



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 4636/1
File Number: DEC3777
Duration of Permit: From 10 May 2013 to 10 May 2023

PERMIT HOLDER

VR Nominees Pty Ltd

LAND ON WHICH CLEARING IS TO BE DONE

Lot 11 on Plan 19983, WAGERUP 6215

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 3 hectares of native vegetation within the area cross hatched yellow on attached Plan 4636/1.

CONDITIONS

1. Period in which clearing is authorised

The Permit Holder shall not clear any native vegetation after 10 May 2015.

2. Fauna management

(a) Prior to undertaking any clearing authorised under this Permit, the area shall be inspected by a *fauna specialist* who shall identify *habitat tree(s)* suitable to be utilised by fauna species listed below:

- (i) *Calyptorhynchus banksii subsp. naso* (forest red-tailed black cockatoo);
- (ii) *Calyptorhynchus baudinii* (Baudin's cockatoo)
- (iii) *Calyptorhynchus latirostris* (Carnaby's cockatoo);

(b) Prior to clearing, any *habitat tree(s)* identified by condition 2(a) shall be inspected by a *fauna specialist* for the presence of fauna listed in condition 2(a).

(c) Where fauna are identified in relation to condition 2(b) of this Permit, the Permit Holder shall ensure that:

- (i) no clearing of the identified *habitat tree(s)* occurs, unless first approved by the CEO and
- (ii) where fauna are identified in relation to condition 2(b) of this Permit, the Permit Holder shall ensure that no taking of identified fauna occurs unless first approved by the CEO.

3. Retain vegetative material and topsoil, revegetation and rehabilitation

The Permit Holder shall:

(a) retain the native vegetative material removed by clearing authorised under this Permit and stockpile the vegetative material and topsoil in an area that has already been cleared.

(b) at an *optimal time* following clearing authorised under this Permit, *revegetate* and *rehabilitate* the area that is no longer required for the purpose for which they were cleared under this Permit by:

- (i) re-shaping the surface of the land so that it is consistent with the surrounding 5 metres of uncleared land;
 - (ii) ripping the pit floor and contour batters within the extraction site;
 - (iii) laying the vegetative material and topsoil retained under condition 3(a) on the cleared area(s);
 - (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 18 months of undertaking *revegetation* and *rehabilitation* in accordance with condition 3(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 3(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 3(b)(iv) and (v) of this Permit.
- (d) Where additional *planting* or *direct seeding* of native vegetation is undertaken in accordance with condition 3(c)(ii) of this permit, the Permit Holder shall repeat condition 3(c)(i) and 3(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 3(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 3(c)(ii), the CEO may require the Permit Holder to undertake additional *planting* and *direct seeding* in accordance with the requirements under condition 3(c)(ii).

4. 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 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;
 - (ii) the date that the clearing commenced;
 - (iii) the date the extraction operations ceased; and
 - (iv) the size of the area cleared (in hectares).
- (b) In relation to fauna management pursuant to condition 2 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 tree(s)*;
 - (iii) a copy of the fauna specialist's report.

(c) In relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 3 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 or decimal degrees;
- (ii) a description of the *revegetation* and *rehabilitation* activities undertaken;
- (iii) the size of the area *revegetated* and *rehabilitated* (in hectares);
- (iv) the species composition, structure and density of *revegetation* and *rehabilitation*, and
- (v) a copy of the environmental specialist's report.

5. 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 4 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 10 March 2023, the Permit Holder must provide to the CEO a written report of records required under condition 4 of this Permit where these records have not already been provided under condition 5(a) of this Permit.

Definitions

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

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;

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

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 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;


optimal time means the period from April to June for undertaking *direct seeding*, and the period from May to July for undertaking *planting*;

planting means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired species;

regenerate/ed/ion means re-establishment of vegetation from in situ seed banks and propagating material (such as lignotubers, bulbs, rhizomes) 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 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.



M Warnock
MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

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

18 April 2013

Plan 4636/1



LEGEND

- Clearing Instruments**
- Areas Approved to Clear
 - Road Centrelines
 - Cadastre
 - Local Government Authorities

Perth Metropolitan South
15cm Orthomosaic - Landgate
2011



Scale 1:2500
(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

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

Our environment, our future
WA Crown Copyright 2002

* Project Data. This data has not been quality assured. Please contact map author for details.



1. Application details

1.1. Permit application details

Permit application No.: 4636/1
Permit type: Area Permit

1.2. Proponent details

Proponent's name: VR Nominees Pty Ltd

1.3. Property details

Property: LOT 11 ON PLAN 19983 (House No. 135 SALERIAN WAGERUP 6215)
Local Government Area: Shire of Waroona
Colloquial name:

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 18 April 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
The mapped Beard vegetation association 1000 is described as Mosaic: Medium forest; jarrah-marri / Low woodland; banksia / Low forest; teatree (Melaleuca spp.) (Shepherd et al 2001)	The vegetation under application consists of Jarrah, Marri, Banksia and Peppermint trees with an understorey of weeds (DEC 2011).	Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994)	The description and condition of the vegetation was determined by a Department of Environment and Conservation site visit on the 9 November 2011 (DEC 2011).
Hedde: Serpentine River Complex: Closed scrub of Melaleuca species and fringing woodland of Eucalyptus rudis (Flooded Gum) - Melaleuca raphiophylla (Swamp Paperbark) along streams (Hedde et al 1980)	The vegetation under application shows signs of previous disturbances through pasture and grazing.		

3. Assessment of application against clearing principles

Comments

The application is to clear up to three hectares of native vegetation within Lot 11 on Plan 19983, Wagerup, for the purpose of sand extraction. The vegetation under application is comprised of Jarrah (*Eucalyptus marginata*), Marri (*Corymbia calophylla*), Peppermint (*Agonis flexuosa*) and Banksia sp in a degraded (Keighery, 1994) condition (DEC, 2011).

The forest red-tailed black cockatoo (*Calyptorhynchus banksii* subsp. *naso*) listed as Threatened under the Wildlife Conservation Act 1950 (WC Act) and Vulnerable under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), Carnaby's cockatoo (*Calyptorhynchus latirostris*) listed as Endangered under the WC Act 1950 and Endangered under the EPBC Act 1999 and the Baudin's black cockatoo (*Calyptorhynchus baudinii*) listed as Endangered under the WC Act 1950 and Vulnerable under the EPBC Act 1999 have been recorded within the local area (10 kilometre radius). The application area also falls within a mapped Carnaby's cockatoo breeding area and within 10 kilometres of two confirmed roosting sites. Black cockatoos feed on the seeds and fruits of many species including Eucalypts and Banksias (DEC 2007), both of which are present within the application area. Tree hollows, of a suitable size to be used as breeding sites for black cockatoos were also identified within the application area (DEC, 2011). Fauna management practices will assist in mitigating the impacts from the proposed clearing on black cockatoos.

Ground dwelling fauna of conservation significance have been recorded from within the local area (10 kilometre radius) however, as the understorey of the application area has been extensively grazed and is in a degraded (Keighery, 1994) condition it is not likely to form habitat for these species.

Although the application area falls within the Serpentine River Heddle vegetation complex (Heddle, 1980) which has less than 10 percent of its pre-European extent remaining (Shepherd, 2007); as the species composition of the vegetation under application is not consistent with this vegetation type and the vegetation is not significant within a regional or local context. Therefore it is not considered a significant remnant within a highly cleared landscape.

Given the degraded (Keighery, 1994) nature of the application area and its location within the landscape the application is not likely to contain a high level of biological diversity, form habitat for rare flora or a Threatened Ecological Community, impact on surface or ground water, exacerbate the intensity of flooding, cause appreciable land degradation or impact on any conservation reserves.

Given the above, the proposed clearing may be at variance to principle (b) and is not likely to be at variance to the remaining clearing principles.

Methodology

References

- DEC (2007)
- DEC (2011)
- Heddle (1980)
- Keighery (1994)
- Shepherd (2007)

GIS Databases:

- Pinjarra 50cm Orthomosaic - Landgate 2006
- Hydrography Linear
- Carnaby's Cockatoo - Breeding Areas Confirmed within the SCP and JF IBRA regions
- Carnaby's Cockatoo Roost Areas - Confirmed
- DEC Tenure
- Sac bio data sets (Accessed 19 March 2013)

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

Comments

The application is to clear up to 3 hectares within Lot 11 on Plan 19983, Wagerup, Shire of Waroona, for the purpose of sand extraction.

Planning consent and an extractive industry licence from the Shire of Waroona have been approved (Shire of Waroona, 2013a).

The application area is zoned General farming under the Town Planning Scheme.

The application area falls within the South West Coastal Harvey Groundwater Area. The Department of Water advised that if the proponent is intending to access the groundwater sources for his proposed works then licences issued under section 26D and 5C of the Right in Water and Irrigation Act 1914 will be required (DoW 2011).

A submission has been received in regards to this application. The submission raised concerns that if the permit is granted a sufficient offset should be a condition to guarantee a fair environmental balance between extractive resources and the environment (Submission, 2011). An assessment against the clearing principles has been completed for this application and it has been determined that an offset is not required.

Methodology

References:

- DoW (2011)
- Shire of Waroona (2013)
- Submission (2011)

GIS Databases:

- RIWI Grounwater areas
- Town planning schemes

4. References

DEC (2007) DEC Fauna Habitat Notes.xls. February 2007. Department of Environment and Conservation, Western Australia.

DEC (2011) Site Inspection for Clearing Permit Application CPS 4636/1, Lot 11 Salerian road, Wagerup. Site inspection undertaken 09/11/2011. Department of Environment and Conservation, Western Australia (Ref: A450938).

- DoW (2011) Re: Application to Clear Native Vegetation under the Environmental Protection Act 1986 – Lot 11 on Plan 19983, Wagerup (Ref: A446000).
- Hedde, 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.
- Shepherd, D.P. (2009) 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.
- Shire of Waroona (2013) Decision on Application for Councils Planning Consent, Lot 11 Bristol Road, Waroona. Shire of Waroona. 25 February 2013 (Ref: A610429. A620736).
- Submission (2011) Public submission received 4 November 2011 (Ref: A446866).

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)