



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

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

Purpose Permit number:	CPS 2701/4
Permit Holder:	Hanson Construction Materials Pty Ltd
Duration of Permit:	7 February 2013 – 7 February 2033

PART I – CLEARING AUTHORISED

1. Purpose for which clearing may be done

Clearing for the purpose of sand extraction.

2. Land on which clearing is to be done

Lot M1899 on Diagram 10521, Lennard Brook, 6503

3. Area of clearing

The Permit Holder must not clear more than 17.6 hectares of native vegetation within the area hatched yellow on attached Plan 2701/4.

4. Clearing authorised

The Permit Holder shall not clear any native vegetation after 31 December 2018.

5. Application

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

6. Compliance with assessment sequence and management procedures

Prior to clearing any native vegetation under conditions 1, 2 and 3 of this Permit, the Permit Holder must comply with the Assessment Sequence and the Management Procedures set out in Part II of this Permit.

PART II – ASSESSMENT SEQUENCE AND MANAGEMENT PROCEDURES

7. Clearing authorised (staging)

The Permit Holder shall not clear native vegetation unless actively mining within 3 months of the authorised clearing being undertaken.

8. Avoid, minimise etc clearing

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:

- (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.

9. 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 only move soils in *dry 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.

10. Offsets

The Permit Holder must implement and adhere to the offset commitments as outlined in RPS Environmental and Planning Pty Ltd letter and attached figures and appendixes dated 22 December 2011, titled "APPEAL AGAINST REFUSAL TO GRANT CLEARING PERMITS (CPS 2757/1; CPS 2860/1; CPS 2701/1; CPS 2142/1 AND CPS 2515/1) – VARIOUS SITES IN THE SHIRE OF SERPENTINE-JARRAHDALE, SHIRE OF GINGIN AND CITY OF WANNEROO" and including but not limited to:

- (a) The submission of a site specific restoration plan for the area hatched yellow on attached Plan 2701/4 to the CEO within 6 months of commencing clearing approved under this permit.
- (b) The site specific restoration plan for the area hatched yellow on attached Plan 2701/4 must be approved by the CEO prior to commencing restoration works.
- (c) A site specific contingency plan, consistent with the methodology in the approved site specific restoration plan, is submitted to the CEO within 6 months of determining that CEO approved restoration criteria have not been met.
- (d) The site specific contingency plan, consistent with the methodology in the approved site specific restoration plan, must be approved by the CEO prior to commencing the contingency plan.
- (e) In respect to the areas hatched yellow on attached Plan 2701/4, the Permit Holder shall enter into a conservation covenant, agreement to reserve or some other form of binding undertaking to establish and maintain vegetation within 24 months of determining that CEO approved restoration criteria have been met.
- (f) The conservation covenant, agreement to reserve or some other form of binding undertaking to establish and maintain vegetation shall include, but not be limited to, the following conditions:
 - (i) native vegetation in the area subject to the *conservation reserve* must not be cleared, other than for clearing required under the *Bush Fires Act 1954*;
 - (ii) the land subject to the *conservation reserve* shall not be used for the purpose of cultivation of crops or pasture, or for the de-pasturing of any stock; and
 - (iii) the *conservation reserve* is to apply in perpetuity and be registered on the title of the property.

PART III - RECORD KEEPING AND REPORTING

11. 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; and
 - (iv) the size of the area cleared (in hectares).

- (b) In relation to the offset of areas pursuant to condition 10:
- (i) the location of any area of offsets 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 offset activities undertaken;
 - (iii) the size of the offset area (in hectares);
 - (iv) results of measurements undertaken against restoration success criteria; and
 - (v) evidence of conservation covenant, agreement to reserve or some other form of binding undertaking to establish and maintain vegetation, where required.

12. 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 11 of this Permit; and
 - (ii) concerning activities done by the Permit Holder under this Permit between 1 January to 31 December of the preceding calendar year.
- (b) If no clearing authorised under this Permit was undertaken between 1 January to 31 December of the preceding calendar year, a written report confirming that no clearing under this permit has been carried out, must be provided to the CEO on or before 30 June of each year.
- (c) Prior to 8 November 2032, the Permit Holder must provide to the CEO a written report of records required under condition 11 of this Permit where these records have not already been provided under condition 12(a) of this Permit.

DEFINITIONS

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

conservation reserve means a conservation covenant, agreement to reserve or some other form of binding undertaking to establish and maintain vegetation

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

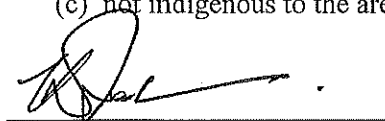
dry conditions means when soils (not dust) do not freely adhere to rubber tyres, tracks, vehicle chassis or wheel arches;

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; and

weed/s means any plant -

- (a) that is declared under the section 22 of the *Biosecurity and Agriculture Management Act*; or
- (b) published in the former Department of Environment and Conservation Regional Weed Assessments, regardless of ranking; or
- (c) not indigenous to the area concerned.

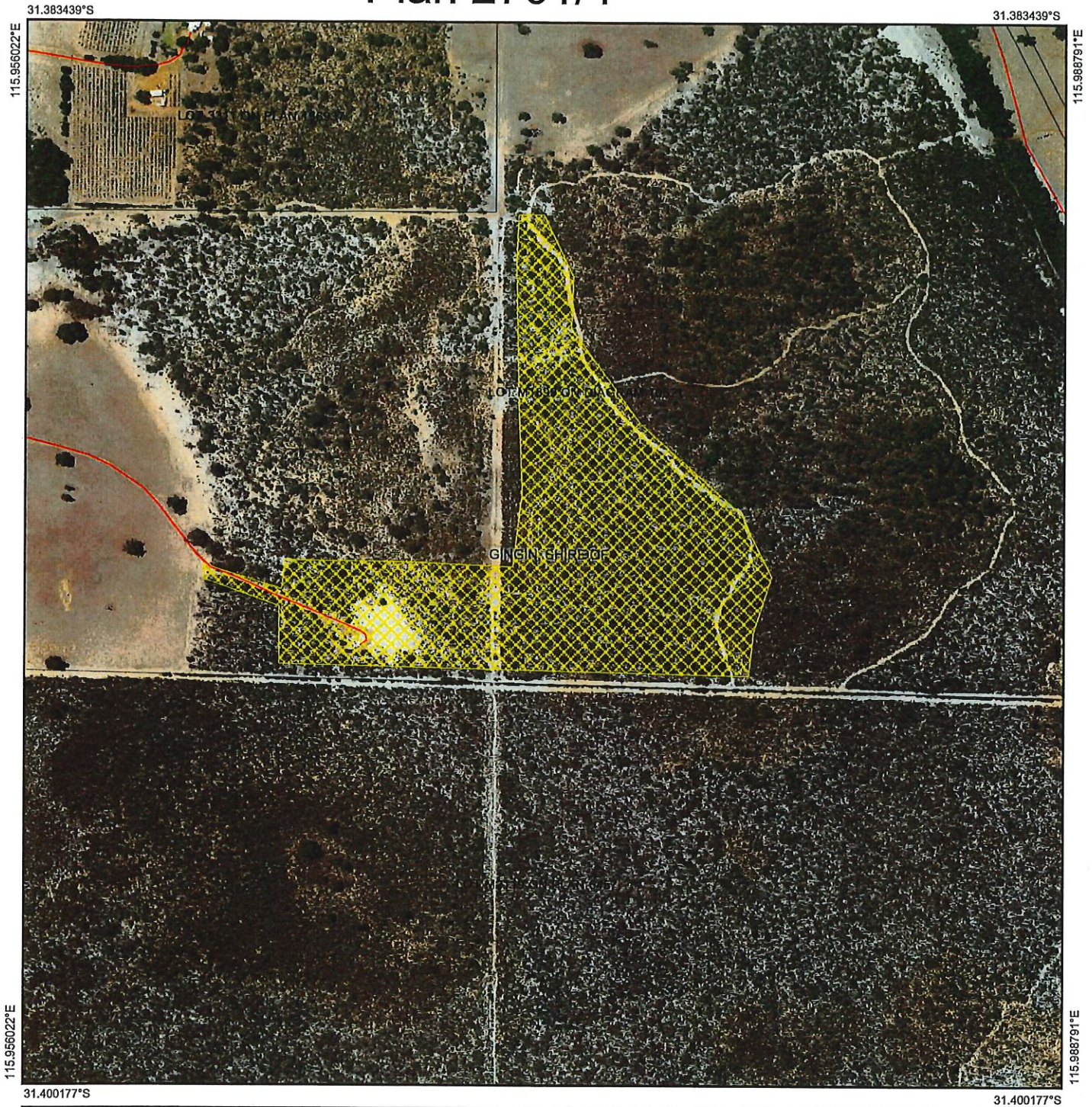


Kelly Faulkner
EXECUTIVE DIRECTOR
LICENSING AND APPROVALS

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

7 February 2017

Plan 2701/4



Legend


-  Roads
-  Imagery
-  Clearing Instruments Activities
-  Overview Towns
-  Local Government Authority



(Approximate when reproduced at A4)

GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

 Date 7/2/17

Kelly Faulkner

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



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1. Application details

1.1. Permit application details

Permit application No.: 2701/4
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Hanson Construction Materials Pty Ltd

1.3. Property details

Property: LOT M1899 ON DIAGRAM 10521 (LENNARD BROOK 6503)
Local Government Authority: GINGIN, SHIRE OF
DER Region: GREATER SWAN
DPaW District: SWAN COASTAL
Localities: LENNARD BROOK

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 7 February 2017
Reasons for Decision: The application to amend Clearing Permit CPS 2701/3, received on 20 December 2016, is to extend the duration of the clearing authorised under Condition 1 to 31 December 2018 and to change the Permit Holder to Hanson Construction Materials Pty Ltd (Hanson).

The Delegated Officer considers that the requested changes will not lead to an unacceptable environmental risk.

In determining to grant the amended clearing permit the Delegated Officer had regard to the planning approval from the Shire of Gingin.

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
There is one mapped Beard vegetation association and two mapped Heddle vegetation complex's over the application area.	The application is for the proposed clearing of 17.6 hectares of native vegetation within Lot M1899 on Diagram 10521, Lennard Brook for the purpose of sand extraction.	Excellent; Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994).	The vegetation description and condition was determined from a site visit conducted by Department of Environment Regulation (DER) officers on 25 August 2016, a site inspection undertaken by the former Department of Environment and Conservation on 3 December 2008 (DER 2016, DEC 2008), and a Vegetation Summary and Flora and Vegetation survey for Lot M1899 completed by RPS (RPS 2008; RPS 2009).
Beard Vegetation association 1027 is described as Mosaic: Medium open woodland; jarrah & marri, with low woodland; <i>Banksia</i> / medium sparse woodland; jarrah & marri (Shepherd 2009);		To	
Heddle vegetation Karamal Complex-South is described as open forest of <i>Eucalyptus marginata</i> (Jarrah) - <i>Corymbia calophylla</i> (Marri) with second storey of <i>Banksia grandis</i> (Bull Banksia) (Heddle et al. 1980); and		Completely Degraded; The structure of the vegetation is no longer intact and the area is completely to almost completely without native species (Keighery, 1994).	The vegetation more accurately falls into the Reagan complex due to its position in the landscape. The Reagan complex is described as open woodland of <i>Banksia</i> species and <i>Eucalyptus tottiana</i> to a closed heath depending on the depth of the soil (RPS 2008).
Moondah Complex is described as Low closed to low open forest of <i>Banksia attenuata</i> (Slender Banksia) - <i>Banksia menziesii</i> (Firewood Banksia) - <i>Eucalyptus tottiana</i> (Pricklybark) - <i>Banksia prionotes</i> (Acorn Banksia) on slopes, open woodland of <i>Corymbia calophylla</i> (Marri) - <i>Banksia</i> species in valley. (Heddle et al. 1980).			

3. Assessment of application against clearing principles

Comments The applicant has applied to extend the duration of the clearing authorised under Condition 1 to 31 December 2018 and to change the Permit Holder to Hanson Construction Materials Pty Ltd (Hanson). Therefore the assessment against the clearing principles has not changed and can be found in the Clearing Permit Decision Report CPS 2701/2.

Planning instruments and other relevant matters.

Comments The applicant has applied to extend the duration of the clearing authorised under Condition 1 to 31 December 2018 and to change the Permit Holder to Hanson Construction Materials Pty Ltd (Hanson).

The application was advertised in *The West Australian* newspaper on 16 January 2017 by the Department of Environment Regulation inviting submissions from the public within a 21 day period. No submissions have been received.

An appeal determination on 7 October 2010, allowed in part the clearing of 29.72 hectares of native vegetation as outlined in Figure 2 of the Office of the Appeals Convenors Report to the Minister for Environment, Appeal number C022 of 2009 (Office of the Appeals Convenor 2010). The Minister for Environment's appeal determination was subject to the following:

1. Habitat trees at the site being identified by Rocla and excluded from the proposal, where practicable, having regard to the location of the sand resource;
2. Requirement to restore degraded areas onsite which are not proposed to be cleared;
3. Securing remnant native vegetation offsite in the event restoration is unsuccessful at a positive ratio, with the actual ratio to be determined by the DEC through conditions, taking into account the quality of the restoration (that is, a higher ratio where restoration fails); and
4. Consistent with the Offset Position Statement, on-site restoration needs to be coupled with suitable long-term management arrangements where Rocla is not the owner of the land, such that the restoration has a long lasting benefit.

(Minister for Environment 2010)

Subsequently, Clearing Permit CPS 2701/2 was granted on 17 January 2013, subject to Offset conditions.

On 29 January 2016 Rocla Pty Ltd (Rocla) sold its extractive industry business, including its Western Australian assets to Hanson. Rocla has requested that all permit applications be transferred to Hanson (Rocla and Hanson 2015).

On 8 March 2016, the Shire of Gingin approved the transferred Extractive Industry Licence transfer and extension to the 31 December 2018 (Hanson 2017).

Methodology References:
Hanson (2017)
Minister for Environment (2010)
Office of the Appeals Convenor (2010)
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- Department of Environment and Conservation (DEC) (2008) Site Inspection Report for Clearing Permit Application CPS 2701, Lot M1899 Lennard Road, Gingin. Site inspection undertaken 03/11/2008. Department of Environment and Conservation, Western Australia (DER Ref: DOC68610).
- Department of Environment Regulation (DER) (2016) Site Inspection Report for Clearing Permit Application CPS 7149/1, Lot M1899 on Diagram 10521, Lennard Brook. Site inspection undertaken 25 August 2016. Department of Environment Regulation, Western Australia (DER Ref: A1179613).
- Hanson (2017) Application to amend clearing permit CPS 2701/3. DER Ref: A1347895
- Heddl, 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.
- Minister for Environment (2010) Minister's Appeal Determination. Appeal against refusal to grant clearing permit 2701/1 – Lennard Road, Lennard Brook, Shire of Gingin. C023 of 2009.
- Office of the Appeals Convenor (2010) Report to the Minister for Environment, appeal against refusal to grant clearing permit CPS 2860/1, clearing of approximately 49.3 hectares of native vegetation for sand extraction, Creighton Road, Lennard Brook, Shire of Gingin, Appeal number C022 of 2009.
- Rocla and Hanson (2015) Transfer of Clearing Permits Associated with Sale of Business. 11 July 2015. DER ref: A1021058
- RPS (2008) Vegetation Survey Lot M1899 Lennard Road, Gingin. RPS Environmental Pty Ltd. TRIM Ref DOC62267
- RPS (2009) Level 2 Flora and Vegetation Survey, Lennard Road Quarry, Gingin. Prepared by RPS. Rev 0, October 2009.
- 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.



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Clearing Description

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Vegetation Condition

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