



## CLEARING PERMIT

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

### PERMIT DETAILS

Area Permit Number: 4154/2  
File Number: 2011/000059-1  
Duration of Permit: From 29 March 2013 to 29 March 2023

### PERMIT HOLDER

Carbone Bros. Pty Ltd

### LAND ON WHICH CLEARING IS TO BE DONE

Lot 677 on Deposited Plan 250876, Stratham  
Lot 679 on Deposited Plan 251576, Stratham

### AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 5.4 hectares of native vegetation within the area cross hatched yellow on attached Plan 4154/2.

### CONDITIONS

#### 1. Period in which clearing is authorised

The Permit Holder shall not clear any native vegetation after 29 March 2018.

#### 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:

- avoid the clearing of native vegetation;
- minimise the amount of native vegetation to be cleared; and
- reduce the impact of clearing on any environmental value.

#### 3. Wind erosion management

The Permit Holder shall not clear native vegetation unless extractive industry activities commence within 3 months of the clearing being undertaken.

#### 4. 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*:

- clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- shall only move soils in *dry conditions*;
- ensure that no *dieback* or *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
- restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

#### 5. Fauna management

- Prior to undertaking any clearing authorised under this Permit, the area(s) shall be inspected by a *fauna specialist* who shall identify *habitat trees* that have potential to be utilised by Carnaby's Cockatoo (*Calyptorhynchus latirostris*), Baudin's Cockatoo (*Calyptorhynchus baudinii*), Forest Red-tailed black cockatoo (*Calyptorhynchus banksii naso*) or Western Ringtail Possum (*Pseudocheirus occidentalis*).

- (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.

#### 6. Offsets

The Permit Holder must implement and adhere to the "Lots 677 and 679 Calinup Road, Gelorup: Rehabilitation Plan, v2 September 2012" approved by the CEO on 16 October 2012.

#### 7. Native vegetation conservation (conservation covenant)

- (a) In respect to the area shaded red on attached Plan 4154/2, the Permit Holder shall enter into a conservation covenant to establish and maintain vegetation.
- (b) The conservation covenant 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 covenant must not be cleared, other than for clearing required under the *Bush Fires Act 1954*;
  - (ii) the land subject to the conservation covenant 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 covenant 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 outlined in condition 7(a) of this permit prior to 30 June 2013.

#### 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 six months following completion of the extractive activities, *revegetate* and *rehabilitate* the area(s) that are no longer required for the purpose for which they were cleared under this Permit:
  - (i) reshaping the surface of the land so that it is consistent with the surrounding 20 metres of uncleared land; and
  - (ii) ripping the ground on the contour to remove soil compaction; and
  - (iii) ripping the pit floor and contour batters within the extraction site; and
  - (iv) laying the vegetative material and topsoil retained under condition 8(a) on the cleared area(s); and
  - (v) 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
  - (vi) 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)(v) and (vi) 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).

#### 9. Records must 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 or decimal degrees;
  - (iii) the date that the area was cleared.
- (b) In relation to the fauna management of areas pursuant to condition 5 of this Permit, 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 or decimal degrees.
- (c) In relation to the conservation covenant pursuant to condition 7 of this Permit, within one month of executing and returning the conservation covenant the Permit Holder shall notify the CEO in writing that the conservation covenant has been completed.
- (d) 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) 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 29 January 2018, 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, at average adult human chest height, of greater than 50cm, 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 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.

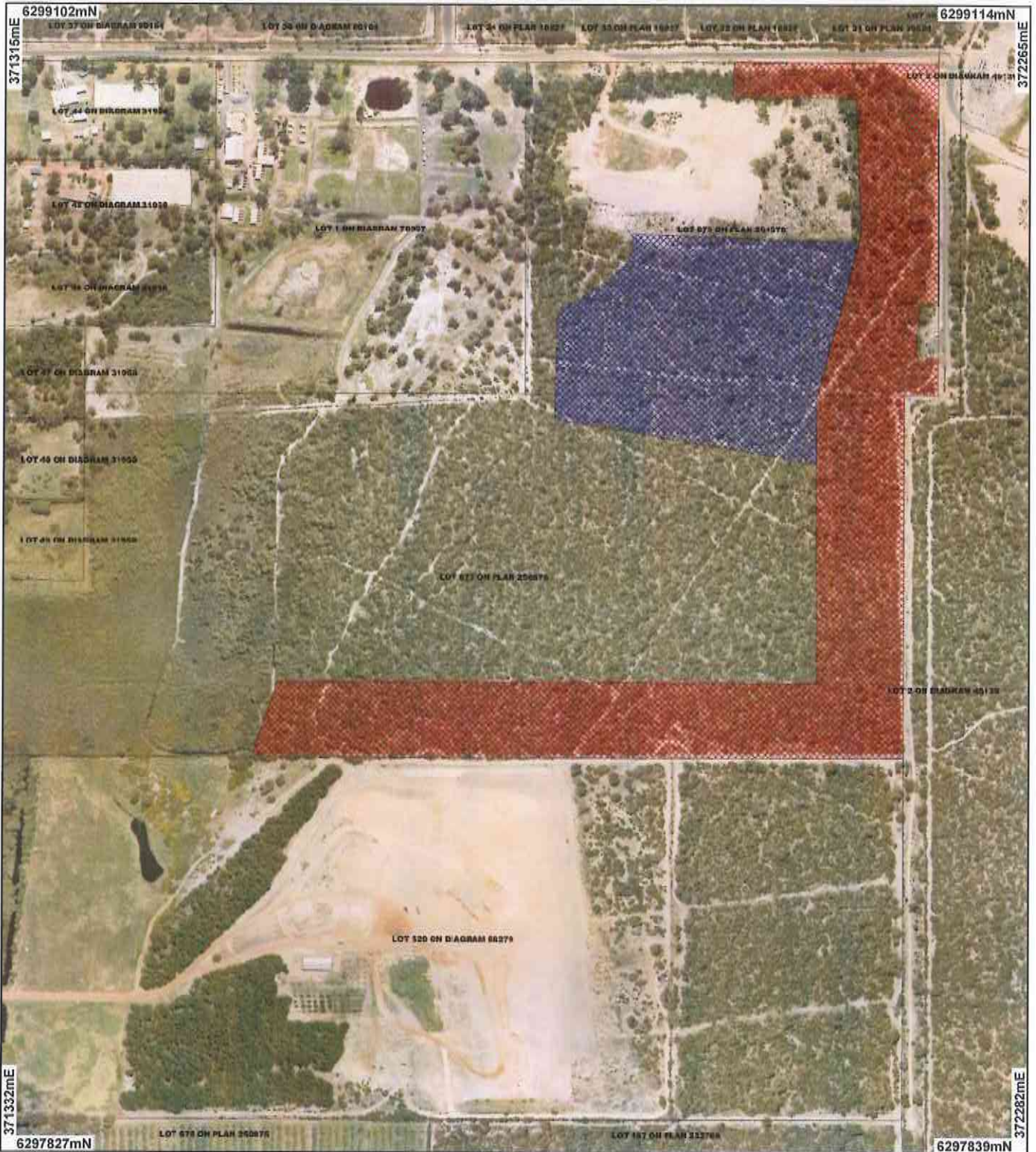


M Warnock  
A/MANAGER  
NATIVE VEGETATION CONSERVATION BRANCH

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

7 March 2013

# Plan 4154/2





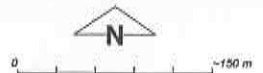
## LEGEND

Preston - Gellorup - Bunbury  
Townsite 20cm Orthomosaic -  
Landgate 2004

Cadastre for labelling\_1

### Clearing Instruments

-  Areas Applied to Clear
-  Areas Subject to Conditions



Scale 1:5622

(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.

*M Warnock* Date 7/3/13  
M Warnock

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.



Department of  
Environment and Conservation

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## 1. Application details

### 1.1. Permit application details

Permit application No.: 4154/2  
Permit type: Area Permit

### 1.2. Proponent details

Proponent's name: Amando and Antonio Carbone Carbone Bros Pty Ltd

### 1.3. Property details

Property: LOT 679 ON PLAN 251576 ( STRATHAM 6237)  
LOT 677 ON PLAN 250876 ( STRATHAM 6237)  
Local Government Area: Shire of Capel

Colloquial name:

### 1.4. Application

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

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 7 March 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
Beard vegetation associations: 6 - Medium woodland; tuart & jarrah (Shepherd et al, 2001)	The application to clear 5.4 hectares of native vegetation in good to very good (Keighery) condition on Lot 679 on Plan 251576 and Lot 677 on Plan 250876 is for sand extraction.	Good; Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery 1994)	Vegetation condition was determined from aerial imagery and noted in the applicant's consultant's report (Bennett Environmental Consultancy, 2010).
KARRAKATTA COMPLEX - CENTRAL AND SOUTH : Predominantly open forest of Eucalyptus gomphocephala (Tuart) - Eucalyptus marginata (Jarrah) - Corymbia calophylla (Marri) and woodland of Eucalyptus marginata (Jarrah) - Banksia species (Hedde et al, 1980)		To  Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery 1994)	

## 3. Assessment of application against clearing principles

### Comments

In 2011 an application to clear 17.1 hectares of native vegetation within Lot 677 on Plan 250876 and Lot 679 on Plan 251576 for sand extraction concluded that the proposed clearing was at variance to clearing Principles (a), (b), (e), (f), (g), (h) and (j) and may be at variance to Principle (c) and (i). The application was refused and subsequently appealed.

An Appeal determination on 8 September 2011 allowed in part the clearing of 5.4 hectares of vegetation predominately within Lot 679 (Office of the Appeals Convenor, 2011). The modified area excluded 11.7 hectares of the more environmentally significant areas (e.g. wetland vegetation, rare flora habitat and some fauna habitat) located within the western portion of Lot 677.

A reassessment has been undertaken on the 5.4 hectares and has determined that the proposed clearing remains 'at variance' to clearing Principles (a), (b), (e), (g) and (h), but is no longer 'at variance' to Principles (f)

and (j) and no longer 'may be at variance' to Principles (c) and (i).

As 11.7 hectares of good (Keighery, 1994) condition vegetation and wetland vegetation in the western portion of Lot 677 is no longer part of the clearing proposal, the modified clearing activities will reduce impacts to the areas biodiversity. Clearing will no longer impact conservation significant flora [Principle (c)] or a conservation category wetland [Principle (f)] or cause deterioration in the quality of surface or groundwater, or increase the potential of flooding to a wetland area [Principles (i) and (j)]. The clearing is 'not likely to be at variance' to Principles (c), (d), (f), (i) and (j).

DEC has been provided with an offset proposal and determined it to be in accordance with the Minister for Environment's decision.

Soil hygiene, weed dispersal and fauna management practices are required to assist in mitigating potential impacts clearing may have.

- Methodology**    References
- Heddle et al (1980)
  - Shepherd et al (2001)
  - Office of the Appeals Convenor (2011)

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

#### Comments

An Appeal determination on 8 September 2011 allowed in part the clearing of 5.4 hectares, predominately within Lot 679 (a reduction of 11.7 hectares), and the exclusion of all of the more environmentally significant areas (e.g. wetland vegetation and rare flora habitat) within the western portion of Lot 677; this was outlined in the Office of the Appeals Convenor, Report to the Minister for Environment, Appeal number C012 of 2011 (Office of the Appeals Convenor, 2011). The Minister for Environment's approval was subject to the submission of an appropriate offset to include the rehabilitation of a degraded area of native vegetation within the Dalyellup/Gelorum/Crooked Brook ecological linkage in proximity to the land on which clearing is to occur and the purchase of a further area of native vegetation for conservation purposes (Minister for Environment, 2011).

Of the 5.4 hectares, 4.2 hectares falls within Lot 679, immediately adjacent to an existing sand extraction operation whilst 1.2ha extends into the adjacent Lot 677 - this represents Stages 1 and 2 of the applicant's sand mining operations.

Shire of Capel has provided advice granting conditional planning approval and an extractive industry licence pending grant of DEC clearing permit (Shire of Capel, 2013).

- Methodology**    References
- Office of the Appeals Convenor (2011)
  - Minister for Environment (2011)
  - Shire of Capel (2013)

## 4. References

- Bennett Environmental Consultancy Pty Ltd (2010), Flora and Vegetation of Lots 677 and 679 Calinup road, gelorum Hill for clearing permit application CPS 4154/1
- Heddle, E. M., Loneragan, O. W., and Havel, J. J. (1980) Vegetation Complexes of the Darling System, Western Australia. In Department of Conservation and Environment, Atlas of Natural Resources, Darling System, Western Australia.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Minister for Environment (2011), Minister's Appeal Determination, appeal against refusal to grant clearing permit 4154/1 - Carbone Bros Pty Ltd, Lots 677 and 679 Calinup Road, Stratham, Shire of Capel. Appeal No. C012 of 2011.
- Office of the Appeals Convenor (2011), Report to the Minister for Environment, appeal against refusal to grant clearing permit CPS 4154/1, clearing of approx 17.1 hectares of native vegetation for sand extraction, Carbone Bros Pty Ltd, Lots 677 and 679 Calinup Road, Stratham, Shire of Capel. Appeal No. C012 of 2011.
- 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 Capel (2013), planning consent and extractive industry licence conditional approval (DEC Ref: A605902)

## 5. Glossary

Term	Meaning
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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)