



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 3015/3
Permit Holder:	CEMEX Australia Pty Ltd
Duration of Permit:	2 May 2009 – 2 May 2019

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 extractive industry.

2. Land on which clearing is to be done

Lot 835 on Plan 230232, Myrup.

3. Area of Clearing

The Permit Holder must not clear more than 1.4 hectares of native vegetation within the area shaded yellow on attached Plan 3015/3.

4. Type of clearing authorised

The Permit Holder shall not clear any native vegetation after 2 May 2014.

5. Application

This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

6. Type of clearing authorised

The Permit Holder shall not clear native vegetation unless the purpose for which the clearing is authorised is enacted within 3 months of the clearing being undertaken.

PART II – MANAGEMENT CONDITIONS

7. Dieback and weed control

(a) 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*:

- (i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (ii) shall only move soils in *dry conditions*;
- (iii) ensure that no *dieback* or *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
- (iv) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

- (b) At least once in each 12 month period for the *term* of this Permit, the Permit Holder must remove or kill any *weeds* growing within areas cleared under this Permit.

8. Offsets

(a) Determination of *offsets*:

- (i) if part or all of the clearing to be done is or may be at variance with one or more of the clearing principles, then the Permit Holder must implement an *offset* in accordance with conditions 8(a) and 8(b) of this Permit with respect to that native vegetation;
- (ii) in determining the *offset* to be implemented with respect to a particular area of native vegetation proposed to be cleared under this Permit, the Permit Holder must have regard to the *offset* principles contained in condition 8(b) of this Permit;
- (iii) once the Permit Holder has developed an *offset proposal*, the Permit Holder must provide that *offset proposal* to the CEO for the CEO's approval prior to undertaking any clearing to which the *offset* relates, and prior to implementing the *offset*;
- (iv) clearing may not commence until and unless the CEO has approved the *offset proposal*;
- (v) the Permit Holder shall implement the *offset proposal* approved under condition 8(a)(iii); and
- (vi) each *offset proposal* shall include a *direct offset*, timing for implementation of the *offset proposal* and may additionally include *contributing offsets*.

(b) For the purpose of this condition, the *offset* principles are as follows:

- (i) *direct offsets* should directly counterbalance the loss of the native vegetation;
- (ii) *contributing offsets* should complement and enhance the *direct offset*;
- (iii) *offsets* are implemented only once all avenues to avoid, minimise, rectify or reduce environmental impacts have been exhausted;
- (iv) the environmental values, habitat, species, *ecological community*, physical area, ecosystem, landscape, and hydrology of the *offset* should be the same as, or better than, that of the area of native vegetation being *offset*;
- (v) a ratio greater than 1:1 should be applied to the size of the area of native vegetation that is offset to compensate for the risk that the *offset* may fail;
- (vi) *offsets* must entail a robust and consistent assessment process;
- (vii) in determining an appropriate *offset*, consideration should be given to ecosystem function, rarity and type of *ecological community*, vegetation *condition*, habitat quality and area of native vegetation cleared;
- (viii) the *offset* should either result in no net loss of native vegetation, or lead to a net gain in native vegetation and improve the *condition* of the natural environment;
- (ix) *offsets* must satisfy all statutory requirements;
- (x) *offsets* must be clearly defined, documented and audited;
- (xi) *offsets* must ensure a long-term (10-30 year) benefit; and
- (xii) an *environmental specialist* must be involved in the design, assessment and monitoring of *offsets*.

9. Retain vegetative material and topsoil, ripping, revegetation and rehabilitation

The Permit Holder shall:

- (a) retain the vegetative material and topsoil removed by clearing authorised under this Permit and stockpile the vegetative material and topsoil in an area that has already been cleared.
- (b) within 6 months following completion of extractive activities, *revegetate* and *rehabilitate* the area shaded yellow, with the exception of the pit void, on attached Plan 3015/3 by:
 - (i) re-shaping the surface of the land so that it is consistent with the surrounding 5 metres of uncleared land;
 - (ii) laying the vegetative material and topsoil retained under condition 9(a) on the cleared area
- (c) within 12 months of laying the vegetative material and topsoil on the cleared area in accordance with condition 9(b) of this Permit:
 - (i) engage an *environmental specialist* to determine the species composition, structure and density of the area *revegetated* and *rehabilitated*; and
 - (ii) where, in the opinion of an *environmental specialist*, the composition structure and density determined under condition 9(c)(i) of this Permit will not result in a similar species composition, structure and density to that of pre-clearing vegetation types in that

area, *revegetate* the area by deliberately *planting* and/or *direct seeding* native vegetation that will result in a similar species composition, structure and density of native vegetation to pre-clearing vegetation types in that area and ensuring only *local provenance* seeds and propagating material are used.

- (d) Where additional planting or direct seeding of native vegetation is undertaken in accordance with condition 9(c)(ii) of this permit, the Permit Holder shall repeat condition 9(c)(i) and 9(c)(ii) within 24 months of undertaking the additional planting or direct seeding of native vegetation.
- (e) Where a determination by an *environmental specialist* that the composition, structure and density within areas *revegetated* and *rehabilitated* will result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area, as determined in condition 9(c)(i) and 9(c)(ii) of this permit, that determination shall be submitted for the CEO's consideration. If the CEO does not agree with the determination made under condition 9(c)(ii), the CEO may require the Permit Holder to undertake additional *planting* and *direct seeding* in accordance with the requirements under condition 9(c)(ii).

PART III - RECORD KEEPING AND REPORTING

10. Records must 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;
 - (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 8:
 - (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;
 - (ii) a description of the *offset* activities undertaken; and
 - (iii) the size of the *offset* area (in hectares).
- (c) In relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 9 of this Permit:
 - (i) the location of any areas *revegetated* and *rehabilitated*, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings;
 - (ii) a description of the *revegetation* and *rehabilitation* activities undertaken;
 - (iii) the size of the area *revegetated* and *rehabilitated* (in hectares);
 - (iv) the species composition, structure and density of *revegetation* and *rehabilitation*; and
 - (v) a copy of the environmental specialist's report.

11. Reporting

- (a) The Permit Holder must provide to the CEO on or before 31 December of each year, a written report:
 - (i) of records required under condition 10 of this Permit; and
 - (ii) concerning activities done by the Permit Holder under this Permit between 1 January to 31 December of the preceding financial year.
- (b) If no clearing authorised under this Permit was undertaken between 1 January to 31 December of the preceding financial year, a written report confirming that no clearing under this permit has been carried out, must be provided to the CEO on or before 31 December of each year.
- (c) Prior to 2 February 2019, the Permit Holder must provide to the CEO a written report of records required under condition 10 of this Permit where these records have not already been provided under condition 11(a) of this Permit.

DEFINITIONS

The following meanings are given to terms used in this Permit:

condition means the rating given to native vegetation using the *Keighery scale* and refers to the degree of change in the structure, density and species present in the particular vegetation in comparison to undisturbed vegetation of the same type;

contributing offset/s has the same meaning as is given to that term in the Environmental Protection Authority's *Position Statement No.9: Environmental Offsets*, January 2006;

dieback means the effect of *Phytophthora* species on native vegetation;

direct offset/s has the same meaning as is given to that term in the Environmental Protection Authority's *Position Statement No.9: Environmental Offsets*, January 2006;

direct seeding means a method of re-establishing vegetation through the establishment of a seed bed and the introduction of seeds of the desired plant species;

ecological community/ies means a naturally occurring biological assemblage that occurs in a particular type of habitat (English and Blythe, 1997; 1999) – the scale at which ecological communities are defined will depend on the level of detail in the information source, therefore no particular scale is specified;

environmental specialist: means a person who holds a tertiary qualification in environmental science or equivalent, and has experience relevant to the type of environmental advice that an environmental specialist is required to provide under this Permit, or who is approved by the CEO as a suitable environmental specialist.

fill means material used to increase the ground level, or fill a hollow;

local provenance means native vegetation seeds and propagating material from natural sources within 50 kilometres and the same Interim Biogeographic Regionalisation for Australia (IBRA) subregion of the area cleared;

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;

offset proposal means an *offset* determined by the Permit Holder in accordance with condition 8 of this Permit;

offset/s means an offset required to be implemented under condition 8 of this Permit;

planting means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired species;

regenerate/ed/ion means re-establishment of vegetation from in situ seed banks and propagating material (such as lignotubers, bulbs, rhizomes) contained either within the topsoil or seed-bearing *mulch*;

rehabilitate/ed/ion means actively managing an area containing native vegetation in order to improve the ecological function of that area;

revegetate/ed/ion means the re-establishment of a cover of *local provenance* native vegetation in an area using methods such as natural *regeneration*, *direct seeding* and/or *planting*, so that the species composition, structure and density is similar to pre-clearing vegetation types in that area;

term means the duration of this Permit, including as amended or renewed;

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*

12 September 2013



Clearing Permit Decision Report

Government of Western Australia
Department of Environment Regulation

1. Application details

1.1. Permit application details

Permit application No.: 3015/3
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: CEMEX Australia Pty Limited

1.3. Property details

Property: LOT 835 ON PLAN 230232 (Lot No. 835 MYRUP MYRUP 6450)
Local Government Area: Shire of Esperance
Colloquial name:

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 12 September 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: 931 - Medium woodland; yate (Shepherd et al. 2001).	The amended application is for clearing of 1.4 hectares of native vegetation for the purpose of extractive industry on Lot 835 on Plan 230232, Myrup, in the Shire of Esperance.	Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery 1994).	Vegetation description and condition were determined from supporting documentation provided by the applicant (Mattiske 2008a, 2008b, 2008c).
Beard Vegetation Association: 6048 - Shrublands; banksia scrub-heath on sandplain in the Esperance Plains Region (Shepherd et al. 2001).		To Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994).	

3. Assessment of application against clearing principles

Comments

The applicant has applied to amend the permit to update the revegetation condition. A review of current environmental information reveals no new additional information. Therefore the assessment against the clearing principles has not changed and can be found in the Clearing Permit Decision Report CPS 3015/2 and CPS 3015/1.

Methodology

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

Comments

The assessment against Planning and Other Matters has not changed and can be found in Decision Report CPS 3015/2 and CPS 3015/1.

Methodology

4. References

- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Mattiske Consulting Pty Ltd (2008a) Report for December 2007 flora survey: Flora and Vegetation Survey of the Esperance Quarry Expansion Area. TRIM ref DOC77249.
- Mattiske Consulting Pty Ltd (2008b) Report from October 2008 flora survey: Flora and Vegetation Survey of the Esperance Quarry Development Area. TRIM ref DOC77249.

Mattiske Consulting Pty Ltd (2008c) Flora Search for Eucalumptus macrandra in and around the CEMEX Esperance Quarry. TRIM ref DOC77249.

Shepherd, D.P., Beeston, G.R., and Hopkins, A.J.M. (2001), Native Vegetation in Western Australia. Technical Report 249. Department of Agriculture Western Australia, South Perth.

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)