



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 2860/5
File Number: DER2016/001912
Duration of Permit: 6 January 2012 to 6 January 2032

PERMIT HOLDER

Rocla Pty Ltd (T/A Rocla Quarry Products)

LAND ON WHICH CLEARING IS TO BE DONE

Lot M1448 on Diagram 6412, LENNARD BROOK, 6503

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 29.72 hectares of native vegetation within the area hatched yellow on attached Plan 2860/5a.

CONDITIONS

1. Clearing authorised

The Permit Holder shall not clear any native vegetation after 6 January 2017.

2. 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.

3. Clearing authorised (staging)

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

4. 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.

5. 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.

6. 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 2860/5a 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 2860/5a 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 2860/5b 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 2860/5b 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 2860/5b 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 2860/5b 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 2860/5a and red on attached plan 2860/5b, 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 2860/5a and red on attached plan 2860/5b, 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 2860/5a and area hatched red on attached Plan 2860/5b, 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

7. 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 6:
 - (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.

8. 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 7 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 7 of this Permit where these records have not already been provided under condition 8(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.

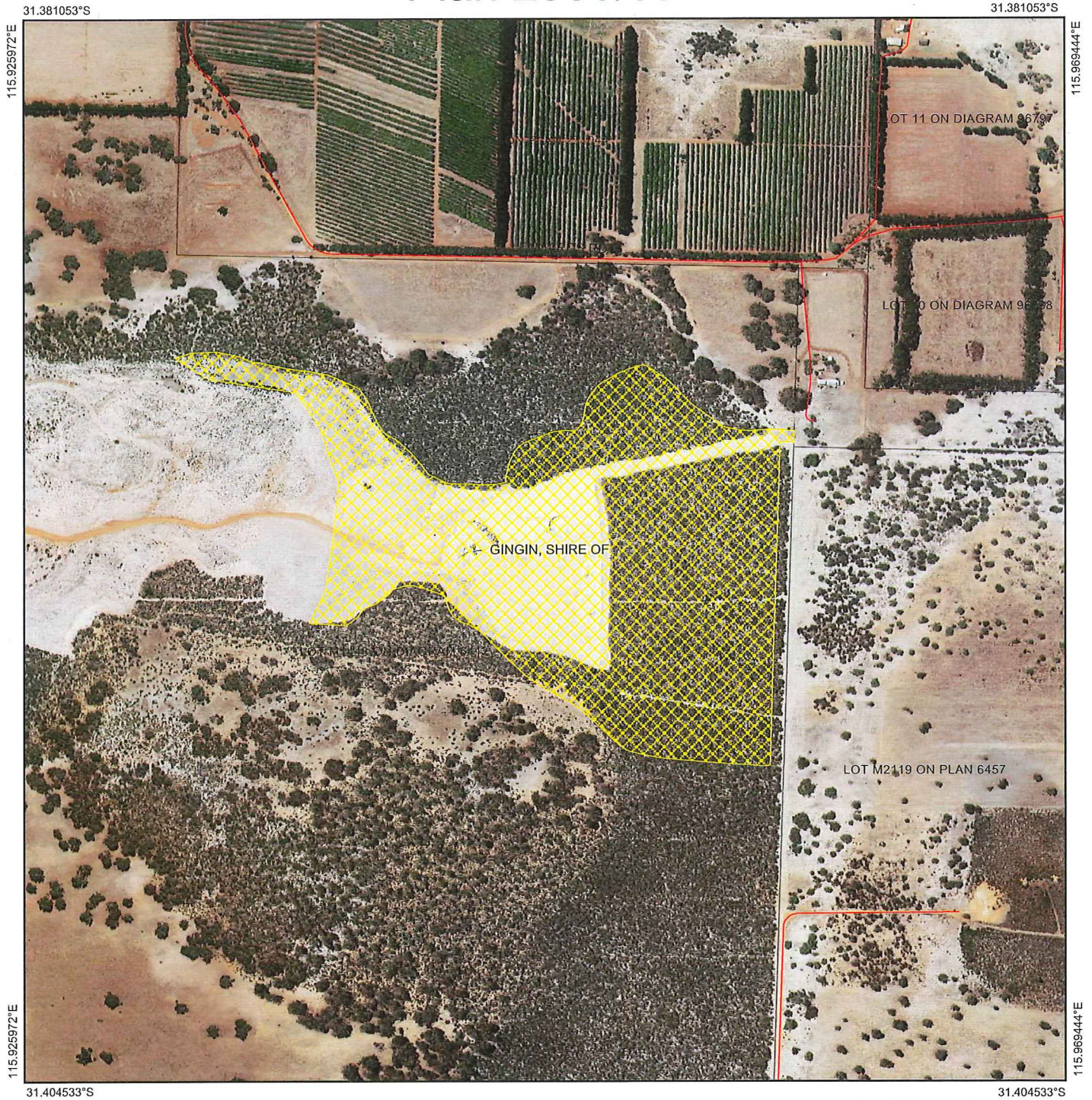


Kelly Faulkner
EXECUTIVE DIRECTOR
LICENSING AND APPROVALS

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

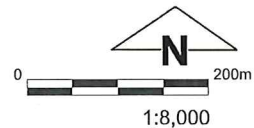
11 January 2017

Plan 2860/5a



Legend

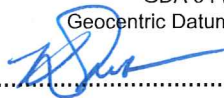
-  Cadastre
-  Cadastre (Search)
-  Imagery
-  Clearing Instruments Activities
-  Roads
-  Local Government Authority



(Approximate when reproduced at A4)

GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

 Date 11/1/17

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



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Plan 2860/5b



LEGEND

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



Scale 1:5000

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Date 11/1/17

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1. Application details

1.1. Permit application details

Permit application No.: 2860/5
Permit type: Area Permit

1.2. Applicant details

Applicant's name: Hanson Construction Materials Pty Ltd

1.3. Property details

Property: LOT M1448 ON DIAGRAM 6412, LENNARD BROOK
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:
29.72		Mechanical Removal	Extractive industry

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 11 January 2017
Reasons for Decision: The amendment to Clearing Permit CPS 2860/5, has been undertaken to correct an administration error in the permit by amending the type of permit granted.

Planning instruments and other relevant matters.

Comments The Department of Environment Regulation initiated an amendment to clearing permit CPS 2860/4 to correct an administration error in the permit by amending the type of permit granted..

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.

The former DEC was provided with site specific restoration plans and determined them to be acceptable.

Methodology References:
Office of the Appeals Convenor (2010)
Minister for Environment (2010)

2. 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.