



## CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

<b>Purpose Permit number:</b>	CPS 3015/4
<b>Permit Holder:</b>	CEMEX Australia Pty Ltd
<b>Duration of Permit:</b>	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 3015/4.
- 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

The Permit Holder shall

- a) develop an *offset proposal* and provide that *offset proposal* to the CEO for the CEO's approval prior to undertaking any clearing that is subject to this permit, and prior to implementing the *offset*;
- b) clearing under this permit shall not commence until and unless the CEO has approved the *offset proposal*; and
- c) the Permit Holder shall implement the *offset proposal* approved under condition 8(a).

#### 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 3015/4 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 30 June 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 in the preceding calendar year.
- (b) If no clearing authorised under this Permit was undertaken in the preceding calendar year, a written report confirming that no clearing under this permit has been carried out, must be provided to the CEO on or before 30 June 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;

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

***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);

***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 a Department of Parks and Wildlife Regional Weed Summary, 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*

3 April 2014

# Plan 3015/4

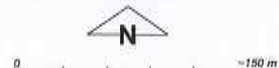


## LEGEND

### Clearing Instruments

-  Areas Approved to Clear
-  Road Centrelines
-  Cadastre

Esperance Causeway 50cm  
Orthomosaic - Landgate  
2007



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 3/4/10

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.



Government of Western Australia  
Department of Environment Regulation

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# Clearing Permit Decision Report

Government of Western Australia  
Department of Environment Regulation

## 1. Application details

### 1.1. Permit application details

Permit application No.: 3015/4  
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: 3 April 2014

## 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 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** Administrative changes to the permit conditions have been made in order to correct the reporting dates of the permit. The revegetation condition has also been amended to bring it in line with current Department of Environment Regulation practice. 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 3015/1.

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

**Comments** Aboriginal sites of significance are mapped over the application area. The applicant is advised to contact the Department of Aboriginal Affairs regarding their obligations under the Aboriginal Heritage Act 1972.

**Methodology** GIS Datasets  
- Aboriginal Sites of Significance

#### 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.