



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 2860/4
Permit Holder:	Rocla Pty Ltd (T/A Rocla Quarry Products)
Duration of Permit:	6 January 2012 – 6 January 2032

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

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 M1448 on Diagram 6412, LENNARD BROOK, 6503
- 3. Area of clearing**
The Permit Holder must not clear more than 29.72 hectares of native vegetation within the area hatched yellow on attached Plan 2860/4a.
- 4. Clearing authorised**
The Permit Holder shall not clear any native vegetation after 6 January 2017.
- 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 2860/4a 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 2860/4a must be approved by the CEO prior to commencing restoration works.
- (c) The submission of a site specific restoration plan for the area hatched red on attached Plan 2860/4b to the CEO within 6 months of commencing clearing approved under this permit.
- (d) The site specific restoration plan for the area hatched red on attached Plan 2860/4b must be approved by the CEO prior to commencing restoration works.
- (e) The submission of a site specific restoration plan for the area hatched green on attached Plan 2860/4b to the CEO within 6 months of commencing clearing approved under this permit.
- (f) The site specific restoration plan for the area hatched green on attached Plan 2860/4b must be approved by the CEO prior to commencing restoration works.
- (g) A site specific contingency plan for the areas hatched yellow on attached Plan 2860/4a and red on attached plan 2860/4b, 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.
- (h) The site specific contingency plan for the areas hatched yellow on attached Plan 2860/4a and red on attached plan 2860/4b, consistent with the methodology in the approved site specific restoration plan, must be approved by the CEO prior to commencing the contingency plan.
- (i) In respect to the areas hatched yellow on attached Plan 2860/4a and area hatched red on attached Plan 2860/4b, 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.
- (j) 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 of records required under condition 11 of this Permit and activities done by the Permit Holder under this Permit between 1 January and 31 December of the preceding year.
- (b) Prior to 6 October 2031, 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 a declared pest under section 22 of the *Biosecurity and Agriculture Management Act 2007*; 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.

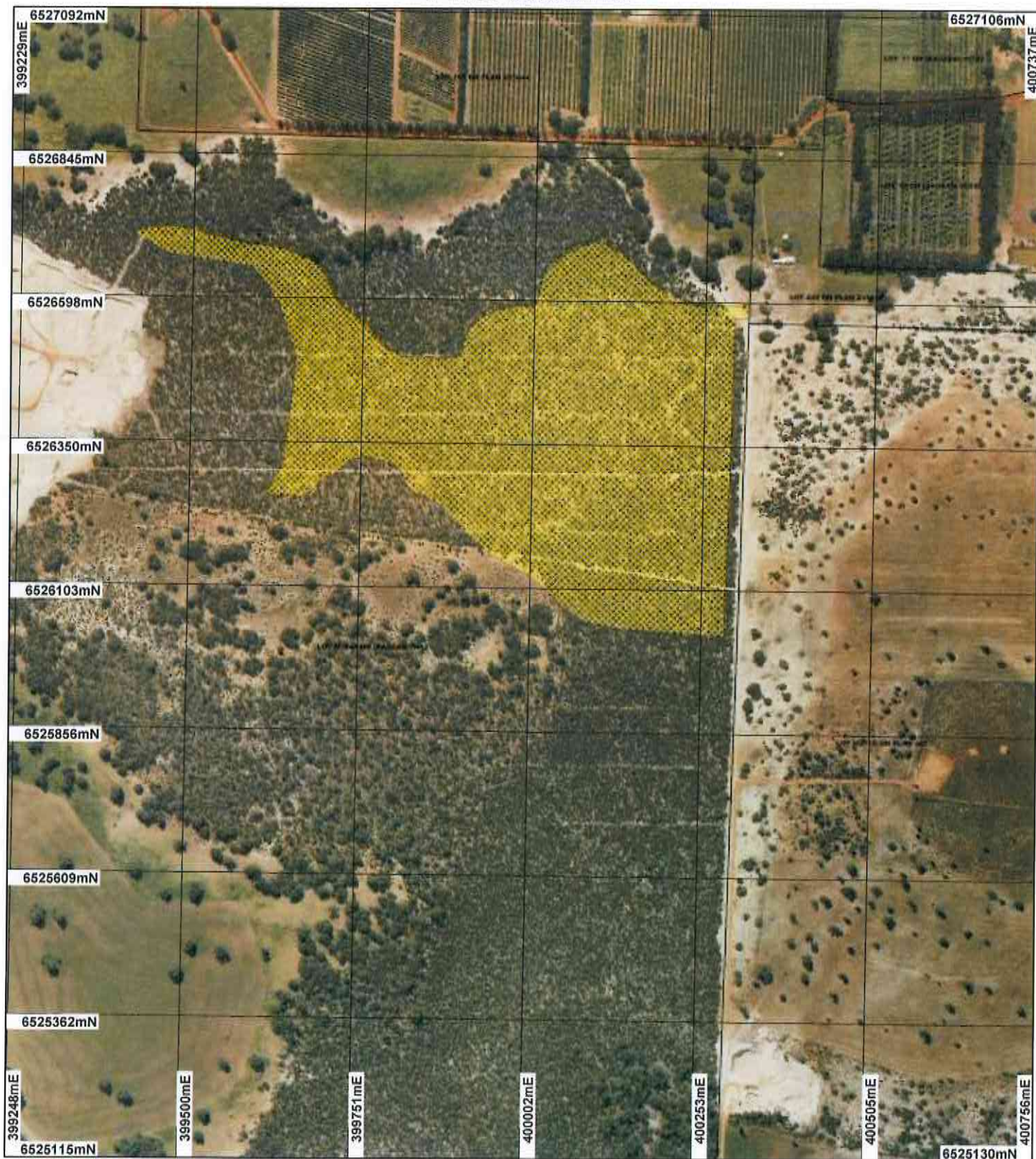


M Warnock
MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

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

29 August 2013

Plan 2860/4a



LEGEND

- Road Centrelines
- Cadastre
- Cadastre for labelling
- Clearing Instruments
- Areas Approved to Clear

Gingin 50cm Orthomosaic
Landgate 2008



Scale 1:8788

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

M Warnock Date: 29/8/13
M Warnock

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

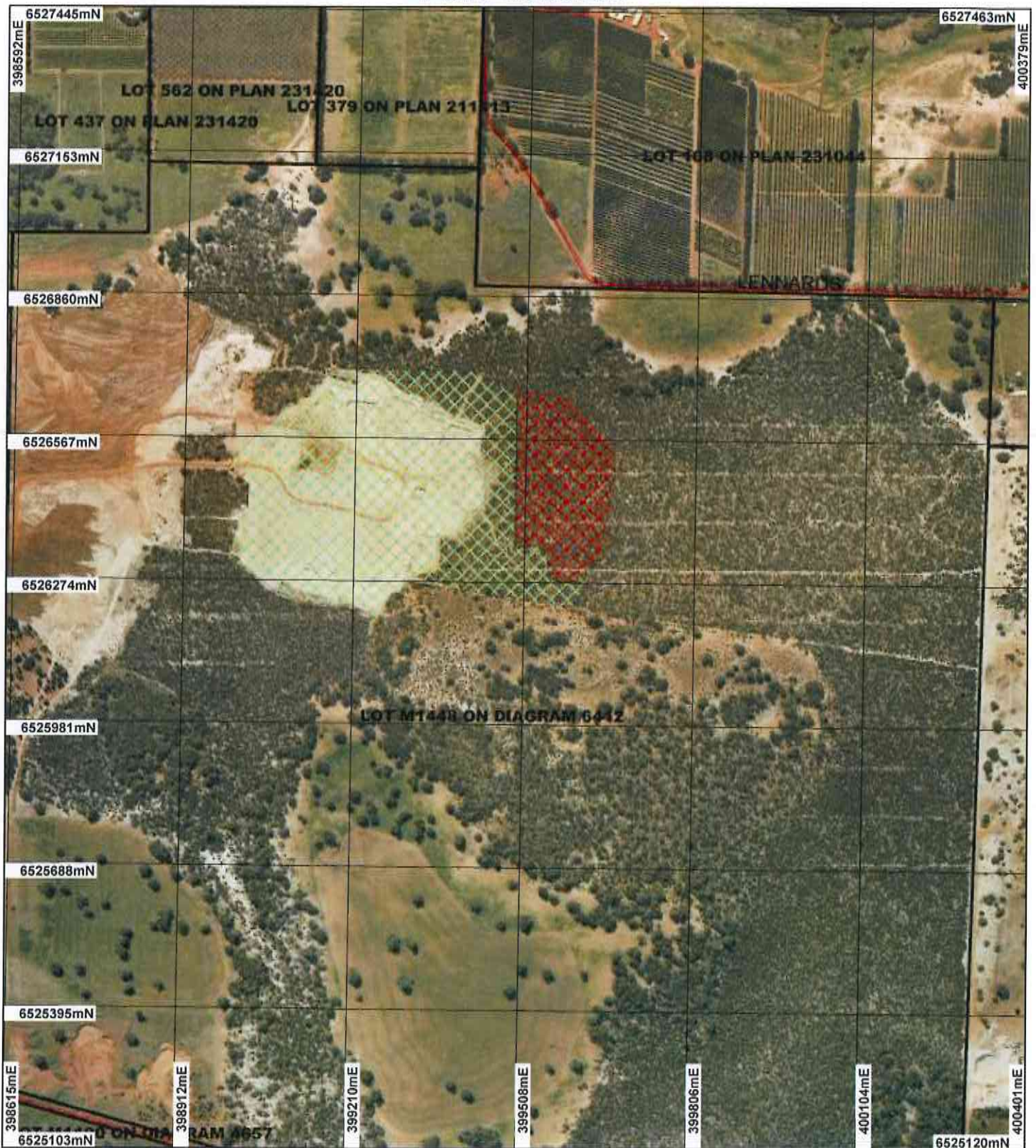
Information derived from this map should be
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by the agency acronym in the legend.



Department of
Environment and Conservation

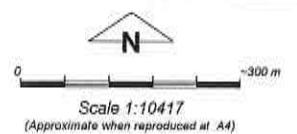
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Plan 2860/4b



LEGEND

- Road Centrelines
- Cadastre
- Cadastre for labelling
- Clearing Instruments
- 1:1 Gingin 50cm Orthomosaic - Landgate 2008
- 1:1 (cont)



Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

M Warnock Date 19/8/13
M Warnock

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

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.



Department of Environment and Conservation

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Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 2860/4
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Rocla Quarry Products

1.3. Property details

Property: LOT M1448 ON DIAGRAM 6412 (LENNARD BROOK 6503)
Local Government Area: Shire of Gingin
Colloquial name:

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 29 August 2013

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: 1027 - Mosaic: Medium open woodland; jarrah & marri, with low woodland; banksia / Medium sparse woodland; jarrah & marri (Shepherd et al. 2001)	Clearing of 29.72 hectares of native vegetation for the purpose of sand extraction on Lot M1448 on Diagram 6412 Lennard Brook.	Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery 1994)	The vegetation condition was obtained from a site inspection conducted by the Department of Environment and Conservation (DEC) on 11/12/2008 and flora report prepared by Weston (2005) on behalf of RPS Bowman Bishaw Gorham. Henson (2005) describes the vegetation under application as 'dominated by mixed Banksia species (B. attenuata and B. menziesii) with low woodland, low open forest with Eucalyptus tottiana present in most areas.'
Hedde Vegetation Complexes: Karamal complex - south: Open forest of E. marginata - E. calophylla with second storey of B. grandis.			The vegetation under application comprises Eucalyptus species, Banksia attenuata, B. Menziesii, B. ilicifolia and Jacksonia species over an understorey dominated by Adenanthos cygnorum, Kunzea spp, Hibbertia hypericoides, Macrozamia riedlei, Mesomelaena spp, Gompholobium spp, Acacia spp, Conostylis spp, Patersonia occidentalis, Bracken Fern and grasses. Degraded areas were confined to access tracks and the north eastern portion of the area under application. The vegetation within the applied area is considered to be in overall very good (Keighery 1994) condition.
Moondah complex: Low closed to low open forest of B. attenuata - B. menziesii - E. tottiana - B. prionotes on slopes, open woodland of E. calophylla - Banksia spp. in valley. (Hedde et al, 1980)			

3. Assessment of application against clearing principles

The application has been assessed against the clearing principles, planning instruments and other matters in accordance with s51O of the Environmental Protection Act 1986, and the proposed clearing is at variance to Principle (b); may be at variance to Principles (a), (e) & (g); and is not likely to be at variance to the remaining clearing Principles.

Planning instrument, Native Title, Previous EPA decision or other matter.

Comments

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);
 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)

The former DEC was provided with an offset proposal and determined it to be in accordance with the Minister for Environment's appeal determination.

Methodology

The former DEC was provided with site specific restoration plans and determined them to be acceptable.
Office of the Appeals Convenor (2010)
Minister for Environment (2010)

4. References

Minister for Environment (2010), Minister's Appeal Determination, appeal against refusal to grant clearing permit 2860/1 - Lot M1448 Creighton Road, Lennard Brook, Shire of Gingin. Appeal No. C022 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 approx 49.3 hectares of native vegetation for sand extraction, Creighton Road, Lennard Brook, Shire of Gingin, Appeal number C022 of 2009.

5. Glossary

Term	Meaning
BCS	Biodiversity Coordination Section of DEC
CALM	Department of Conservation and Land Management (now BCS)
DAFWA	Department of Agriculture and Food
DEC	Department of Environment and Conservation
DEP	Department of Environmental Protection (now DEC)
DoE	Department of Environment
DoIR	Department of Industry and Resources
DRF	Declared Rare Flora
EPP	Environmental Protection Policy
GIS	Geographical Information System
ha	Hectare (10,000 square metres)
TEC	Threatened Ecological Community
WRC	Water and Rivers Commission (now DEC)