



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 3081/4

File Number: DEC11089

Duration of Permit: From 6 September 2009 to 6 September 2025

PERMIT HOLDER

Carbone Bros Pty Ltd on behalf of Ilario Maiolo

LAND ON WHICH CLEARING IS TO BE DONE

Lot 5397 on Deposited Plan 215971, Upper Capel

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 5.35 hectares of native vegetation and 33 native trees, within the areas hatched yellow on attached Plan 3081/4(a).

CONDITIONS

1. Type of clearing authorised

- (a) The Permit Holder shall not clear any native vegetation after 6 September 2020; and
- (b) The Permit Holder shall not clear native vegetation unless gravel extraction activities are enacted within 6 months of the clearing being undertaken

2. 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.

3. 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) ensure that no known *dieback* or *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
- (c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

4. Retain vegetative material and topsoil, 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 3 months following the completion of extractive activities, *revegetate* and *rehabilitate* the area(s) hatched red on attached Plan 3081/4(b) by:
 - (i) re-shaping the surface of the land so that it is consistent with the surrounding 5 metres of uncleared land;

- (ii) ripping the ground on the contour to remove soil compaction;
 - (iii) ripping the pit floor and contour batters within the extraction site; and
 - (iv) laying the vegetative material and topsoil retained under condition 3(a) on the cleared area(s) that are no longer required for the purpose for which they were cleared under this Permit; and
- (c) within 24 months of undertaking *revegetation* and *rehabilitation* in accordance with condition 4(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 4(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, the Permit Holder must undertake additional *planting* or *direct seeding* of native vegetation in accordance with the requirements of condition 4(b)(v) and (vi) of this Permit.
- (d) where additional *planting* or *direct seeding* of native vegetation is undertaken in accordance with condition 4(c)(ii) of this permit, the Permit Holder shall repeat condition 4(c)(i) and 4(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 4(c)(i) and (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 4(c)(ii), the CEO may require the Permit Holder to undertake additional *planting* and *direct seeding* in accordance with the requirements under condition 4(c)(ii).

5. Vegetation management

- (a) Prior to January 2021, the Permit Holder shall construct a fence to exclude all classes of livestock from the *revegetation area*.
- (b) Within one month of installing the fence the Permit Holder shall notify the *CEO* in writing that the fence has been completed.

6. 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;
 - (iii) the date that the area was cleared;
 - (iv) the size of the area cleared (in hectares);
 - (v) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 2 of this Permit; and
 - (vi) actions taken to minimise the risk of the introduction and spread of *weeds* and *dieback* in accordance with condition 3 of this Permit.
- (b) In relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 4 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 or decimal degrees;
 - (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.

7. 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 6 of this Permit; and
 - (ii) concerning activities done by the Permit Holder under this Permit between 1 January to 31 December of the preceding year.
- (b) If no clearing authorised under this Permit was undertaken between 1 January to 31 December of the preceding 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 6 June 2021, the Permit Holder must provide to the CEO a written report of records required under condition 6 of this Permit where these records have not already been provided under condition 7(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 the administration of the clearing provisions under the *Environmental Protection Act 1986*;

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;

environmental specialist means a person who is engaged by the Permit Holder for the purpose of providing environmental advice, 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;

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;

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

regenerate/ed/ion means *revegetation* that can be established from in situ seed banks 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 *regeneration*, *direct seeding* and/or *planting*, so that the species composition, structure and density is similar to pre-clearing vegetation types in that area;

revegetation area means the area hatched red on attached Plan 3081/4(b)

term means the duration of this Permit, including as amended or renewed; 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) Department of Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking summary, regardless of ranking; or
- (c) not indigenous to the area concerned.



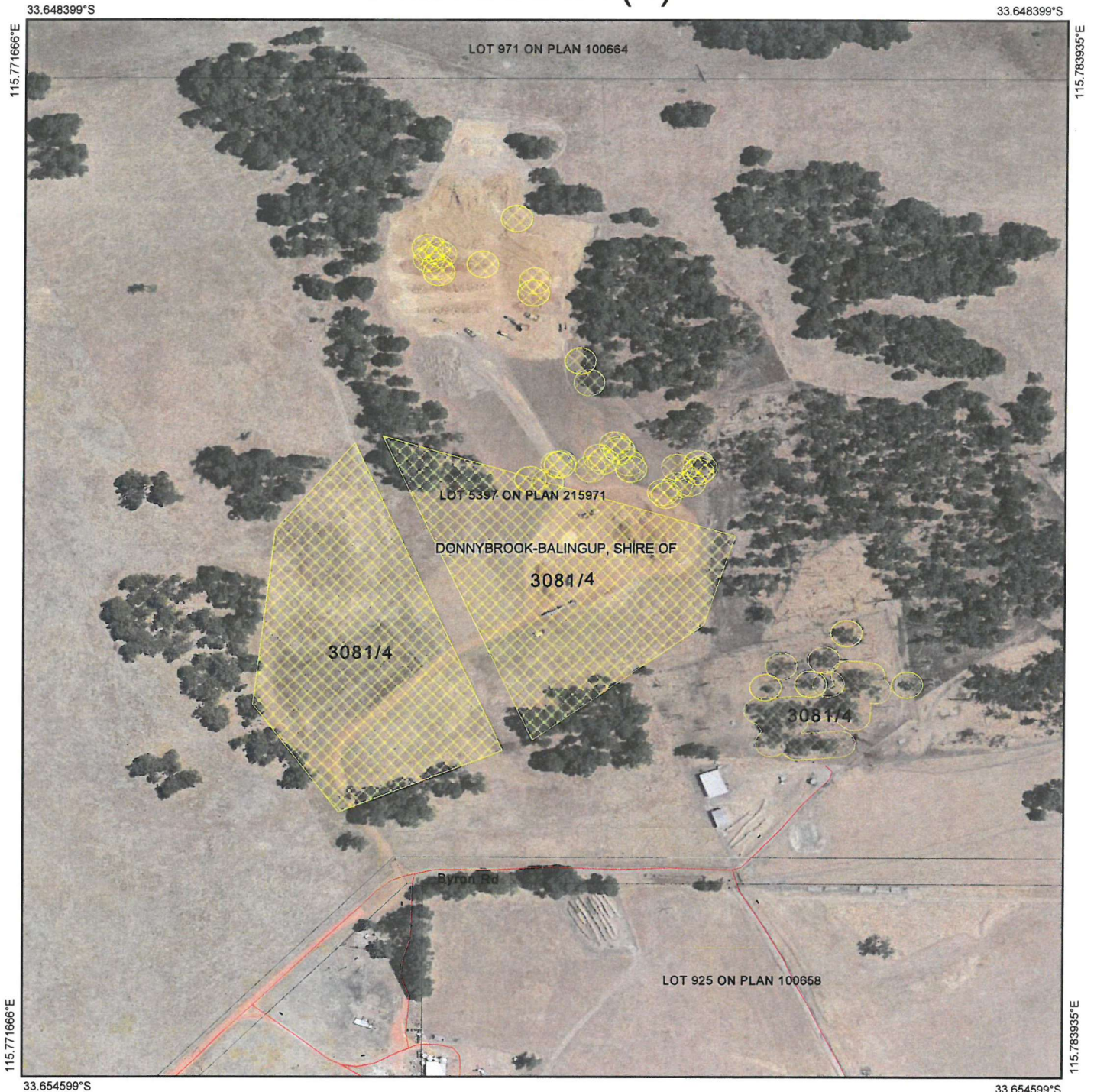
Samara Rogers
MANAGER
NATIVE VEGETATION REGULATION

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

18 January 2019

CPS 3081/4, 18 January 2019

Plan 3081/4(a)



Legend

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



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(Approximate when reproduced at A4)

GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

Samara Rogers

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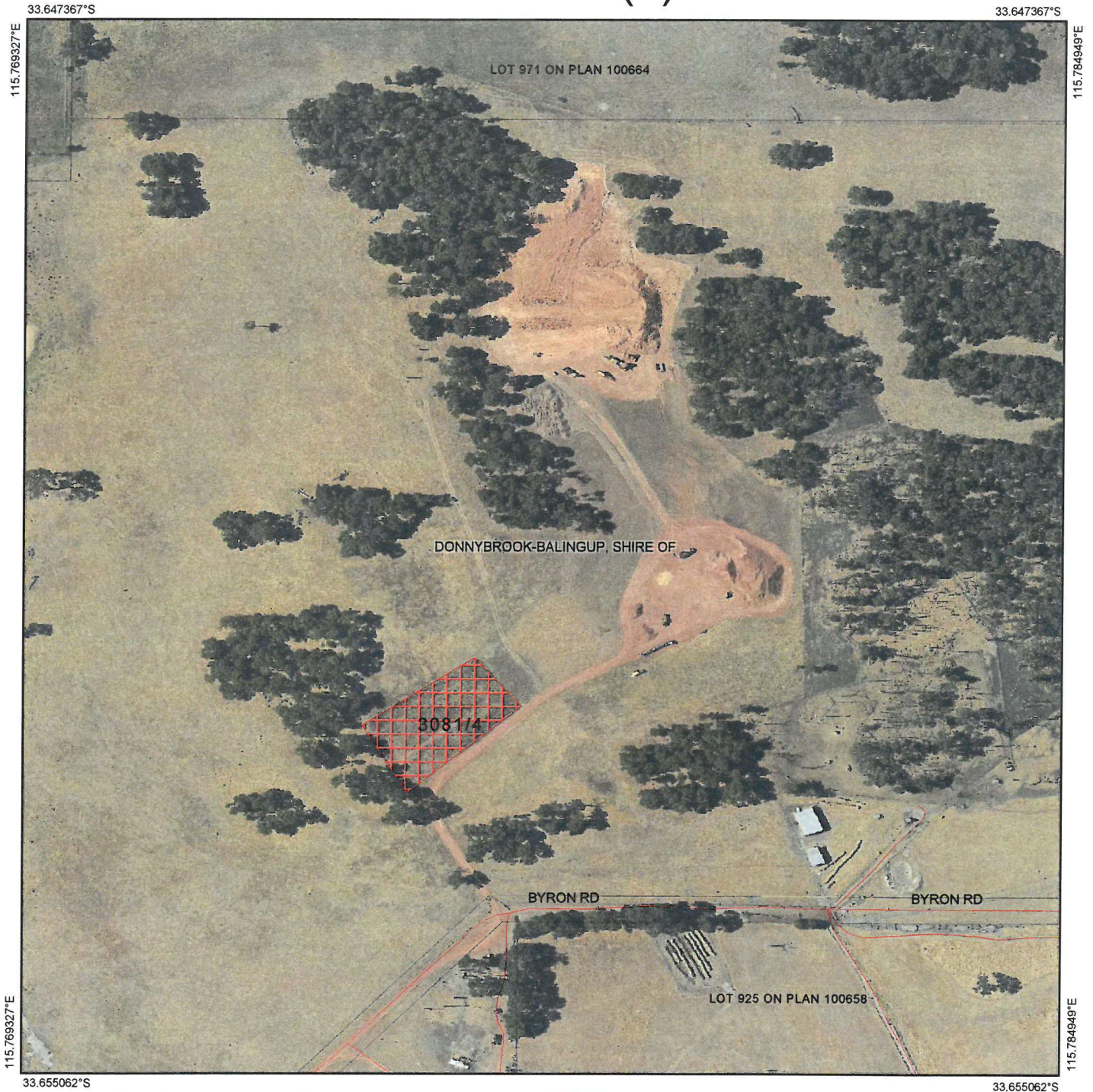
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Officer with delegated authority under Section 20 of the Environmental Protection Act 1986








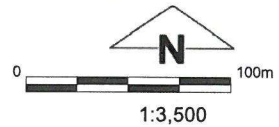
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Plan 3081/4(b)



Legend

-  Roads
-  Imagery
-  Local Government Authority
-  Clearing Instruments Conditions
-  Cadastre



(Approximate when reproduced at A4)
GDA 94 (Lat/Long)

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Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 3081/4
Permit type: Area Permit

1.2. Applicant details

Applicant's name: Carbone Bros Pty Ltd
Application received date: 13 November 2018

1.3. Property details

Property: LOT 5397 ON PLAN 215971, UPPER CAPEL
Local Government Authority: DONNYBROOK-BALINGUP, SHIRE OF

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
5.35	33	Mechanical Removal	Extractive industry

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 18 January 2019
Reasons for Decision: This application to amend clearing permit CPS 3081/3 has been made to meet a request by the Permit Holder to increase the area to be cleared from 5 hectares and 33 trees to 5.35 hectares and 33 trees.

The amendment application has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986*, and it has been concluded that the proposed clearing is not likely to be at variance to any of the clearing principles.

The Delegated Officer has concluded that assessment has not changed since the assessment for CPS 3081/1 and the proposed clearing is not likely to cause significant environmental impacts.

2. Site Information

Clearing Description The amended application is to clear 5.35 hectares of native vegetation and 33 native trees, within Lot 5397 on Deposited Plan 215971, Upper Capel, for the purpose of gravel extraction.

Vegetation Description The application area is mapped as the two following South West Forest Vegetation Complexes:

- Rosa (RO) consisting of woodland to open forest of *Corymbia calophylla* - *Eucalyptus marginata* subsp. *marginata* - *Xylomelum occidentale* on slopes and tall shrubland of *Agonis linearifolia* in valley floors in the humid zone; and
- Kingia (KL) consisting of open forest of *Eucalyptus marginata* subsp. *marginata* - *Corymbia calophylla* - *Allocasuarina fraseriana* - *Banksia grandis* - *Xylomelum occidentale* on lateritic uplands in perhumid and humid zones (Shepherd et al., 2001).

Vegetation Condition Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994).

To

Completely Degraded: No longer intact; completely/almost completely without native species (Keighery 1994).

Condition of the vegetation was determined through aerial imagery and site photos submitted with the application (Lundstrom Environmental, 2018)

3. Assessment of application against clearing principles

The application is to amend Clearing Permit CPS 3081/3 to increase the area to be cleared from 5 hectares and 33 trees to 5.35 hectares and 33 trees.

The area permitted under clearing permit CPS 3081/3 is in a degraded condition (Keighery 1994), being subject to grazing disturbance, resulting in no native understorey and a limited native mid storey vegetation (DEC, 2013). The additional area required to be cleared is in a completely degraded condition (Keighery 1994) consisting of native trees over paddock (Lundstrom Environmental, 2018).

A review of available information has revealed no new information. Therefore, the assessment against the clearing principles has not changed and can be found in Clearing Permit Decision Report CPS 3081/1.

Planning instruments and other relevant matters

The Shire of Donnybrook (2018) has advised that they have received a planning application for the extension of the gravel pit, and that they have no object to the additional clearing required under this permit.

The clearing permit application was advertised on the DWER website on 7 December 2018 with a 14 day submission period. No public submissions have been received in relation to this application.

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.
- Lundstrom Environmental (2018) Information to support application CPS 3081/4 (DWER ref: A1738680)
- 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.
- Shire of Donnybrook (2018) Planning advice (DWER Ref A1747305).