



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 3599/2
File Number: DEC8105
Duration of Permit: 23 March 2011 to 23 March 2019

PERMIT HOLDER

Bonthorpe Pty Ltd

LAND ON WHICH CLEARING IS TO BE DONE

Lot 1 on Plan 6250 Great Southern Highway (Gilgering 6302)

AUTHORISED ACTIVITY

Permit Holder shall not clear more than 5.6 hectares of native vegetation within the area shaded yellow on attached Plan 3599/2a.

CONDITIONS

1. Period in which clearing is authorised

- (a) The Permit Holder shall not clear any native vegetation after 23 March 2014.
- (b) The Permit Holder shall not clear native vegetation unless actively mining within 6 months of the authorised clearing being undertaken.

2. 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.

3. Vegetation management

Within 3 months of commencement of clearing authorised under this Permit, the Permit Holder must:

- (a) exclude all classes of stock from the area hatched red on attached Plan 3599/2b;
- (b) construct and maintain a fence enclosing the area shaded red on attached Plan 3599/2b, so as to be adequate to exclude all classes of stock access from the area hatched red on attached Plan 3599/2b.

4. Fauna management

- (a) Prior to undertaking any clearing authorised under this Permit, the area(s) shall be inspected by a *fauna specialist* who shall:
 - (i) identify *habitat trees* suitable to be utilised by Carnaby's black cockatoo (*Calyptorhynchus latirostris*); and
 - (ii) inspect *habitat trees* identified under condition 4(a)(i) for the presence of Carnaby's black cockatoo (*Calyptorhynchus latirostris*).

- (b) Where *habitat trees* identified under condition 4(a) contain hollows suitable for use by Carnaby's black cockatoo (*Calyptorhynchus latirostris*), the Permit Holder shall retain these *habitat trees* in situ, or if this is not possible the Permit Holder shall construct and install 2 artificial nesting hollows, per each habitat tree removed, as follows:
 - (i) each artificial nesting hollow shall be constructed using PVC pipe 0.3m in diameter, 25mm thickness and 1m in length;
 - (ii) each artificial nesting hollow shall include an external perch constructed of wood, and an internal ladder constructed of 50mm galvanised mesh affixed to the wall, to enable access;
 - (iii) each artificial nesting hollow shall have a free-draining floor constructed of galvanised woven wire mesh and lined with weathered woodchips to a depth of 20cm;
 - (iv) each artificial nesting hollow shall be attached to a tree located within 1km of the area to be cleared;
 - (v) each artificial nesting hollow shall be attached to a tree that must have a diameter, at 1.5 metres above the ground, of at least 300 millimetres;
 - (vi) each artificial nesting hollow shall be attached to a tree at a height of no less than 3 metres above the ground, and no closer than 20 metres from any other tree to which a constructed artificial nesting hollow is attached; and
 - (vii) each artificial nesting hollow shall be attached to a tree in an inconspicuous position with the entrance hole facing away from the prevailing winds and rain, and protected from direct sunlight.
- (c) Where *habitat trees* identified under condition 4(a) contain hollows suitable for use by Carnaby's black cockatoo (*Calyptorhynchus latirostris*), the Permit Holder shall retain these *habitat trees* in situ, or if this is not possible the Permit Holder shall:
 - (i) remove and retain intact hollows;
 - (ii) each removed and retained intact hollow shall be attached to a tree located within no more than 2km from any clearing authorised under this Permit; and
 - (iii) each removed and retained intact hollow shall be attached to a tree within 3 months of removing it.
- (d) Within one week prior to undertaking any clearing authorised under this Permit, the Permit Holder shall engage a *fauna clearing person* to remove and relocate fauna identified under condition 4(a)(ii).

5. 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 12 months following completion of the clearing authorised under this Permit, *revegetate* and *rehabilitate* the area(s) authorised to be cleared by:
 - (i) reshaping the surface of the land so that it is consistent with the surrounding 20 metres of uncleared land; and
 - (ii) ripping the pit floor and contour batters within the extraction site; and
 - (iii) laying the vegetative material and topsoil retained under condition 5(a) on the cleared area(s); and
 - (iv) 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
 - (v) ensuring only *local provenance* seeds and propagating material are used to *revegetate* and *rehabilitate* the area.
- (c) within 24 months of undertaking *revegetation* and *rehabilitation* in accordance with condition 5(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 5(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 5(b)(v) and (vi) of this Permit.

- (d) Where additional *planting* or *direct seeding* of native vegetation is undertaken in accordance with condition 5(c)(ii) of this permit, the Permit Holder shall repeat condition 5(c)(i) and 5(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 5(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 5(c)(ii), the CEO may require the Permit Holder to undertake additional *planting* and *direct seeding* in accordance with the requirements under condition 5(c)(ii).

6. Revegetation and rehabilitation

The Permit Holder shall:

- (a) within 12 months of commencement of clearing authorised under this Permit *revegetate* and *rehabilitate* the area shaded red on attached Plan 3599/2c by:
 - (i) ripping the ground on the contour to remove soil compaction; and
 - (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.
- (b) within 24 months of undertaking *revegetation* and *rehabilitation* in accordance with condition 6(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 6(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 6(b)(ii) and (iii) of this Permit.
- (c) Where additional *planting* or *direct seeding* of native vegetation is undertaken in accordance with condition 6(c)(ii) of this permit, the Permit Holder shall repeat condition 6(c)(i) and 6(c)(ii) within 24 months of undertaking the additional *planting* or *direct seeding* of native vegetation.
- (d) 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 6(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 6(c)(ii), the CEO may require the Permit Holder to undertake additional *planting* and *direct seeding* in accordance with the requirements under condition 6(c)(ii).

7. Native vegetation conservation (conservation covenant)

- (a) In respect to the area hatched red on attached Plan 3599/2b, the Permit Holder shall enter into a conservation covenant, agreement to reserve or some other form of binding undertaking to establish and maintain vegetation..
- (b) 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;
- (c) the Permit Holder is to execute and return the conservation covenant, agreement to reserve or some other form of binding undertaking outlined in condition 7(a) of this permit prior to undertaking any clearing or other activity authorised under this Permit.

8. Records must be kept

The Permit Holder must maintain the following records for activities done pursuant to this Permit:

- (a) In relation to the vegetation management of areas pursuant to condition 3 of this Permit:
 - (i) Within one month of commencing the construction of the fence the Permit Holder must notify the CEO in writing that the fence has been commenced; and
 - (ii) Within one month of completing the construction of the fence the Permit Holder must notify the CEO in writing that the fence has been completed.
- (b) In relation to the fauna management of areas pursuant to condition 4 of this Permit:
 - (i) the location of any habitat tree, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings; and
 - (ii) the location of the artificial nesting hollows, 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 location of surrogate trees for relocation with vacant hollows, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings; and
 - (iv) the location and date where relocated fauna was released, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings
- (c) In relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 5 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); and
 - (iv) the species composition, structure and density of *revegetation* and *rehabilitation*.
- (d) In relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 6 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); and
 - (iv) the species composition, structure and density of *revegetation* and *rehabilitation*.
- (e) In relation to native vegetation conservation of areas pursuant to condition 7 of this Permit:
 - (i) within one month of executing and returning the conservation covenant, agreement to reserve or other form of binding undertaking the Permit Holder shall notify the CEO in writing that the conservation covenant, agreement to reserve or other form of binding undertaking has been completed.

9. 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 8 of this Permit; and
 - (ii) concerning activities done by the Permit Holder under this Permit between 1 January and 31 December of the preceding year.
- (b) Prior to 23 January 2019, the Permit Holder must provide to the CEO a written report of records required under condition 8 of this Permit where these records have not already been provided under condition 9(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;

dry conditions means when soils (not dust) do not freely adhere to rubber tyres, tracks, vehicle chassis or wheel arches;

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;

fauna specialist means a person with training and specific work experience in fauna identification or faunal assemblage surveys of Western Australian fauna;

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

habitat tree(s) means trees that have a diameter, at average adult human chest height, of greater than 70cm, healthy but with dead limbs and broken crowns that are likely to contain hollows and roosts suitable for native fauna, or where these are not present then healthy but with the potential to contain hollows and roosts;

local provenance means native vegetation seeds and propagating material from natural sources within 50 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;

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; 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*.

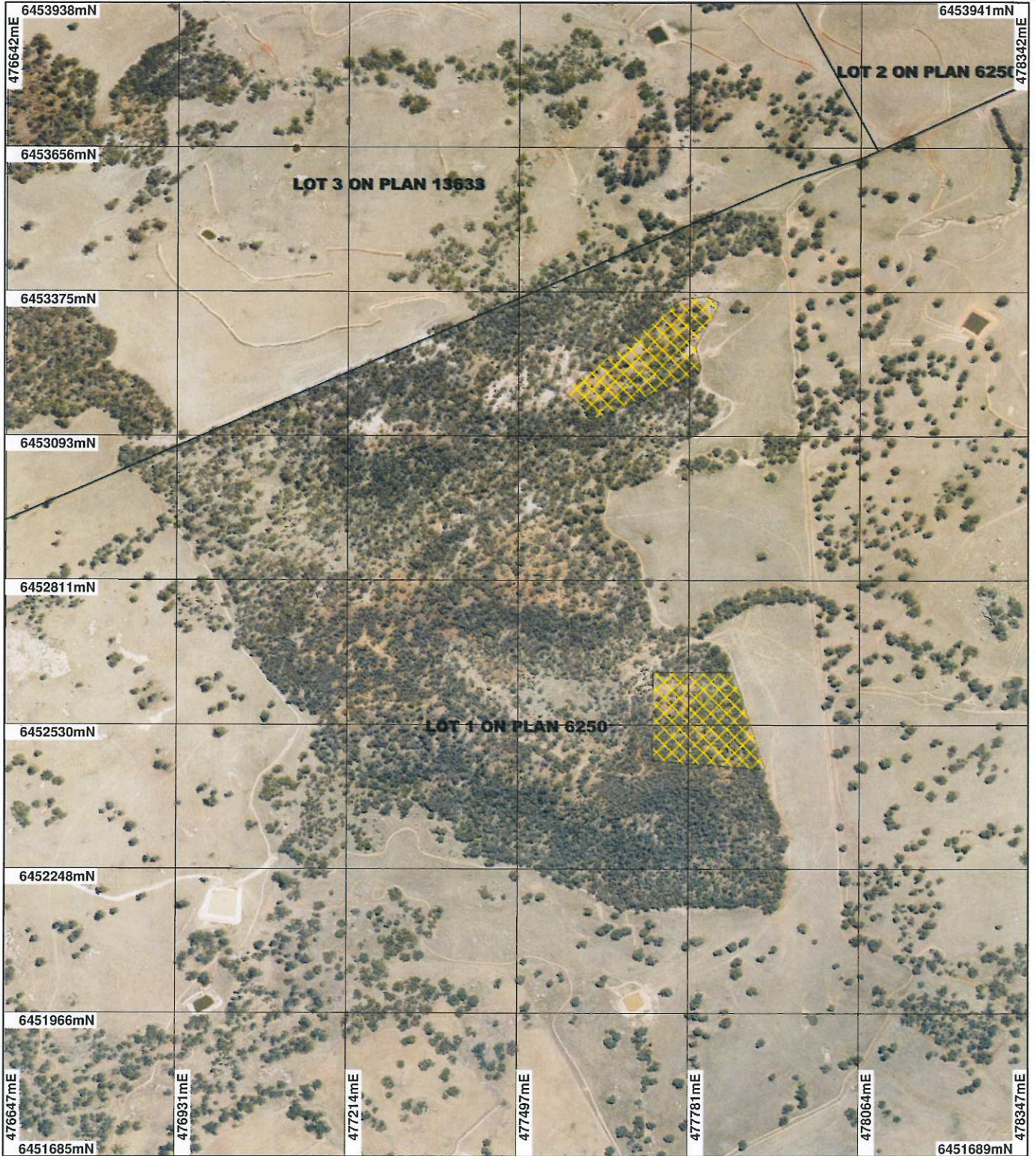


Kelly Faulkner
MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

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

23 March 2011

Plan 3599/2a



LEGEND

- Cadastre
- Cadastre for labelling
- Clearing Instruments
- Areas Approved to Clear

Beverley 50cm Orthomosaic - Landgate 2006



Scale 1:9964

(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 23/3/11

K Faulkner

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

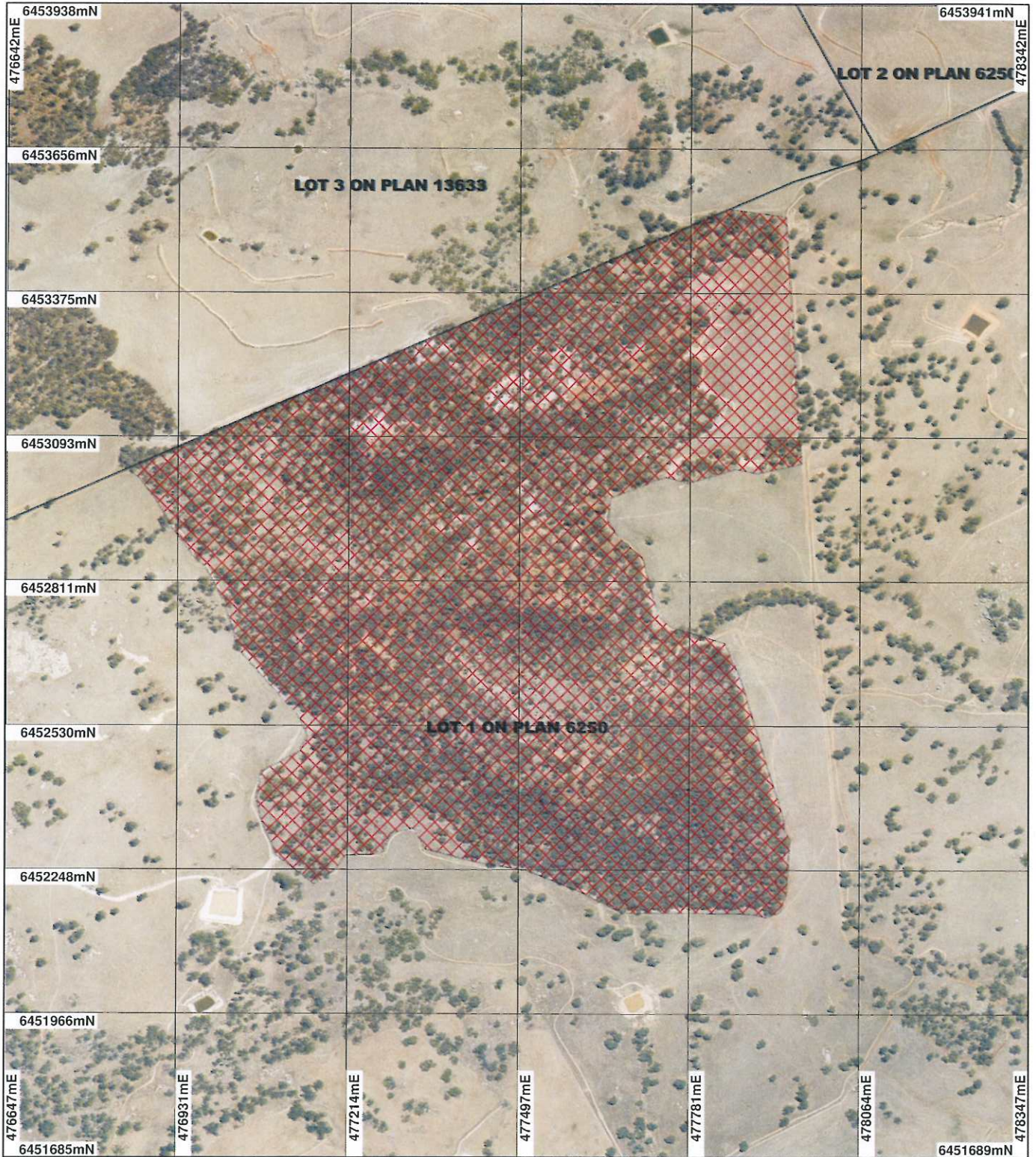
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Plan 3599/2b



LEGEND

-  Cadastre
-  Cadastre for labelling
-  Clearing Instruments
-  Areas Subject to Conditions

Beverley 50cm Orthomosaic - Landgate 2006



0 ~250 m

Scale 1:9964

(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.

 Date 23/3/10
K Faulkner

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

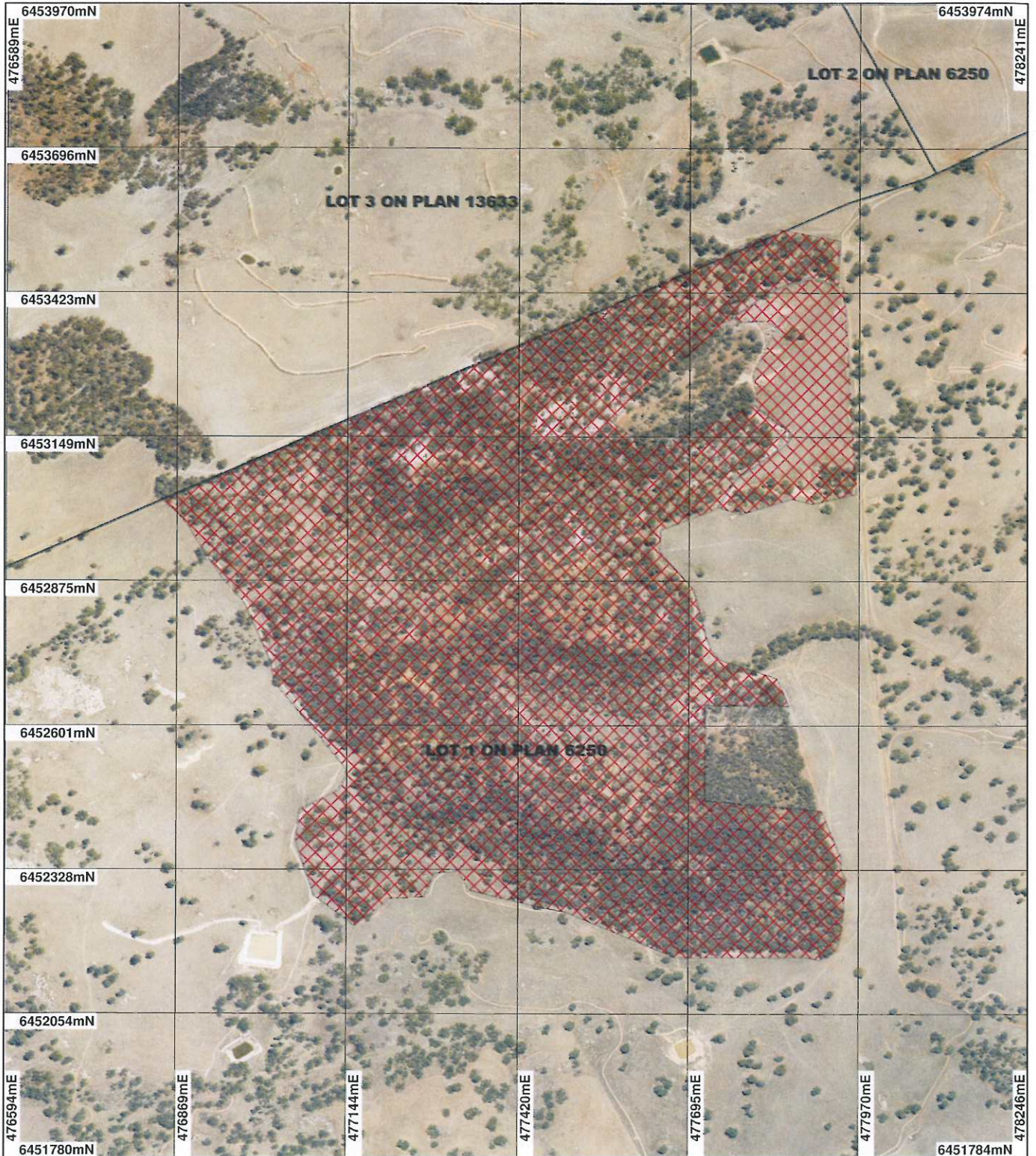
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Plan 3599/2c



LEGEND

-  Cadastre for labelling
 -  Cadastre
 -  Clearing Instruments
 -  Areas Subject to Conditions
- Beverley 50cm Orthomosaic - Landgate 2006



Scale 1:9685
(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

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 Date 23/3/11
K Faulkner

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Department of Environment and Conservation

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1. Application details

1.1. Permit application details

Permit application No.: 3599/2
Permit type: Area Permit

1.2. Proponent details

Proponent's name: Bonthorpe Pty Ltd

1.3. Property details

Property: LOT 1 ON PLAN 6250 (House No. 6362 GREAT SOUTHERN GILGERING 6302)

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 23 March 2011

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
<p>Beard Vegetation Associations:</p> <ul style="list-style-type: none"> - 4: Medium woodland; marri & wandoo; and - 25: Low woodland; Allocasuarina huegeliana & York gum. (Shepherd, 2007; SAC Bio Datasets 15/3/2010) <p>Mattiske Vegetation Complexes:</p> <ul style="list-style-type: none"> - Yalanbee (Y6): Woodland of Eucalyptus wandoo-Eucalyptus accedens, less consistently open forest of Eucalyptus marginata subsp. thalassica-Corymbia calophylla on lateritic uplands and breakaway landscapes in arid and perarid zones; and - Michibin (Mi): Open woodland of Eucalyptus wandoo over Acacia acuminata with some Eucalyptus loxophleba on valley slopes, with low woodland of Allocasuarina huegeliana on or near shallow granite outcrops in arid and perarid zones. (Mattiske and Havel, 1998) 	<p>The proposal is to clear 17.2 hectares (ha) of native vegetation from three areas for the extraction of gravel.</p> <p>The areas of vegetation under application are located within a relatively large (~80 ha) area of native vegetation on a ~1,500 ha property (~1,390 ha west and ~110 ha east of Great Southern Highway), which has ~10% native vegetation cover remaining.</p> <p>The three areas can be identified as:</p> <ul style="list-style-type: none"> - Area 1 (Pit 2): Located in the northern section of the remnant, 2.8 ha in size; - Area 2 (Pit 4): Located in the centre of the remnant, 11.6 ha in size; and - Area 3 (Pit 5): Located in the south-eastern section of the remnant, 2.8 ha in size. 	<p>Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994)</p>	<p>The vegetation condition was obtained from a site inspection undertaken on 19 March 2010 (DEC, 2010). The vegetation under application is considered to be predominantly in a degraded (Keighery, 1994) condition (DEC, 2010) with patches of Banksia armata heath that are limited to breakaways and slopes being in good (Keighery, 1994) condition (DEC, 2010). The overstorey is largely intact and provides dominant structure to the vegetation. It is noted that wandoo and E. accedens woodlands generally have a poor understorey.</p>

3. Assessment of application against clearing principles

Comments **Proposal may be at variance to this Principle**

CPS 3599/1 has received an appeal against the refusal of the permit. The Minister's allowed the appeal in part; granting a permit to clear a reduced area of 5.6 ha (two areas both 2.8 ha in size), subject to the management of conditions and offsets.

Lot 1 Great Southern Highway is freehold land, zoned farming under the local Town Planning Scheme.

Methodology GIS Databases:

- Cadastre
- Town Planning Scheme Zones