



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: CPS 3984/5
File Number: 2010/007562
Duration of Permit: From 23 November 2012 to 23 November 2032

PERMIT HOLDER

Cable Sands (WA) Pty Ltd

LAND ON WHICH CLEARING IS TO BE DONE

Lot 100 on Deposited Plan 65306 (100 Wonnerup South Road, Yalyalup 6280)

AUTHORISED ACTIVITY

The permit holder must not clear more than 15.5 hectares within the area cross-hatched yellow on attached Plan 3984/5a.

CONDITIONS

1. Period in which clearing is authorised

The Permit Holder shall not clear any native vegetation after 23 November 2014.

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 *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. Western Ringtail Possum Management

(a) The Permit Holder shall:

- (i) Undertake annual surveys until the completion of mining activities to record numbers of western ringtail possum individuals within Lot 100 on Deposited Plan 65306. Surveys will be conducted nocturnally on the advice of a *fauna specialist*;
- (ii) Undertake quarterly fox baiting in the areas shaded red on Plan 3984/5b until the uptake of tethered baits is stable or at or below 10 per cent per month over any consecutive three month period;

5. Cockatoo Management

- (a) Prior to undertaking any clearing authorised under this Permit, the area(s) shall be inspected by a *fauna specialist* who shall identify *habitat tree(s)* suitable to be utilised by Carnaby's Cockatoo (*Calyptorhynchus latirostris*), Forest Red-tailed Black-Cockatoo (*Calyptorhynchus banksii subsp. naso*) and/or Baudin's Cockatoo (*Calyptorhynchus baudinii*).
- (b) Prior to clearing, any *habitat tree(s)* identified by condition 5(a) shall be inspected by a *fauna specialist* for the presence of fauna listed in condition 5(a).
- (c) Where fauna are identified in relation to condition 5(b) of this Permit, the Permit Holder shall ensure that no taking of identified fauna occurs unless approved by the *CEO*.
- (d) Where habitat trees identified under condition 5(b) contain hollows suitable for use by Carnaby's Cockatoo (*Calyptorhynchus latirostris*), Baudin's Cockatoo (*Calyptorhynchus baudinii*) or Forest Red-tailed black cockatoo (*Calyptorhynchus banksii naso*), the Permit Holder shall:
 - (iii) remove and retain intact hollows;
 - (iv) each removed and retained intact hollow shall be attached to a tree at a height of no less than 3 metres above the ground, no closer than 20 metres from any other tree to which a constructed artificial nesting hollow is attached, and shall be located within the areas shaded red on attached Plan 3984/5a;
 - (v) each removed and retained intact hollow shall be attached to a tree within one month of removing it.
- (e) If it is determined that hollows cannot be successfully removed and relocated as required under condition 5(d) the Permit Holder shall construct and install two artificial nesting hollows, per hollow bearing tree removed, as follows:
 - (i) each artificial nesting hollow shall be constructed using black industrial pipe or PVC pipe not less than 0.3 metres in diameter, not less than 25 millimetres thickness and between 0.5 metres to 2.5 metres in length;
 - (ii) two sacrificial chewing posts made from untreated hardwood (jarrah, marri or wandoo) must be placed on the inside of the hollow;
 - (iii) each artificial nesting hollow shall include an external perch constructed of wood, and an internal ladder constructed of 60 millimetres to 100 millimetres heavy wire mesh affixed to the wall, to enable access;
 - (iv) each artificial nesting hollow shall:
 - (A) have a free-draining floor constructed of heavy duty stainless steel, galvanised metal, treated metal, thick hardwood timber slab, marine ply or UV stabilised PVC;
 - (B) be lined with charcoal, hardwood woodchips or wood debris to a depth of 100 millimetres to 150 millimetres; and
 - (C) have a base cut to fit internally securely fixed to the wall with no rough or sharp edges.
 - (v) each artificial hollow shall be designed to be entered from the top;
 - (vi) each artificial nesting hollow shall be attached to a tree located within the areas shaded red on attached Plan 3984/5a;
 - (vii) 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;
 - (viii) 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
 - (ix) each artificial nesting hollow shall be attached to a tree in an inconspicuous position facing away from the prevailing winds and rain, and protected from direct sunlight.
- (f) Artificial nesting boxes and surrogate trees are to be inspected annually and maintenance undertaken, where necessary, for the duration of the permit.

6. Native vegetation conservation (conservation covenant)

- (a) In respect to the area shaded red on attached Plan 3984/5a, the Permit Holder shall enter into a conservation covenant, agreement to reserve or some other form of binding undertaking to establish and maintain native vegetation.

- (b) The conservation covenant, agreement to reserve or some other form of binding undertaking to establish and maintain native vegetation shall include, but not be limited to, the following conditions:
 - (i) native vegetation in the area subject to the conservation covenant, agreement to reserve or some other form of binding undertaking to establish and maintain native vegetation must not be cleared, other than for clearing required under the *Bush Fires Act 1954*;
 - (ii) the land subject to the conservation covenant, agreement to reserve or some other form of binding undertaking to establish and maintain native vegetation shall not be used for the purpose of cultivation of crops or pasture; and
 - (iii) the conservation covenant, agreement to reserve or some other form of binding undertaking to establish and maintain native vegetation is to apply in perpetuity and be registered on the Certificate of 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 6(a) of this permit before 1 August 2014.

7. Offsets

- (a) The Permit Holder must implement and adhere to the Offset Rehabilitation Management Plan (Lot 100 (Wonnerup) – Proposed Offset Conservation Project Abba River and Woddidup Creek Riparian Zones).
- (b) If it is necessary to modify the Offset Rehabilitation Management Plan, then the Permit Holder must provide the modified Offset Rehabilitation Management Plan to the *CEO* and seek the *CEO's* approval.

8. Retain vegetative material and topsoil, revegetation and rehabilitation

The Permit Holder shall:

- (a) within 3 months following completion of mining activities, *revegetate* and *rehabilitate* the area(s) shaded red on attached Plan 3984/5b 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 backfilled areas within the extraction site; and
 - (iii) 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
 - (iv) 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 8(a) 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 8(b)(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 8(a)(iii) and (iv) of this Permit.
- (c) Where additional *planting* or *direct seeding* of native vegetation is undertaken in accordance with condition 8(b)(ii) of this permit, the Permit Holder shall repeat condition 8(b)(i) and 8(b)(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 8(b)(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 8(b)(ii), the *CEO* may require the Permit Holder to undertake additional *planting* and *direct seeding* in accordance with the requirements under condition 8(b)(ii).

PART III - RECORD KEEPING AND REPORTING

9. Records to be kept

- (a) Activities undertaken in relation to western ringtail possum management pursuant to condition 4 of this Permit
- (b) In relation to the cockatoo management pursuant to condition 5 of this Permit:
 - (i) the location of each habitat tree identified 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) the species name of fauna reasonably likely to utilise, or that have been observed utilising, the habitat/habitat tree(s);
 - (iii) the location of surrogate trees for relocated and/or artificial hollows, 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; and
 - (iv) inspection and maintenance undertaken on artificial nesting boxes and surrogate trees.
- (c) In relation to native vegetation conservation covenant pursuant to condition 6 of this Permit, the Permit Holder shall notify the *CEO*, in writing, within one month of executing and returning the conservation covenant, agreement to reserve or other form of binding undertaking that the conservation covenant, agreement to reserve or other form of binding undertaking has been completed.
- (d) In relation to the offset of areas pursuant to condition 7:
 - (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 or decimal degrees;
 - (ii) a description of the *offset* activities undertaken, inclusive of monitoring and maintenance; and
 - (iii) the size of the *offset* area (in hectares).
- (e) In relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 8 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*.

10. 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 9 of this Permit; and
 - (ii) concerning activities done by the Permit Holder under this Permit between 1 January to 31 December of the preceding calendar year.
- (b) If no clearing authorised under this Permit was undertaken between 1 January to 31 December of 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 23 August 2032, the Permit Holder must provide to the *CEO* a written report of records required under condition 9 of this Permit where these records have not already been provided under condition 10 (a) of this Permit.

DEFINITIONS

In this permit, the terms in Table 1 have the meanings defined.

Table 1: Definitions

Term	Definition
black cockatoo habitat trees	means trees that have a diameter, measured at 150 centimetres from the base of the tree, of 50 centimetres or greater (or 30 centimetres or greater for <i>Eucalyptus salmonophloia</i> or <i>Eucalyptus wandoo</i>) that contain hollows suitable for breeding by black cockatoo species.
black cockatoo species	means one or more of the following species: (a) <i>Calyptorhynchus lateriosis</i> (Carnaby's cockatoo); (b) <i>Calyptorhynchus baudinii</i> (Baudin's cockatoo); and/or (c) <i>Calyptorhynchus banksii naso</i> (forest red-tailed black cockatoo).
CEO	Chief Executive Officer of the department responsible for the administration of the clearing provisions under the <i>Environmental Protection Act 1986</i> .
clearing	has the meaning given under section 3(1) of the EP Act.
condition	a condition to which this clearing permit is subject under section 51H of the EP Act.
dieback	means the effect of <i>Phytophthora</i> 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.
department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> (WA) and designated as responsible for the administration of the EP Act, which includes Part V Division 3.
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.
EP Act	<i>Environmental Protection Act 1986</i> (WA)
fauna specialist	means a person who holds a tertiary qualification specialising in environmental science or equivalent, and has a minimum of 2 years work experience in fauna identification and surveys of fauna native to the region being inspected or surveyed, or who is approved by the CEO as a suitable fauna specialist for the bioregion, and who holds a valid fauna licence issued under the <i>Biodiversity Conservation Act 2016</i> .
fill	means material used to increase the ground level, or to fill a depression.
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.
native vegetation	has the meaning given under section 3(1) and section 51A of the EP Act.
planting	means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired species.

Term	Definition
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.
weeds	<p>means any plant –</p> <ul style="list-style-type: none"> (a) that is a declared pest under section 22 of the <i>Biosecurity and Agriculture Management Act 2007</i>; or (b) published in a 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.

END OF CONDITIONS



Mathew Gannaway
MANAGER
NATIVE VEGETATION REGULATION





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

30 June 2021

Plan 3984/5a



Legend

-  CPS subject to conditions
-  CPS areas approved to clear
-  Land Tenure LGATE - 226
-  Local Government Authorities

Road Centrelines

-  Highway



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MGA 94
Geocentric Datum of Australia 1994

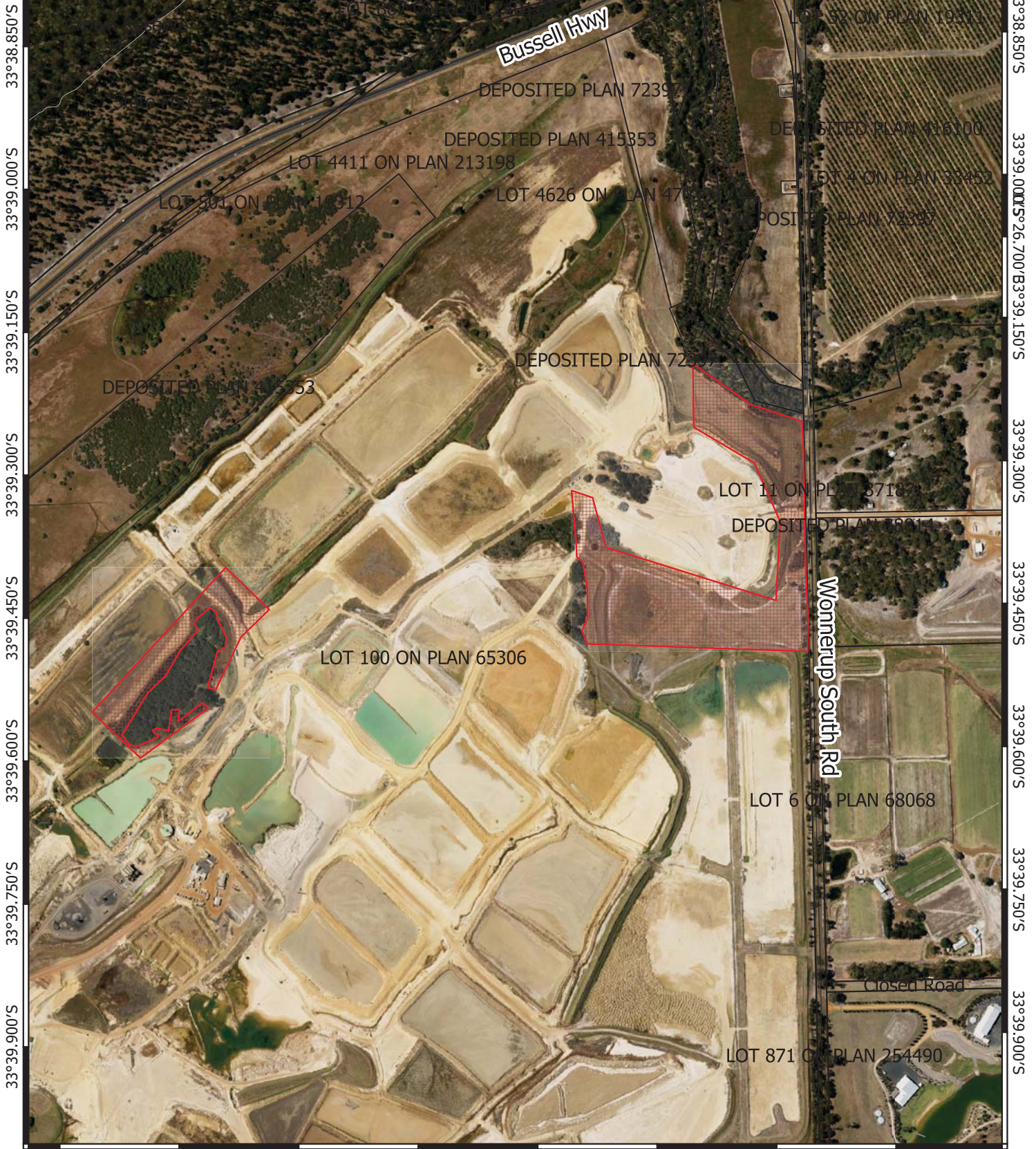
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**GOVERNMENT OF
WESTERN AUSTRALIA**

Plan 3984/5b

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115°25.500'E 115°25.650'E 115°25.800'E 115°25.950'E 115°26.100'E 115°26.250'E 115°26.400'E 115°26.550'E

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CPS layers

 CPS subject to conditions

Legend

 Land TenureLGATE - 226

 Local Government Authorities

Road Centrelines

 Highway



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MGA 94
Geocentric Datum of Australia 1994

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**GOVERNMENT OF
WESTERN AUSTRALIA**



1. Application details

1.1. Permit application details

Permit application No.: CPS 3984/5
Permit type: Area Permit

1.2. Proponent details

Proponent's name: Cable Sands (WA) Pty Ltd

1.3. Property details

Property: Lot 100 on Deposited Plan 65306, South Yalyalup
Local Government Authority: City of Busselton

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
15.5		Mechanical Removal	Sand extraction

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 30 June 2021
Reasons for Decision: This amendment was received on 25 May 2021 requesting the duration of the permit to be extended by three years to allow for the completion of rehabilitation.

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*. The Delegated Officer has concluded that the assessment has not changed since the assessment of 3984/5.

All clearing has been completed. The amendment does not authorise any additional clearing to occur.

2. Site Information

Clearing Description: The application is to clear up to 15.5 hectares of native vegetation for the purpose of extractive industry.

Comment: All clearing has been completed. Amendment is for extension of the permit duration to complete rehabilitation commitments. Amendments to other conditions in permit occurred to ensure they referenced the correct plans.

3. Assessment of application against clearing principles

The assessment against the 10 clearing principles outlined in Schedule 5 of the *Environmental Protection Act 1986* has not changed and can be found in the Decision Report for application CPS 3984/1 and CPS 3984/2.

Planning instruments and other relevant matters.

On 22 June 2021, the application was advertised online for a 7-day submission period. No public comments were received.