



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 5393/3
Permit Holder:	Holcim (Australia) Pty Ltd
Duration of Permit:	1 March 2013 – 1 March 2030

The Permit Holder is authorised to clear native vegetation subject to the following conditions of this Permit.

PART I – CLEARING AUTHORISED

1. Purpose for which clearing may be done

Clearing for the purpose of extractive industry.

2. Land on which clearing is to be done

Lot 835 on Deposited Plan 230232, Myrup

3. Area of Clearing

The Permit Holder must not clear more than 2.75 hectares of native vegetation within the area hatched yellow on attached Plan 5393/3.

4. Period in which clearing is authorised

The Permit Holder shall not clear any native vegetation after 1 March 2025.

5. Application

This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

PART II – ASSESSMENT SEQUENCE AND MANAGEMENT PROCEDURES

6. 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:

- 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.

7. 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;

- (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.

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 extractive activities, *revegetate* and *rehabilitate* the area hatched yellow, with the exception of the pit void, on attached Plan 5393/3 by:
 - (i) re-shaping the surface of the land so that it is consistent with the surrounding 5 metres of uncleared land; and
 - (ii) laying the vegetative material and topsoil retained under condition 8(a) on the cleared area
- (c) within 24 months of laying the vegetative material and topsoil on the cleared area 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, *revegetate* the area by 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 ensuring only *local provenance* seeds and propagating material are used.
- (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 8(c)(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 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;
 - (iii) the date that the area was cleared; and
 - (iv) the size of the area cleared (in hectares).
- (b) 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 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.

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 July to 30 June of the preceding financial year.
- (b) If no clearing authorised under this Permit was undertaken between 1 July to 30 June of the preceding financial 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 1 December 2029, 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;

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

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;

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; and

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 a declared pest under section 22 of the *Biosecurity and Agriculture Management Act 2007*; or
- (b) published in the Department of Environment and Conservation Regional Weed Assessments, regardless of ranking; or
- (c) not indigenous to the area concerned.



Ryan Mincham

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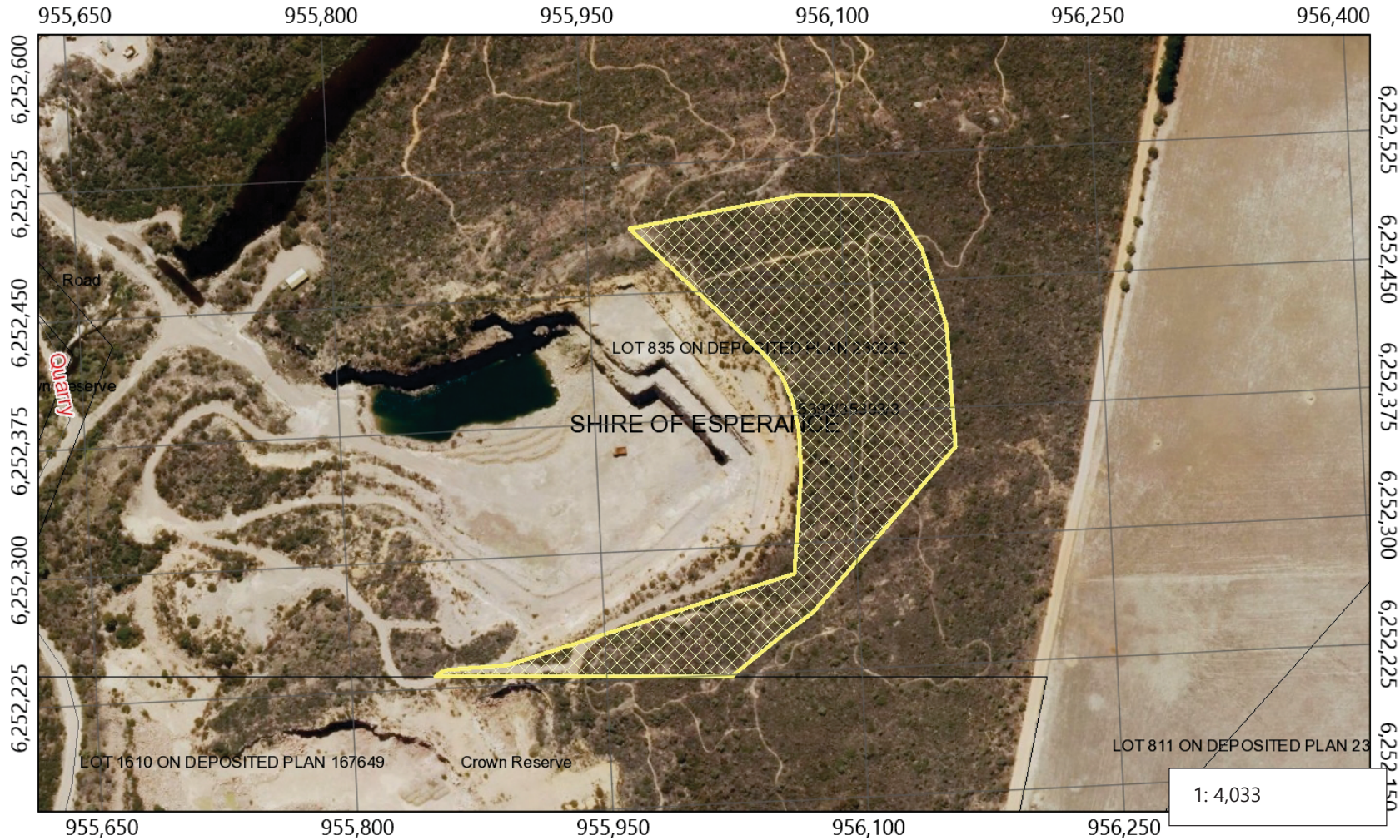
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Ryan Mincham
MANAGER
NATIVE VEGETATION REGULATION

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


4 May 2020

CPS 5393/3 Plan



Legend

- CPS areas approved to clear
- Local Government Authorities
- Roads - Minor Roads
- Cadastre


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



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Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: CPS 5393/3
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Holcim (Australia) Pty Ltd
Application received date: 4 October 2019

1.3. Property details

Property: Lot 385 on Deposited Plan 230232
Local Government Authority: Shire of Esperance
Localities: Myrup

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
2.75		Mechanical	Extractive Industry

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 4 May 2020
Reasons for Decision: The application to amend clearing permit CPS 5393/2 was received on 4 October 2019.

An updated assessment has been undertaken against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986*. It has been concluded that the proposed clearing may be at variance with principle (a) and (e) and is not likely to be at variance with the remaining clearing principles.

In determining to grant a clearing permit, the Delegated Officer gave consideration to previous flora surveys, current environmental databases and aerial imagery, as well as the authorised clearing of 0.56 hectares that has occurred within the application area as part of approved quarrying activities.

Given the above, the Delegated Officer has determined that the proposed clearing is unlikely to lead to any unacceptable risks to the environment.

2. Site Information

Clearing Description: The application is to extend the period of clearing authorised under condition 5 of the permit to 1 March 2025. The total area of clearing authorised (2.75 hectares, of which 0.56 hectares has already been cleared) will remain unchanged from that approved under clearing permit CPS 5393/2.

Vegetation Description Vegetation surveys were conducted by Matiske Consulting in November 2007 and October 2008 over an area covering a portion of the application area, as well as some adjacent areas of vegetation (Matiske, 2008a & 2008b). These surveys were conducted for an adjacent clearing permit application CPS 3015/1. Six different vegetation communities were identified within the survey area (Matiske, 2008a & 2008b). These communities were:

Closed heath of *Hakea trifurcata*, *Lambertia inermis*, *Dryandra armata* var. *ignicida*, *Allocasuarina humilis*, *Boronia spathulata*, *Acacia varia* var. *parviflora* and *Taxandria spathulata* with emergent *Eucalyptus pleurocarpa*, *Eucalyptus incrassata* and *Nuytsia floribunda* on upper and mid slopes over granite.

Closed heath of *Taxandria spathulata*, *Dryandra armata* var. *ignicida* and *Melaleuca striata* with emergent *Nuytsia floribunda* and *Eucalyptus pleurocarpa*.

Open heath of *Taxandria spathulata*, *Dryandra armata* var. *ignicida* and *Melaleuca striata* with emergent *Eucalyptus pleurocarpa* on disturbed sites.

Scrub of *Calothamnus villosus*, *Xanthorrhoea platyphylla* and *Taxandria spathulata* over mixed low shrubs with emergent *Eucalyptus pleurocarpa* and *Nuytsia floribunda* on granite ridge.

Low Open Woodland of *Nuytsia floribunda*, *Eucalyptus pleurocarpa* and *Eucalyptus cornuta* over *Lambertia inermis*, *Allocasuarina humilis*, *Hakea trifurcata*, *Calothamnus hlusutus* and *Leucopogon assumilis* on south-west facing slopes; and

Open scrub of *Lambertia inermis*, *Hakea trifurcata* and *Dryandra armata* var. *ignicida* with emergent *Acacia cyclops* on disturbed sites.

The above vegetation communities were confirmed by a site visit undertaken by Department of Environment and Conservation (DEC) officers in December 2012 (DEC, 2012), as well as photographs of the application area, which identified the vegetation consisting of *Xanthorrhoea drummondii*, *Lambertia inermis* var. *inermis*, *Nuytsia floribunda*, *Eucalyptus* sp., *Macrozamia dyeri* shrubland and heathland over shallow granite with granite outcrops in good to excellent condition (Keighery 1994).

Advice from the Species and Communities Branch of DEC extrapolated that five of these vegetation communities would be likely to occur in the CPS 5393/1 application area (DEC, 2013a). These communities were:

Closed heath of *Hakea trifurcata*, *Lambertia inermis*, *Dryandra armata* var. *ignicida*, *Allocasuarina humilis*, *Boronia spathulata*, *Acacia varia* var. *parviflora* and *Taxandria spathulata* with emergent *Eucalyptus pleurocarpa*, *Eucalyptus incrassata* and *Nuytsia floribunda* on upper and mid slopes over granite.

Closed heath of *Taxandria spathulata*, *Dryandra armata* var. *ignicida* and *Melaleuca striata* with emergent *Nuytsia floribunda* and *Eucalyptus pleurocarpa*.

Open heath of *Taxandria spathulata*, *Dryandra armata* var. *ignicida* and *Melaleuca striata* with emergent *Eucalyptus pleurocarpa* on disturbed sites.

Scrub of *Calothamnus villosus*, *Xanthorrhoea platyphylla* and *Taxandria spathulata* over mixed low shrubs with emergent *Eucalyptus pleurocarpa* and *Nuytsia floribunda* on granite ridge; and

Open scrub of *Lambertia inermis*, *Hakea trifurcata* and *Dryandra armata* var. *ignicida* with emergent *Acacia cyclops* on disturbed sites.

Since approval of CPS 5393/1, 0.56 hectares of clearing has occurred between July 2018 and February 2019 (Holcim, 2019). Analysis of recent aerial imagery indicates that clearing has been confined to the clearing envelope approved under CPS 5393/2. It is considered unlikely that this clearing has resulted in a significant change to the vegetation condition or communities previously identified, although some vegetation is now assessed as being completely degraded as a result of clearing activities within the application area. The above vegetation communities and condition ratings described below have been used for the purposes of this assessment.

Vegetation Condition

Vegetation condition within the application area ranges from:

Excellent; Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994).

To

Completely Degraded: The structure of the vegetation is no longer intact and the area is completely or almost completely without native species (Keighery, 1994).

The western part of the application area includes areas that have been completely cleared as part of the quarry operations (Holcim, 2019).

Soil Type

The application area is mapped as the following soil types:

Esperance 4R Phase subsystem (Western portion of the application area closest to the quarry pit). Described as, rock outcrops (granite).

Esperance 4E1e Phase is described (Eastern portion of the application area). Described as, gravelly, yellow mottled duplex soil with < 30cm of sand over gravel layer (Fleming (shallow)), on escarpment.

Actual Soil Type Based on Surveys (Mattiske, 2008a & 2008b) and DEC officer site inspection (DEC, 2012). Described as, granite outcrop with shallow soils.

A site visit of the application area confirmed that the soil was shallow over granite rock, hence, the suitability of the site for a rock quarry (DEC 2012).

Comments

The local area is defined as 10 kilometre radius from the application area.

A review of available databases has determined that the local area retains approximately 27 per cent of its pre-European clearing extent.

3. Assessment of application against clearing principles and planning instruments and other matters

An updated assessment using information from current databases has determined that the proposed clearing may be at variance with principle (a) and (e) and is not likely to be at variance with the remaining clearing principles. While some clearing has occurred within the application area (0.56 hectares), it is not likely that the vegetation condition or communities identified within the application area have significantly changed. Therefore, the findings of the initial assessment undertaken in 2013 (Clearing Permit Decision Report 5393/1; DEC, 2013b), remain largely valid for the purposes of this assessment.

Based on current environmental databases, there are no threatened flora species within the local area, however, there are 12 priority flora species recorded within the local area. None of these conservation significant flora species were recorded during previous flora surveys within and adjacent to the application area and there are no records of any of these having been recorded within the same soil types as those mapped or described within, or adjacent to the application area. The Mattiske flora surveys conducted within a portion of, and adjacent to the application area, described the soil type within the application area as 'shallow soil over granite rock', which does not correspond to the soil types preferred by any of the 12 conservation significant flora species recorded within the local area (Mattiske, 2008a & 2008b).

Some species identified in the flora survey reports and confirmed by the DEC site visit are consistent with those found within the 'Proteaceae Dominated Kwongkan Shrubland', Priority Ecological Community (PEC) listed as a Priority 3 by the Department of Biodiversity Conservation and Attractions (DBCA). This ecological community has been listed as an endangered threatened ecological community (TEC) under the federal *Environment Protection and Biodiversity Conservation Act 1999*. Although the vegetation communities identified within and adjacent to the application area have species in common with this PEC, they do not represent an occurrence of this PEC as the application area comprises shallow soils and exposed large granite rocks resting on a granite rock resource, while the PEC occurs on deep sand and sandplains (Mattiske, 2008a).

There are six threatened; six priority, one specially protected, and numerous fauna species protected under international agreement recorded within the local area. The majority of these species are marine and migratory birds, marine mammals and marine reptiles, and are therefore will not be impacted by the proposed clearing.

Of the threatened fauna species, the species most likely to visit the application area is the Carnaby's cockatoo (*Calyptorhynchus latirostris*). The application area is over 200 kilometres outside the known breeding range of all black cockatoos (DEE, 2016a; 2016b; 2016c), however, Carnaby's cockatoo have been observed within the local area. While there are no records of Carnaby's cockatoo roosting or foraging within the application area (or the broader Holcim Quarry site), this species may utilise the vegetation within the application area for foraging as the identified vegetation communities contain preferred foraging species such as Proteaceous species (Banksia, Dryandra, Hakea, Grevillea), as well as *Allocasuarina*. The Carnaby's cockatoo is known to utilise the 'Proteaceae Dominated Kwongkan Shrubland' PEC for foraging purposes, however, given that more than 2000 hectares of this PEC is mapped as occurring within the local area, it is not likely that the proposed clearing will significantly impact upon foraging habitat for Carnaby's cockatoo within the local area, or on a regional scale.

The application area is located within approximately 80 hectares of remnant vegetation. This larger remnant is likely to contain vegetation in equal or better condition than that of the application area, and is further connected, via a drainage line, to approximately 250 hectares of remnant vegetation north of the application area. Several other large areas of contiguous remnant vegetation are located within 1 kilometre of the application area. The proposed clearing will not result in fragmentation of the adjacent remnant vegetation, or prevent fauna from being able to move through areas of connected vegetation within the larger remnant. Although vegetation extent within the local area is mapped as 27% which is below the 30% target threshold for retention, the environmental values of the vegetation proposed to be cleared have not been assessed as being significant.

Based on above assessment, the proposed clearing may be at variance with principle (a) and (e) and is not likely to be at variance with the remaining clearing principles.

The clearing permit application was advertised on the Department of Water and Environmental Regulation's website on 18 November 2019, inviting submissions from the public within a seven day period. No submissions were received in relation to this application.

Holcim (Australia) Pty Ltd hold a current Extractive Industry Licence for the site which expires on 17 February 2040.

4. GIS Datasets

- - Aboriginal Sites of Significance
- - Clearing Regulations - Environmentally Sensitive Areas
- - Carnaby's cockatoo: breeding, roosting, feeding
- - Hydrology, linear
- - IBRA Australia
- - PDWSA, CAWSA, RIWI Act Areas
- - Pre European Vegetation
- - Remnant vegetation
- - Threatened Ecological Communities
- - WA Herbarium
- - Threatened Fauna
- - Soils, state wide
- - Town Planning Scheme Zones

5. References

Department of Environment and Conservation (DEC), (2013a), 'Species Communities Advice'. 25 January 2013, (A594013).

Department of the Environment and Energy (DEE), (2016a), 'Modelled distribution for Carnaby's Cockatoo (*Calyptorhynchus latirostris*)'. 19 May 2016.

Department of the Environment and Energy ((DEE), 2016b), 'Modelled distribution for Forest Red-tailed Black-Cockatoo (*Calyptorhynchus banksia naso*)'. 18 May 2016.

Department of the Environment and Energy (DEE), (2016c), 'Modelled distribution for Baudin's Cockatoo (*Calyptorhynchus baudinii*)'. 19 May 2016.

Department of Environment and Conservation (DEC), (2013b), Clearing Permit Decision Report 5393/1, (A597280).

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 Consulting Pty Ltd (2008a). Report from October 2008 flora survey: Flora and Vegetation Survey of the Esperance Quarry Development Area.

Mattiske Consulting Pty Ltd (2008b). Report from May 2008 flora survey: Flora and Vegetation Survey of the Esperance Quarry Expansion Area.