



## CLEARING PERMIT

*Granted under section 51E of the Environmental Protection Act 1986*

### PERMIT DETAILS

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

### PERMIT HOLDER

Hanson Construction Materials Pty Ltd

### 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 2860/6a.

### CONDITIONS

#### 1. Clearing authorised

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

#### 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's 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-JARRAHDAL, 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 2860/6a 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 2860/6a 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 2860/6b 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 2860/6b 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 2860/6b 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 2860/6b 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 2860/6a and red on attached plan 2860/6b, 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 2860/6a and red on attached plan 2860/6b, 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 2860/6a and area hatched red on attached Plan 2860/6b, 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.

## 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.



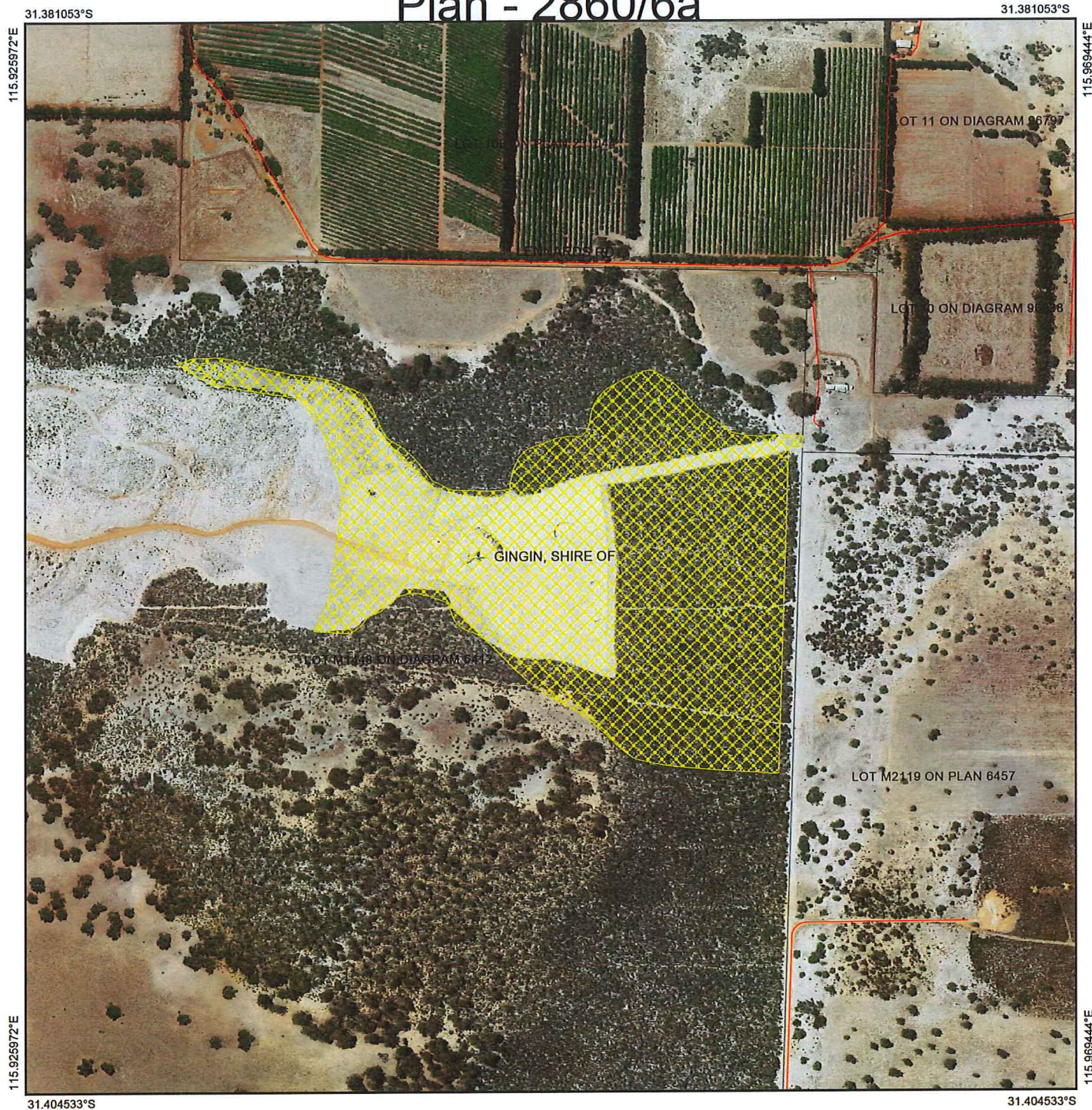
James Widenbar  
A/SENIOR MANAGER  
CLEARING REGULATION

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



9 February 2017

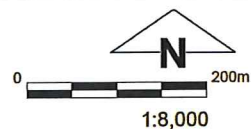


# Plan - 2860/6a



## 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

*[Signature]* Date 9/2/17

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



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WESTERN AUSTRALIA  
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# Plan - 2860/6b



## LEGEND

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

0 ————— 150 m  
 Scale 1:5000  
 (Approximate when reproduced at A4)  
 Geocentric Datum Australia 1994

Date 9/2/17

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





## 1. Application details

### 1.1. Permit application details

Permit application No.: 2860/6  
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: Grant  
Decision Date: 9 February 2017  
Reasons for Decision: The application to amend Clearing Permit CPS 2860/5, 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.

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. Assessment of application against clearing principles

**Comments** The applicant has applied to extend the duration of the clearing authorised under Condition 1 of Clearing Permit CPS 2860/5 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 2860/2.

### 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.

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)

Subsequently, Clearing Permit CPS 2860/2 was granted on 6 January 2012, 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 22 December 2016, the Shire of Gingin approved the Extractive Industry renewal request and extended the duration to the 31 December 2018 (Hanson 2017).

**Methodology**    References:  
Minister for Environment (2010)  
Office of the Appeals Convenor (2010)  
Rocla and Hanson (2015)

### 3. References

Hanson Construction Materials Pty Ltd (Hanson) (2017) Additional information for application to amend clearing permit CPS 2860/4. DER Ref: A1351782  
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 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