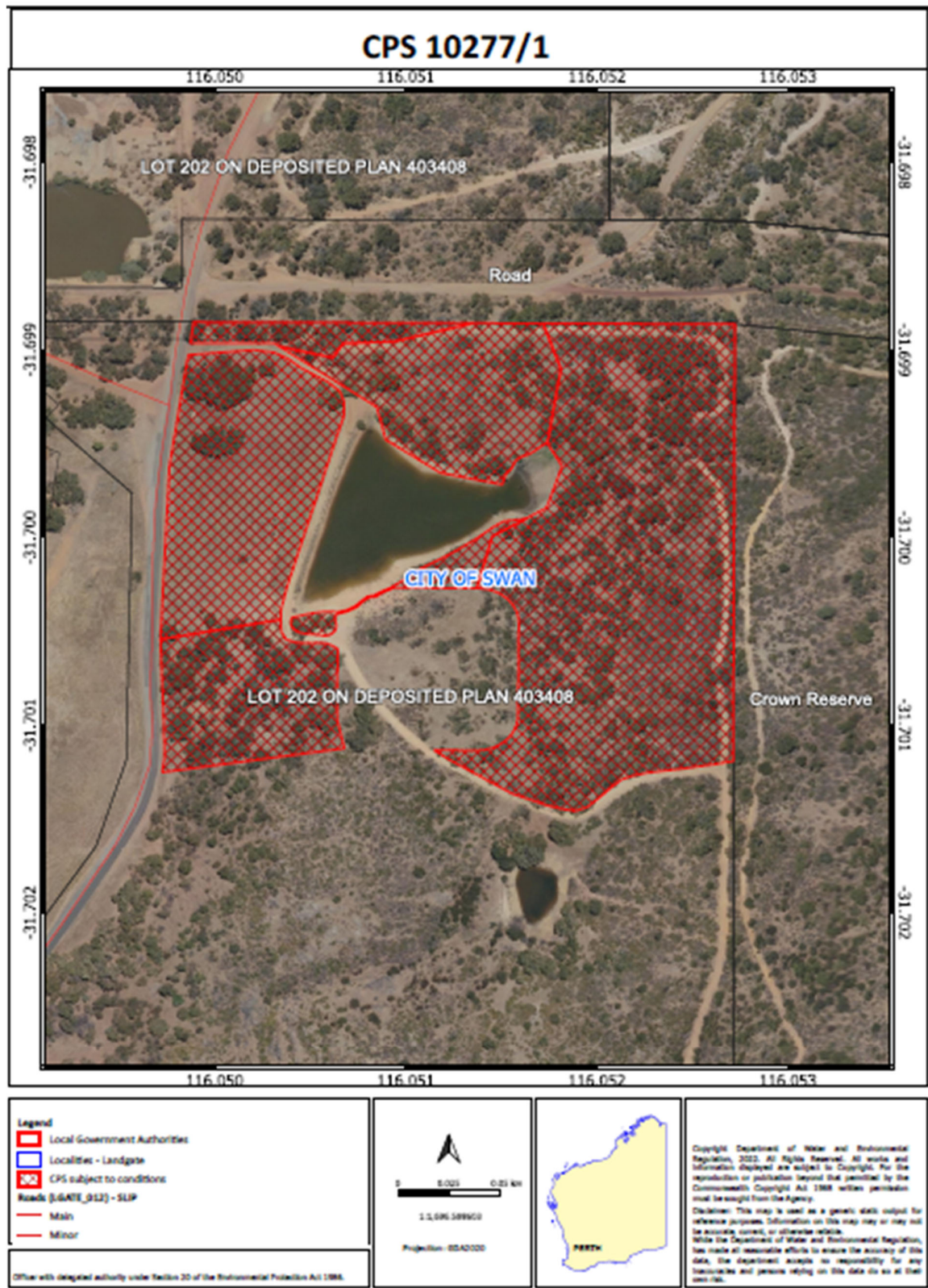


**Figure 1: Map of the boundary of the area within which clearing may occur**



## SCHEDULE 2

The boundary of the area designated as an offset site is shown in the map below (Figure 2).



**Figure 2. Offset area required to be rehabilitated and placed under a conservation covenant, in accordance with conditions 9 and 10 of this permit.**

**Table 1: Completion criteria for the revegetation within the areas cross-hatched red in Figure 2 of Schedule 2**

Item	Criterion	Completion Targets	Completion criteria	Monitoring
1	Fencing	Erection of a suitable perimeter fence to prevent stock and people access of the <i>revegetation</i> site.	Fence is maintained to ensure no unauthorised entry.	Annually for 5 years
2	Baudin's, Carnaby's and forest red-tailed black cockatoo foraging habitat	The site must be fully revegetated using native food plants for Baudin's, Carnaby's and forest red-tailed black cockatoo with high to medium priority food species.	A minimum of 8 native species suitable for foraging by black cockatoos that are planted, to be present in the revegetation site by the end of 5 years from planting.  Species density to be one native species per meter squared by the end of 5 years from planting.	Annually for 5 years
3	Vegetation composition		A target ratio of 80% understory species and 20% overstorey species across the vegetation site by the end of 5 years from planting.	Annually for 5 years
4	Weeds	<i>Weed</i> control within <i>revegetation</i> site.	<i>Weed</i> cover is no more than 10 % Cover across revegetation site by the end of 5 years.  No declared <i>weeds</i> within revegetation site by the end of 5 years.	Annually for 5 years

### **Schedule 3**

#### **How to monitor and maintain artificial hollows for Carnaby's cockatoo**