



## CLEARING PERMIT

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

### PERMIT DETAILS

Area Permit Number: 3517/1

File Number: DEC14091

Duration of Permit: From 7 March 2010 to 7 March 2015

### PERMIT HOLDER

Carbone Bros Pty Ltd

### LAND ON WHICH CLEARING IS TO BE DONE

LOT 679 ON DEPOSITED PLAN 251576

### AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 1.2 hectares of native vegetation within the area hatched yellow on attached Plan 3517/1.

### CONDITIONS

#### 1. Type of clearing authorised

Any clearing authorised under this Permit must be completed by 4 March 2012, being two years from the date from which this Permit becomes valid.

#### 2. Type of clearing authorised

The Permit Holder shall not clear native vegetation unless undertaking sand extraction within one month of the clearing being undertaken.

#### 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) shall not move soils in wet 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.

#### 4. Retain vegetative material and topsoil, ripping, revegetation and rehabilitation

(a) The Permit Holder shall retain the vegetative material and topsoil removed by clearing authorised under this Permit and stockpile the vegetative material and topsoil in an area that is already cleared.

(b) Prior to undertaking works pursuant to conditions 4(c), the Permit Holder shall rip the pit floor and contour batters within the extraction site.

(c) Within twelve months following completion of extraction operations, the Permit Holder must *revegetate* and *rehabilitate* the area cross-hatched yellow on attached Plan 3517/1 by:

- (i) deliberately laying the vegetative material and topsoil retained under condition 4(a) on the cleared area;

- (ii) 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
  - (iii) ensuring only *local provenance* seeds and propagating material are used to *revegetate* and *rehabilitate* the area.
- (d) Within twelve months of undertaking *revegetation* and *rehabilitation* in accordance with condition 3(c) of this Permit, the Permit Holder must:
- (i) 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(d)(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(c)(ii) and (iii) of this Permit.

## 5. 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; and
  - (iv) the size of the area cleared (in hectares).
- (b) In relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 4 of this Permit:
- (i) the date when the Permit Area is no longer required for the purpose of material extraction;
  - (ii) 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;
  - (iii) a description of the *revegetation* and *rehabilitation* activities undertaken;
  - (iv) the size of the area *revegetated* and *rehabilitated* (in hectares); and
  - (v) the species composition, structure and density of *revegetation* and *rehabilitation*.

## 6. 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 5 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 4 December 2014, the permit holder must provide to the CEO a written report of records required under condition 5 of this Permit where these records have not already been provided under condition 6(a) of this Permit.

## Definitions

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

*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;

*local provenance* means native vegetation seeds and propagating material from natural sources within 10 kilometres 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;

*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;

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

*weed/s* means a species listed in Appendix 3 of the "Environmental Weed Strategy" published by the Department of Conservation and Land Management (1999), and plants declared under section 37 of the *Agriculture and Related Resources Protection Act 1976*.



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Kelly Faulkner  
MANAGER  
NATIVE VEGETATION CONSERVATION BRANCH

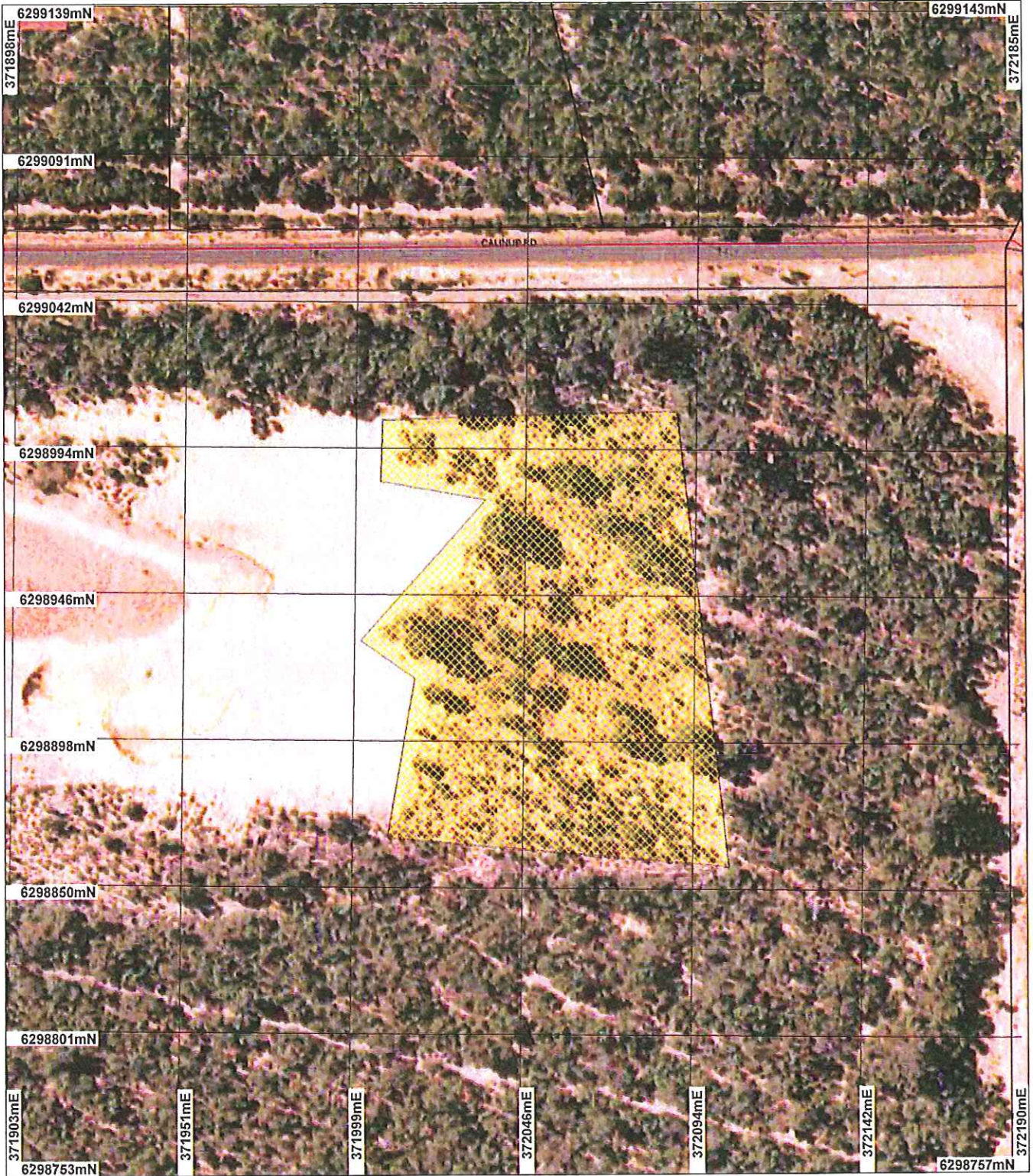
*Officer delegated under Section 20  
of the Environmental Protection Act 1986*

4 February 2010



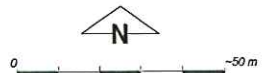


# Plan 3517/1



## LEGEND

- Clearing Instruments
- Road Centrelines
- Cadastral
- Bushfire Risk Overlay



Scale 1:1696  
(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

*[Signature]* Date 4/2/10

K Faulkner  
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.

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## 1. Application details

### 1.1. Permit application details

Permit application No.: 3517/1  
Permit type: Area Permit

### 1.2. Proponent details

Proponent's name: Carbone Bros Pty Ltd

### 1.3. Property details

Property: LOT 679 ON PLAN 251576 ( STRATHAM 6237)  
Local Government Area:  
Colloquial name:

### 1.4. Application

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

## 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 associations: 6 - Medium woodland; tuart & jarrah (Shepherd, 2007)	The proposal is to clear regrowth vegetation previously cleared under clearing permit 1782/1 for the purpose of sand extraction.  A site inspection of the applied area identified that the application area included 40 identifiable flora species all in early stages of regrowth. Of these 9 were identified as weed species (DEC, 2009).	Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery 1994)	The vegetation condition was determined through a site inspection undertaken on 18 November 2009 (DEC, 2009).

## 3. Assessment of application against clearing principles

### Comments

The proposal is to clear 1.2ha of native vegetation for the purpose of clearing regrowth vegetation previously cleared under clearing permit 1782/1 for the purpose of sand extraction.

A site visit identified 40 identifiable flora species, at various stages of juvenile growth occurring within the application area. The native species found on site include; 2 grass species, 9 herbaceous species, 1 sedge species, 16 shrub species and 3 tree species (DEC, 2009). Of the species found 9 are weeds including Pimpernel, Perennial Veldt Grass, Narrowleaf Cottonbush, Smooth Catsear, Rose Pelargonium, Red Ink Plant, Black Berry Nightshade, Common Sowthistle and Ursinia (DEC, 2009).

No flora of conservation significance were observed on site and the vegetation regrowing does not represent any known threatened ecological community (DEC, 2009).

The vegetation under application is identified under the Greater Bunbury Regional Scheme as being part of a regionally significant Dalyellup/Gelorup/Crooked Brook ecological linkage (EPA, 2003). A previous EPA assessment of adjacent land (Lot 2) identified this nearby vegetation as significant habitat for Western Ringtail Possums and is likely to support populations of Chuditch, Brush-tailed Phascogales, Western False Pipistrelles, Quendas, Carnabys Black Cockatoos and Baudins Black Cockatoos (EPA, 2005).

Given the juvenile state of the regrowth vegetation it is unlikely that the applied area is significant habitat for fauna or that the vegetation is characteristic of an under represented vegetation type. In addition it is unlikely

that that the removal of the vegetation under application will impact on conservation areas, cause or exacerbate land degradation, water quality decline or increase the incidence or intensity of flooding.

Given the above the clearing as proposed is not likely to be at variance to any of the clearing principles.

**Methodology** References:  
DEC (2009)  
EPA (2003)  
EPA (2005)

GIS Database:  
SAC Biodatasets accessed 25 January 2010  
Heddl Vegetation Complexes - DEP 22/06/95  
Pre European Vegetation - DA 01/01  
Clearing Regulations, Environmentally Sensitive Areas 30 May 2005  
NLWRA, Current Extent of Native Vegetation 20 Jan 2001

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

##### **Comments**

The area under application has been identified under the Greater Bunbury Region Scheme as part of the regionally significant Dalyellup/Gelorup/Crooked Brook Ecological Linkage (EPA, 2003). It is unlikely that the removal of the vegetation under application will significantly reduce the effectiveness of this linkage given the juvenile stage of the vegetation.

The property is zoned Rural under the Shire of Capel TPS. Development approval from the Shire of Capel is required.

An Extractive Industries Licence (EIL) has been approved for the area under application by the Shire of Capel.

The applied area is the same as that under CPS 1782/1 for which approval to clear 1.2ha of degraded (Keighery, 1994) vegetation for sand extraction purposes was granted on the 18 October 2007 (Permit holder Carbone Bros Pty Ltd) and expired on 18th November 2009. The applied area was cleared under CPS 1782/1 however the sand resource was not removed. Subsequently vegetation re-establishment has occurred and this application to remove the regrowth vegetation was submitted to DEC.

One submission was received from the Capel LCDC in relation to this clearing application. The opposition to this proposal was based on the value of the vegetation as habitat for Black Cockatoos and Western Ringtail Possums, that the area is fragile and further clearing will impact on adjoining vegetation and fauna and impact the Cokalup Ridge which is a dominant landmark. In addition the submission notes that no rehabilitation on excavated land appears to be occurring (DOC117711). Given that the vegetation has been previously cleared and that the current application is for small sapling regrowth vegetation it is unlikely that the clearing will directly impact on the values discussed above however DEC recognises that further clearing will reduce the ability of the landscape to naturally regenerate. As such a revegetation condition has been placed on the permit to mitigate the potential for the area not to regenerate naturally.

**Methodology** Reference:  
EPA (2003)  
Keighery (1994)

#### **4. Assessor's comments**

##### **Comment**

The application has been assessed against the clearing principles, planning instruments and other matters in accordance with s51O of the Environmental Protection Act 1986, and the proposed clearing is not likely to be at variance to any of the clearing Principles.

#### **5. References**

- DEC (2009) Site Inspection photos and regional comment for investigation of CPS 1782/1, Lot 679 Calinup Road, Shire of Capel. Site inspection undertaken 18/11/2009. Department of Environment and Conservation, Western Australia (TRIM Ref. DOC116212 and DOC116218).
- EPA (2003) Greater Bunbury Region Scheme. Bulletin 1108. Environmental Protection Authority, Western Australia.
- EPA (2005). Southern Extension of Sandpit, Lot 2 Calinup Road, Gelorup, Shire of Capel - report and recommendations of the Environmental Protection Authority, Perth. TRIM Ref: DOC18730
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Shepherd, D.P. (2007). Adapted from: 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. Includes subsequent updates for 2006 from Vegetation Extent dataset ANZWA1050000124.



## 6. 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 (now DEC)
DMP	Department of Mines and Petroleum (ex DoIR)
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)

