



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 3984/2

File Number: 2010/007562

Duration of Permit: From 23 November 2012 to 23 November 2019

PERMIT HOLDER

Cable Sands (WA) Pty Ltd

LAND ON WHICH CLEARING IS TO BE DONE

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

AUTHORISED ACTIVITY

The Permit Holder must not clear more than 15.5 hectares of native vegetation within the area shaded yellow on attached Plan 3984/2.

CONDITIONS

1. Period in which clearing is authorised

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

2. Avoid, minimise etc 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 Plan

- (a) The Permit Holder must prepare a Western Ringtail Possum Management Plan.
- (b) The Western Ringtail Possum Management Plan must be approved by the CEO prior to commencing works.
- (c) Prior to clearing the Permit Holder must implement the approved Western Ringtail Possum Management Plan.

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:
 - (i) remove and retain intact hollows;
 - (ii) 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 3984/2;
 - (iii) 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 3984/2;
 - (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 hatched red on attached Plan 3984/2, 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) 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 completion of mining activities, *revegetate* and *rehabilitate* the area(s) that are no longer required for the purpose for which they were cleared under this Permit 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 8(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 8(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 8(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 8(b)(iv) and (v) of this Permit.

- (d) Where additional *planting* or *direct seeding* of native vegetation is undertaken in accordance with condition 8(c)(ii) of this permit, the Permit Holder shall repeat condition 8(c)(i) and 8(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 8(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 8(c)(ii), the CEO may require the Permit Holder to undertake additional *planting* and *direct seeding* in accordance with the requirements under condition 8(c)(ii).

PART III - RECORD KEEPING AND REPORTING

9. Records to be kept

- (a) In relation to condition 4 of this Permit the Permit Holder must maintain records of activities undertaken in accordance with the Western Ringtail Possum Management Plan.
- (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 and 31 December of the preceding year.
- (b) Prior to 23 August 2019, 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

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, measured at 1.5 metres from the base of the tree, of 50 centimetres or greater, that contains or has the potential to develop hollows or roosts suitable for native fauna;

local provenance means native vegetation seeds and propagating material from natural sources within 20 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 any plant -

- (a) that is declared under section 37 of the *Agriculture and Related Resources Protection Act 1976*; or
- (b) published in the Department of Environment and Conservation Regional Weed Assessments, regardless of ranking; or
- (c) not indigenous to the area concerned.



M Warnock
A/MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

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

21 February 2013



1. Application details

1.1. Permit application details

Permit application No.: 3984/2
Permit type: Area Permit

1.2. Proponent details

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

1.3. Property details

Property: LOT 100 ON PLAN 65306 (Lot No. 100 WONNERUP SOUTH YALYALUP 6280)
Local Government Area: City of Busselton

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 21 February 2013

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>The vegetation under application is mapped as Beard vegetation associations 959 and 1136:</p> <p>959 - Low woodland; banksia.</p> <p>1136 - Medium woodland; marri with some jarrah, wandoo, river gum and casuarinas.</p> <p>(Shepherd et al, 2001)</p> <p>The vegetation under application is also been mapped as Mattiske vegetation complexes AB and AF.</p> <p>AB - Woodland and open forest of <i>Corymbia calophylla</i> on flats and low rises in the humid zone.</p> <p>AF - Woodland of <i>Corymbia calophylla</i>-<i>Agonis flexuosa</i> and tall shrubland of <i>Myrtaceae</i>-<i>Proteaceae</i> spp. on terraces and valley floors in the humid zone.</p> <p>(Mattiske and Havel, 1998)</p>	<p>This application proposes to clear 15.5 hectares of native vegetation within Lot 100 on Plan 65306, Yalyalup for the purpose of mineral sand mining.</p> <p>The majority of the vegetation under application has been assessed as being in a degraded (Keighery, 1994) condition. The degraded condition of the vegetation owes to constant grazing and trampling from domestic stock, weed invasion and rabbits (Onshore Environmental Consultants Pty Ltd, 2009).</p>	<p>Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994)</p>	<p>The condition of the vegetation under application was determined via a site inspection conducted by the Department of Environment and Conservation (DEC, 2010a) and through the use of digital imagery (Busselton 50cm Orthomosaic - Landgate 2007).</p>

3. Assessment of application against clearing principles

Comments **Proposal is not likely to be at variance to this Principle**

Clearing Permit CPS 3984/1 was appealed on the grounds of impacts to fauna and vegetation, impacts to watercourses, land degradation and impact associated with noise, dust and light emissions. The Minister determined that the grant of CPS 3984/1 was justified however allowed the appeal in part, by applying additional conditions to the permit which requires the applicant to monitor the success of the translocated Western Ringtail Possums. The Minister also required artificial hollows to be installed within the offset area to provide nesting habitat for black cockatoo species.

The assessment against the ten clearing principles has not changed and can be found in Clearing Permit Decision Report CPS 3984/1.

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

Comments The assessment against planning instruments and other matters has not changed and can be found in Clearing Permit Decision Report CPS 3984/1.

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, E.M. and Havel, J.J. (1998) Vegetation Complexes of the South-west Forest Region of Western Australia. Maps and report prepared as part of the Regional Forest Agreement, Western Australia for the Department of Conservation and Land Management and Environment Australia.
- Onshore Environmental Consultants (2009) Flora and Vegetation Survey, Location 7 (Wonnerup). Created on behalf of Bemax Resources Incorporating Cable Sands.
- 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.

5. 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
DoIR	Department of Industry and Resources
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)