



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 2860/7
File Number: DER2016/001912
Duration of Permit: 6 January 2012 to 6 January 2042

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 2860/7a.

CONDITIONS

1. Clearing authorised

The Permit Holder shall not clear any native vegetation after 6 January 2032.

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 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:

- (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 2860/7a 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 2860/7a 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 2860/7b 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 2860/7b 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 2860/7b 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 2860/7b 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 2860/7a and red on attached plan 2860/7b, 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 2860/7a and red on attached plan 2860/7b, 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 2860/7a and area hatched red on attached Plan 2860/7b, 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;
 - (iv) the size of the area cleared (in hectares);
 - (v) the date mining commenced in accordance with condition 3 of this Permit;
 - (vi) actions taken to avoid, minimise and reduce the impact and extent of clearing in accordance with condition 4 of this Permit; and
 - (vii) actions taken to minimise the risk of the introduction and spread of *weeds* and *dieback* in accordance with condition 5 of this Permit.

- (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 2041, 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:

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 a declared pest under section 22 of the *Biosecurity and Agriculture Management Act 2007*; or
- (b) published in the Department of Biodiversity, Conservation and Attractions Regional Weed Assessments, regardless of ranking; or
- (c) not indigenous to the area concerned.

 Ryan Mincham
2018.12.11
15:20:22 +08'00'

Ryan Mincham
MANAGER
NATIVE VEGETATION REGULATION







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

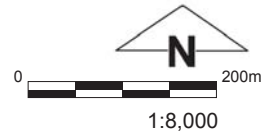
11 December 2018

Plan 2860/7a



Legend

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



1:8,000
 (Approximate when reproduced at A4)
 GDA 94 (Lat/Long)
 Geocentric Datum of Australia 1994

Ryan Mincham
 2018.12.11 15:17:16
 +08'00'
 Date

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



Plan 2860/7b



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

 Ryan Mincham
2018.12.11 15:28:54 +0800

Date

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



GOVERNMENT OF
WESTERN AUSTRALIA
WA Crown Copyright 2016



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 2860/7
Permit type: Area 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 M1448 ON DIAGRAM 6412, LENNARD BROOK
Local Government Authority: SHIRE OF GINGIN
Localities: LENNARD BROOK

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
29.72		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 2860/6, is to extend the duration of the clearing authorised under Condition 1 to 6 January 2032.

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

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

2. Site Information

Clearing Description Clearing of 29.72 hectares of native vegetation for the purpose of sand extraction on Lot M1448 on Diagram 6412 Lennard Brook.

Vegetation Description The mapped Beard vegetation association 1027 is described as Mosaic: Medium open woodland; jarrah & marri, with low woodland; banksia / Medium sparse woodland; jarrah & marri (Shepherd et al. 2001)

The mapped Heddle Vegetation Complexes Karamal complex is described as open forest of *E. marginata* - *E. calophylla* with second storey of *B. grandis*.

Moondah complex is described as Low closed to low open forest of *B. attenuata* - *B. menziesii* - *E. todiana* - *B. prionotes* on slopes, open woodland of *E. calophylla* - *Banksia* spp. in valley (Heddle et al, 1980).

Vegetation Condition Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).

Comment The vegetation condition was obtained from a site inspection conducted by the former Department of Environment and Conservation (DEC) on 11 December 2008 and flora report prepared by Weston (2005) on behalf of RPS Bowman Bishaw Gorham.

Weston (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 todiana* present in most areas.'

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.

3. Assessment of application against clearing principles

The applicant has applied to extend the duration of the clearing authorised under Condition 1 of Clearing Permit CPS 2860/6 to 6 January 2032. The assessment against the clearing principles has not changed and can be found in the Clearing Permit Decision Report CPS 2860/1.

Planning instruments and other relevant matters

The applicant has applied to extend the duration of the clearing authorised under Condition 1 to 6 January 2032.

The applicant previously submitted an application to clear 49.28 hectares of native vegetation within Lot M1448 on Diagram 6412, Lennard Brook (within and adjoining the application area) for the purpose of sand extraction on 13 November 2008 (CPS 2860/1). 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 29.72 hectares of native vegetation (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 that were consistent with the Minister for Environment's determination.

CPS 2860/2 was amended in June 2013 to fix an administrative error (2860/3).

Application to amend 2860/3 was received on 10 August 2013 requesting to amend the wording of the offset condition and was granted on 5 September 2013 (2860/4).

On 29 January 2016, Rocla Pty Ltd (Rocla) sold its extractive industry business, including its Western Australian assets to Hanson Construction Materials Pty Ltd. All Rocla's clearing permits, including CPS 2860/4, were amended and transferred to Hanson Construction Materials Pty Ltd (Rocla and Hanson, 2015).

On 7 February 2017, CPS 2860/5 was amended to extend the duration of clearing allowed under condition 1 until 31 December 2018 (CPS 2860/6).

The Shire of Gingin (2018) has advised that the applicant has a valid development approval for extractive industry over the land requested to be cleared and that the Shire has no objection to the clearing application. An extractive industry licence (EIL) has been granted for the proposal and expires on 31 December 2018. The EIL is required to be renewed on a yearly basis.

No Aboriginal sites of significance have been mapped within the application area.

The clearing permit application was advertised on the DWER website on 15 October 2018 with a 21 day submission period. No public submissions have been received in relation to this application.

4. References

- Hanson Construction Materials Pty Ltd (Hanson) (2017) Additional information for application to amend clearing permit CPS 2860/4. DER Ref: A1351782
- 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 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.
- 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
- 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 2860/7 clearing permit application. DWER ref A1737392
- Weston, A. S., (2005) Vegetation and Flora of Rocla Quarry, Creighton Road Gingin. Prepared for RPS Bowman Bishaw Gorham, Environmental Management Consultants. TRIM DOC. 68760.