



GOVERNMENT OF
WESTERN AUSTRALIA

CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 1389 / 2

File Number: SN20015

Duration of Permit: From 28 September 2008 to 28 September 2013

PERMIT HOLDER

Phillip James Consolaro

LAND ON WHICH CLEARING IS TO BE DONE

Lot 5 on Plan 7892

AUTHORISED ACTIVITY

Clearing of up to 1.8 hectares of native vegetation within the area cross-hatched in yellow on attached Plan 1389/2

CONDITIONS

1. The Permit Holder shall not clear native vegetation within the area cross-hatched yellow on attached Plan 1389/2, unless actively mining the area to be cleared within six months of the clearing.
2. **Dieback and weed control**
 - (a) When undertaking any clearing or *revegetation*, or other activity pursuant to this Permit the Permit Holder must take the following steps to minimise the risk of introduction and spread of *dieback*:
 - (i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
 - (ii) avoid the movement of soil in wet conditions;
 - (iii) ensure that no *dieback*-affected *mulches*, *fill* or other material is brought into an area that is not affected by *dieback*; and
 - (iv) restrict the movement of machines and other vehicles to the limits of the area to be cleared.
 - (b) When undertaking any clearing or *revegetation*, or other activity pursuant to this Permit the Permit Holder must take the following steps to minimise the risk of the introduction and spread of *weeds*:
 - (i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
 - (ii) ensure that no *weed*-affected *mulches*, *fill* or other material is brought into the area to be cleared; and
 - (iii) restrict the movement of machines and other vehicles to the limits of the area to be cleared.

3. Offsets

(a) Determination of offsets

- (i) If part or all of the clearing to be done is or may be at variance with one or more of the clearing principles, then the permit holder must implement an *offset* in accordance with conditions 3(a) and 3(b) of this Permit with respect to that native vegetation.
- (ii) In determining the *offset* to be implemented with respect to a particular area of native vegetation proposed to be cleared under this Permit, the permit holder must have regard to the offset principles contained in condition 3(b) of this Permit.
- (iii) Once the permit holder has developed an *offset* proposal, the permit holder must provide that *offset* proposal to the CEO for the CEO's approval prior to undertaking any clearing to which the *offset* relates, and prior to implementing the *offset*.
- (iv) Clearing may not commence until and unless the CEO has approved the *offset* proposal.
- (v) The permit holder shall implement the *offset* proposal approved under condition 3(a)(iii).
- (vi) Each *offset* proposal shall include a *direct offset*, timing for implementation of the *offset* proposal and may additionally include *contributing offsets*.

(b) Offset principles

For the purpose of this Part, the offset principles are as follows:

- (i) *direct offsets* should directly counterbalance the loss of the native vegetation;
- (ii) *contributing offsets* should complement and enhance the *direct offset*;
- (iii) *offsets* are implemented only once all avenues to avoid, minimise, rectify or reduce environmental impacts have been exhausted;
- (iv) the environmental values, habitat, species, ecological community, physical area, ecosystem, landscape, and hydrology of the *offset* should be the same as, or better than, that of the area of native vegetation being *offset*;
- (v) a ratio greater than 1:1 should be applied to the size of the area of native vegetation that is *offset* to compensate for the risk that the *offset* may fail;
- (vi) *offsets* must entail a robust and consistent assessment process;
- (vii) in determining an appropriate *offset*, consideration should be given to ecosystem function, rarity and type of *ecological community*, vegetation *condition*, habitat quality and area of native vegetation cleared;
- (viii) the *offset* should either result in no net loss of native vegetation, or lead to a net gain in native vegetation and improve the condition of the natural environment;
- (ix) *offsets* must satisfy all statutory requirements;
- (x) *offsets* must be clearly defined, documented and audited;
- (xi) *offsets* must ensure a long-term (10-30 year) benefit; and
- (xii) an *environmental specialist* must be involved in the design, assessment and monitoring of *offsets*.

4. Revegetation

- (a) The Permit Holder shall retain the vegetation material and topsoil removed by clearing authorised under this Permit.
- (b) Within six months of any area no longer being required for the purpose of sand extraction the Permit Holder must *revegetate* the area by:
 - (i) Deliberately applying and spreading the vegetation material and topsoil retained under condition 4(a), across the *revegetation* area.
 - (ii) Ensuring only local provenance seeds and propagating material from within 20km of the area cleared are used to *revegetate* the area; and
 - (iii) Deliberately planting and/or seeding native vegetation that will result in similar species composition, structure and density to pre-clearing vegetation types in that area;

- (c) Within one year of undertaking *revegetation* in accordance with condition 4(b), the Permit Holder must:
- (i) Determine the species composition, structure and density of the area revegetated; and
 - (ii) Where, in the opinion of an *environmental specialist*, the composition, structure and density of the *revegetation* area does not reflect pre-clearing vegetation types in that area, the Permit Holder must undertake additional planting or seeding of native vegetation in accordance with the requirements of conditions 4(b)(i) and (ii).

5. Records must be kept

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

- (a) In relation to the *offset* of areas pursuant to condition 3:
 - (i) the location of any area of *offsets* recorded using Geocentric Datum Australia 1994;
 - (ii) a description of the *offset* activities undertaken; and
 - (iii) the size of the *offset* area (in hectares).
- (b) In relation to the *revegetation* of areas pursuant to condition 4:
 - (i) the location of any area *revegetated* recorded using Geocentric Datum Australia 1994
 - (ii) description of the *revegetation* activities undertaken; and
 - (iii) the size of the area *revegetated* (in hectares).

6. Reporting

- (a) The Permit Holder must provide to the CEO on or before 30 June of each year, for the term of this permit, a written report of records required under condition 5 and activities done by the Permit Holder under this Permit between 1 January and 31 December of the preceding year.
- (b) Before the expiry of the permit, the permit holder must provide to the CEO a written report of records required under condition 5 where these records have not already been provided under condition 6 (a).

DEFINITIONS

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

condition means the rating given to native vegetation using the Keighery scale and refers to the degree of change in the structure, density and species present in the particular vegetation in comparison to undisturbed vegetation of the same type;

contributing offsets has the same meaning as is given to that term in the Environmental Protection Authority's *Position Statement No.9 Environmental Offsets*, January 2006;

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

direct offsets has the same meaning as is given to that term in the Environmental Protection Authority's *Position Statement No.9 Environmental Offsets*, January 2006;

ecological community means a naturally occurring biological assemblage that occurs in a particular type of habitat (English and Blythe, 1997; 1999). The scale at which ecological communities are defined will depend on the level of detail in the information source; therefore no particular scale is specified;

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;

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;

offset means an offset required to be implemented under condition 3 of this Permit;

revegetate, revegetated and revegetation means the re-establishment of a cover of native vegetation in an area such that the species composition, structure and density is similar to pre-clearing vegetation types in that area, and can involve regeneration, direct seeding an/or planting;

weed 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 Agricultural and Related Resources Protection Act 1976.



Kelly Faulkner
MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

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

06 November 2008