



## **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.

<b>Purpose Permit number:</b>	CPS 2701/5
<b>Permit Holder:</b>	Hanson Construction Materials Pty Ltd
<b>Duration of Permit:</b>	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 2701/5.

**4. Clearing authorised**

The Permit Holder shall not clear any native vegetation after 3 January 2023.

**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 and reduce the impacts and extent of 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:

- 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.

## 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 2701/5 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 2701/5 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 2701/5, 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;
  - (iv) the size of the area cleared (in hectares);
  - (v) the date mining commenced in accordance with condition 7 of this Permit;
  - (vi) actions taken to avoid, minimise and reduce the impact and extent of clearing in accordance with condition 8 of this Permit; and
  - (vii) actions taken to minimise the risk of the introduction and spread of *weeds* and *dieback* in accordance with condition 9 of this Permit.

- (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 7 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:

**CEO** means the Chief Executive Officer of the Department responsible for administering the *Environmental Protection Act 1986*;

**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 Biodiversity, Conservation and Attractions Regional Weed Assessments, regardless of ranking; or
- (c) not indigenous to the area concerned.

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Ryan Mincham  
MANAGER  
NATIVE VEGETATION REGULATION





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

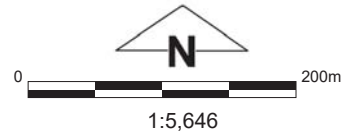
11 December 2018

# Plan 2701/5



## Legend

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



(Approximate when reproduced at A4)

GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

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



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# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 2701/5  
Permit type: Purpose Permit

### 1.2. Applicant details

Applicant's name: Hanson Construction Materials Pty Ltd  
Application received date: 25 September 2018

### 1.3. Property details

Property: LOT M1899 ON DIAGRAM 10521 (LENNARD BROOK 6503)  
Local Government Authority: SHIRE OF GINGIN  
Localities: LENNARD BROOK

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
17.6		Mechanical Removal	Extractive industry

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 11 December 2018  
Reasons for Decision: The application to amend Clearing Permit CPS 2701/4, received on 25 September 2018, is to extend the duration of the clearing authorised under Condition 4 to 31 December 2033.

The Shire of Gingin granted planning approval on 3 January 2013 for the proposed extractive industry and is valid until 3 January 2023.

In determining to grant the amended clearing permit the Delegated Officer had regard to the planning approval from the Shire of Gingin. To be consistent with planning approvals, Condition 4 of CPS 2701/5 has been amended to authorise clearing until the 3 January 2023.

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

## 2. Site Information

**Clearing Description** 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.

**Vegetation Description** There is one mapped Beard vegetation association and two mapped Heddle vegetation complexes over the application area.

Beard vegetation association 1027 is described as Mosaic: Medium open woodland; jarrah & marri, with low woodland; *Banksia* / medium sparse woodland; jarrah & marri (Shepherd 2001);

Heddle vegetation Karamal Complex-South is described as open forest of *Eucalyptus marginata* (Jarrah) - *Corymbia calophylla* (Marri) with second storey of *Banksia grandis* (Bull Banksia) (Heddle et al. 1980); and

Moondah Complex is described as Low closed to low open forest of *Banksia attenuata* (Slender Banksia) - *Banksia menziesii* (Firewood Banksia) - *Eucalyptus tottiana* (Pricklybark) - *Banksia prionotes* (Acorn Banksia) on slopes, open woodland of *Corymbia calophylla* (Marri) - *Banksia* species in valley. (Heddle et al. 1980).

**Vegetation Condition** Excellent; Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994).

To

Completely Degraded; The structure of the vegetation is no longer intact and the area is completely to almost completely without native species (Keighery, 1994).

**Comment** The vegetation description and condition was determined from a site visit conducted by officers of the former Department of Environment Regulation (DER) 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).

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 *Banksia* species and *Eucalyptus tottiana* to a closed heath depending on the depth of the soil (RPS, 2008).

### 3. Assessment of application against clearing principles

The clearing permit has been amended to extend the duration of the clearing authorised under Condition 4 to 3 January 2023. 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

The applicant previously submitted an application to clear 29.7 hectares of native vegetation within Lot M1899 on Diagram 10521, Lennard Brook on 2 September 2008 (within and adjoining the application area for the purpose of sand extraction (CPS 2701/1). This application was refused on the 22 October 2009. An appeal against this refusal was received from the applicant during 2009.

An appeal determination was made on 7 October 2010, allowing in part the clearing of 17.6 hectares of the 29.72 hectares of native vegetation applied for under CPS 2701/1 (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 (now DWER) 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 that were consistent with the Minister for Environment's determination.

On 29 January 2016, Rocla Pty Ltd (Rocla) sold its extractive industry business, including its Western Australian assets to Hanson Construction Materials Pty Ltd (Rocla and Hanson, 2015). All Rocla's clearing permits including CPS 2701/2, were amended and transferred to Hanson Construction Materials Pty Ltd (CPS 2701/3).

On 7 February 2017, CPS 2701/3 was amended to extend the duration of clearing allowed under Condition 4 until the 31 December 2018 (CPS 2701/4).

On 8 March 2016, the Shire of Gingin approved the extractive industry licence transfer and extension to the 31 December 2018 (Hanson, 2017). The current five year extractive industry licence requires renewal by June 2019. An application for renewal is currently with the Shire of Gingin and is being assessed. The applicant has advised that the extractive industry licence has been renewed since the mid 1980's.

Planning approval has been granted by the Shire of Gingin until 3 January 2023. The Shire of Gingin (2018) has advised that they do not support the extension of clearing permit CPS 2701/4 beyond the expiry date of the planning approval (3 January 2023).

The clearing permit application to amend was advertised on the Department of Water and Environmental Regulation website on 16 October 2018 with a 21 day submission period. No public submissions have been received in relation to this application.

One Aboriginal Site of Significance is mapped within the area under application. It's the applicant's responsibility to ensure that they abide by their responsibilities under the *Aboriginal Heritage Act 1972*.

### 4. References

- 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
- 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.
- 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.

Shire of Gingin (2018) Planning advice for CPS 2701/5 clearing permit application. DWER ref A1738315