



## CLEARING PERMIT

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

### PERMIT DETAILS

Area Permit Number: CPS 5480/2  
File Number: 2010/007608  
Duration of Permit: From 12 April 2013 to 12 April 2035

### PERMIT HOLDER

B & J Catalano Pty Ltd

### LAND ON WHICH CLEARING IS TO BE DONE

Lot 7 on Diagram 40591, Wellesley

### AUTHORISED ACTIVITY

The Permit Holder must not clear more than 2.86 hectares of *native vegetation* within the area cross-hatched yellow in Figure 1a of Schedule 1.

### CONDITIONS

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

The permit holder must not clear any *native vegetation* after 12 April 2018.

#### 2. Wind erosion management

The Permit Holder shall not clear *native vegetation* unless sand extraction begins within one month of the clearing being undertaken.

#### 3. Weed and dieback management

When undertaking any clearing authorised under this Permit, the Permit Holder must take the following measures to minimise the risk of 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) shall only move soils in dry conditions;

- (c) ensure that no known *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.

#### 4. **Revegetation and rehabilitation**

The Permit Holder shall establish and maintain *native vegetation* within the area shaded green on Figure 1b of Schedule 1 in accordance with the following conditions:

- (a) Trees shall be established and maintained to an average planting density of 1100 live stems per hectare;
- (b) Ensuring only *local provenance* seeds and propagating material are used to *revegetate* and *rehabilitate* the area; and
- (c) *Planting* is to commence within twelve months of clearing any area authorised under this Permit.

#### 5. **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 12 months following completion of extractive activities, *revegetate* and *rehabilitate* the area shaded red on Figure 1c of Schedule 1 by;
  - (i) Re-shaping the surface of the land so that it is consistent with the surrounding 5 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 5(a) on the cleared area.
- (c) Within 24 months of laying the vegetative material and topsoil on the cleared area in accordance with condition 5(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 5(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 5(c)(ii) of this permit, the Permit Holder shall repeat

condition 5(c)(i) and 5(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 5(c)(i) and 5(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 5(c)(ii), the *CEO* may require the Permit Holder to undertake additional *planting* and *direct seeding* in accordance with the requirements under condition 5(c)(ii).

## 6. Records to be kept

The Permit Holder must maintain records relating to the listed relevant matters in accordance with the specifications detailed in Table 1.

**Table 1: Records that must be kept**

No.	Relevant matter	Specifications
1.	In relation to the authorised clearing activities under this Permit	<ul style="list-style-type: none"> <li>(a) the species composition, structure, and density of the cleared area;</li> <li>(b) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994/2020 (GDA94/2020), expressing the geographical coordinates in Eastings and Northings or decimal degrees;</li> <li>(c) the date that the area was cleared;</li> <li>(d) the size of the area cleared (in hectares);</li> </ul>
2.	In relation to the <i>revegetation</i> and <i>rehabilitation</i> of areas pursuant to condition 4 and 5 of this Permit	<ul style="list-style-type: none"> <li>(a) The location of any areas <i>revegetated</i> and <i>rehabilitated</i>, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994/2020 (GDA94/2020), expressing the geographical coordinates in Eastings and Northings or decimal degrees;</li> <li>(b) A description of the <i>revegetation</i> and <i>rehabilitation</i> activities undertaken;</li> <li>(c) The size of the area <i>revegetated</i> and <i>rehabilitated</i> (in hectares);</li> <li>(d) Remedial actions undertaken;</li> <li>(e) The species composition, structure and density of <i>revegetation</i> and <i>rehabilitation</i>, and</li> <li>(f) A copy of the <i>environmental specialist's</i> report</li> </ul>

## 7. Reporting

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 6 of this Permit; and
  - (ii) records of 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 12 January 2035, the Permit Holder must provide to the *CEO* a written report of records required under condition 6 of this Permit where these records have not already been provided under condition 7(a) of this Permit.

## DEFINITIONS

In this permit, the terms in Table 2 have the meanings defined.

**Table 2: Definitions**

<b>Term</b>	<b>Definition</b>
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.
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.
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.
EP Act	<i>Environmental Protection Act 1986</i> (WA)
fill	means material used to increase the ground level, or fill a hollow.

<b>Term</b>	<b>Definition</b>
local provenance	means native vegetation seeds and propagating material from natural sources within 50 kilometres and the same IBRA subregion 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.
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.
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 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.
weeds	means any plant – <ul style="list-style-type: none"> <li>(a) that is a declared pest under section 22 of the <i>Biosecurity and Agriculture Management Act 2007</i>; or</li> <li>(b) published in a Department of Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking summary, regardless of ranking; or</li> <li>(c) not indigenous to the area concerned.</li> </ul>

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**END OF CONDITIONS**

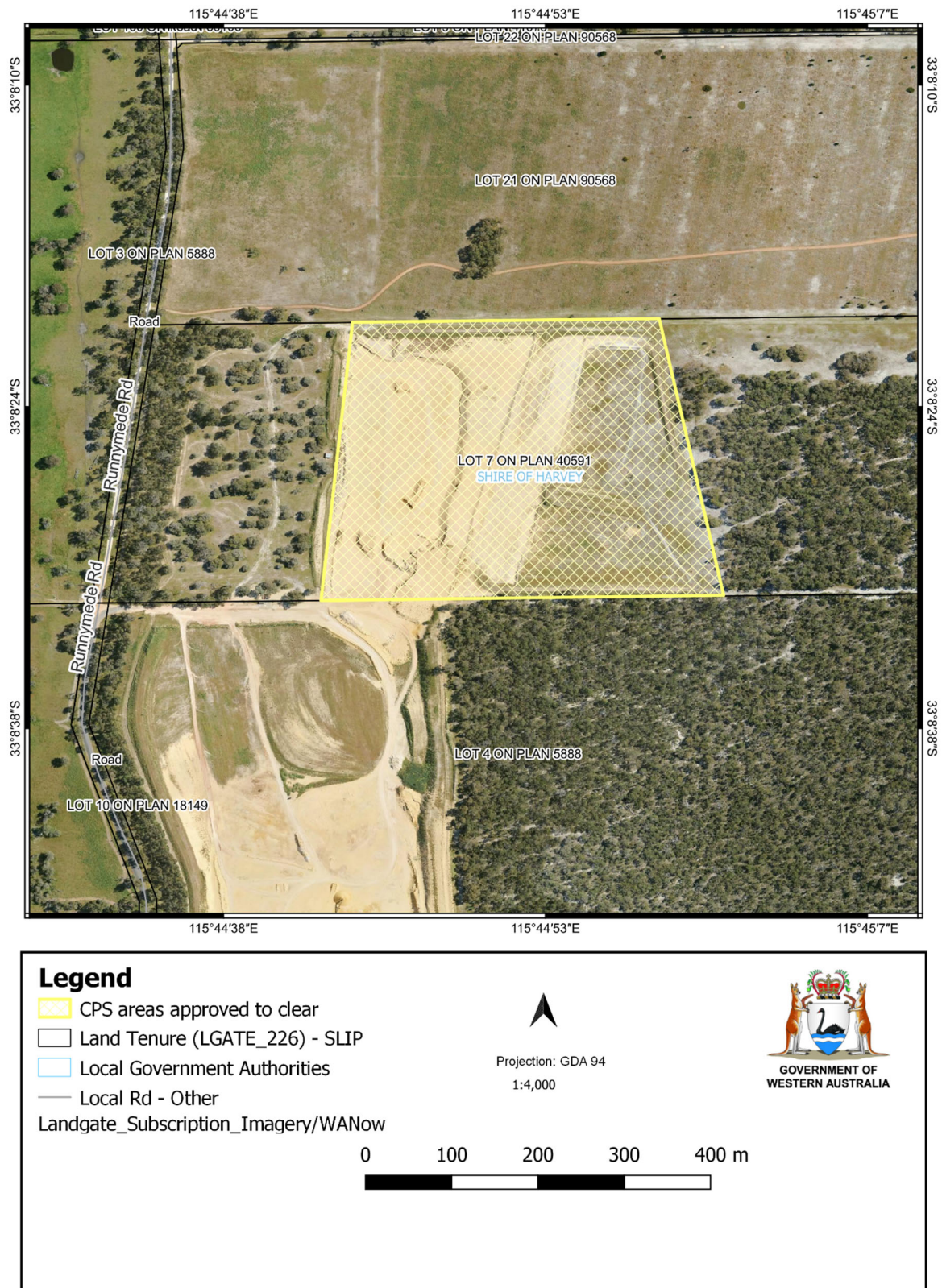


Meenu Vitarana  
MANAGER  
NATIVE VEGETATION REGULATION

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

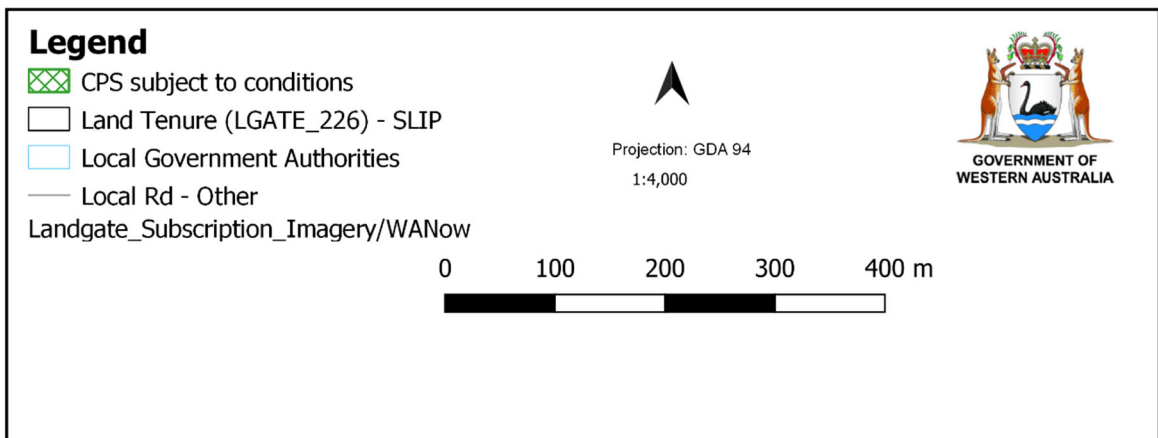
27 March 2023

# SCHEDULE 1



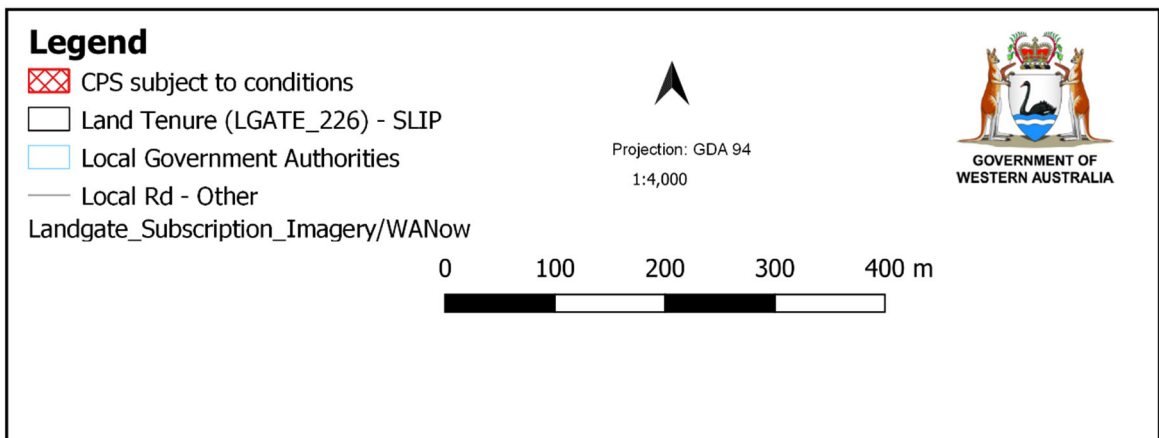
**Figure 1a: Map of the boundary of the area within which clearing had occurred**





**Figure 2b: Map of the boundary of the area within which native vegetation shall be established and maintained**





**Figure 3c: Map of the boundary of the area within which native vegetation shall be revegetated and rehabilitated**





# Clearing Permit Decision Report

## 1 Application details and outcome

### 1.1. Permit application details

Permit number:	CPS 5480/2
Permit type:	Area permit
Applicant name:	B & J Catalano Pty Ltd
Application received:	13 January 2023
Application area:	2.86 hectares of native vegetation
Purpose of clearing:	Sand extraction
Method of clearing:	Mechanical Removal
Property:	Lot 7 on Diagram 40591
Location (LGA area/s):	Shire of Harvey
Localities (suburb/s):	Binningup

### 1.2. Description of clearing activities

This amendment is to extend the duration of the clearing permit to complete the revegetation and rehabilitation commitments as per the clearing permit conditions 4 and 5. CPS 5480/1 allowed for the clearing of 2.86 hectares of native vegetation for the purpose of sand extraction. No clearing is sought under CPS 5480/2.

Records indicate that 2.86 hectares of clearing has been undertaken under CPS 5480/1, since the commencement of the permit in 2013.

### 1.3. Decision on application

Decision:	Granted
Decision date:	27 March 2023
Decision area:	2.86 hectares of native vegetation, as depicted in Section 1.5, below.

### 1.4. Reasons for decision

This clearing permit amendment application was submitted, accepted, assessed and determined in accordance with sections 51E, 51K and 51O of the *Environmental Protection Act 1986* (EP Act). The Department of Water and Environmental Regulation (DWER) advertised the application for 14 days and one submission was received. Consideration of matters raised in the public submission is summarised in Appendix A.

In making this decision, the Delegated Officer had regard for the site characteristics (see decision report for CPS 5480/1 Appendix A) and relevant datasets (see Appendix C.1), the clearing principles set out in Schedule 5 of the EP Act (see Appendix A), relevant planning instruments and any other matters considered relevant to the assessment (see decision report for CPS 5480/1). The Delegated Officer also took into consideration that all clearing had been undertaken as part of CPS 5480/1 and that the amendment was to extend the duration to complete the revegetation and rehabilitation commitments.

The assessment has not changed since the assessment for CPS 5480/1. The Delegated Officer determined that the proposed extension of the duration of the clearing permit is not likely to lead to an unacceptable risk to environmental values, noting all clearing under the permit has already been completed. As such, a reassessment of environmental values were not undertaken.

### 1.5. Site map



Figure 1 Map of the application area

The area crosshatched yellow indicate the area authorised to be cleared under the granted clearing permit. The areas cross-hatched red indicates areas within which specific conditions apply.

## 2 Legislative context

The clearing of native vegetation in Western Australia is regulated under the EP Act and the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* (Clearing Regulations).

In addition to the matters considered in accordance with section 51O of the EP Act (see Section 1.4), the Delegated Officer has also had regard to the objects and principles under section 4A of the EP Act, particularly:

- the precautionary principle
- the principle of intergenerational equity
- the principle of the conservation of biological diversity and ecological integrity.

Other legislation of relevance for this assessment include:

- *Biodiversity Conservation Act 2016* (WA) (BC Act)
- *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act)
- *Planning and Development Act 2005* (WA) (P&D Act)
- *Soil and Land Conservation Act 1945* (WA)

Relevant policies considered during the assessment include:

- *Environmental Offsets Policy* (2011)

The key guidance documents which inform this assessment are:

- *A guide to the assessment of applications to clear native vegetation* (DER, December 2013)
- *Procedure: Native vegetation clearing permits* (DWER, October 2019)
- *Environmental Offsets Guidelines* (August 2014)
- Technical guidance – *Flora and Vegetation Surveys for Environmental Impact Assessment* (EPA, 2016)
- Technical guidance – *Terrestrial Fauna Surveys for Environmental Impact Assessment* (EPA, 2016)

## 3 Detailed assessment of application

### 3.1. Avoidance and mitigation measures

Noting no clearing is proposed under the amendment application (all approved clearing has been undertaken), no additional avoidance and mitigation measures were considered necessary.

### 3.2. Assessment of impacts on environmental values

Noting no additional clearing is proposed under the amendment application and all approved clearing has been undertaken, a re-assessment against the clearing principles was not undertaken. It is noted that a re-assessment would have required additional avoidance and minimisation measures to align with current departmental practices, however such considerations are not within the scope of this amendment application.

Assessment of impacts under CPS 5480/1 can be found in the decision report for CPS 5480/1, available on <https://ftp.dwer.wa.gov.au/permit/5480/Permit/>

### 3.3. Relevant planning instruments and other matters

There are no additional planning or other matters that have arisen since the grant of Clearing Permit CPS 5480/1 that would influence the decision to approve the amendment in this instance.

The Shire of Harvey provided comment on the amendment application advising that they have no objections to the proposed amendment on the basis that it is for the extension to the term of the permit and will not result in the clearing of additional vegetation (Shire of Harvey, 2023).

**End**



## Appendix A. Details of public submissions

Summary of comments	Consideration of comment
Concerns that the conditions from the previous clearing permit are inadequate and require review due to cumulative impacts on Carnaby Cockatoos	The amendment of this clearing permit is to only extend the duration of the clearing permit to allow for rehabilitation and revegetation to take place, and not to clear more native vegetation. As such, noting the nature of the amendment and considering all clearing approved under the original permit has been undertaken, there is no opportunity to undertake a reassessment of environmental values, or to renegotiate avoidance, minimisation and mitigation measures and or environmental offsets.

## Appendix B. Vegetation condition rating scale

Vegetation condition is a rating given to a defined area of vegetation to categorise and rank disturbance related to human activities. The rating refers to the degree of change in the vegetation structure, density and species present in relation to undisturbed vegetation of the same type. The degree of disturbance impacts upon the vegetation's ability to regenerate. Disturbance at a site can be a cumulative effect from a number of interacting disturbance types.

Considering its location, the scale below was used to measure the condition of the vegetation proposed to be cleared. This scale has been extracted from Keighery (1994).

Keighery, B.J. (1994) *Bushland Plant Survey: A Guide to Plant Community Survey for the Community*. Wildflower Society of WA (Inc). Nedlands, Western Australia.

### Measuring vegetation condition for the South West and Interzone Botanical Province (Keighery, 1994)

Condition	Description
Pristine	Pristine or nearly so, no obvious signs of disturbance.
Excellent	Vegetation structure intact, with disturbance affecting individual species; weeds are non-aggressive species.
Very good	Vegetation structure altered, with obvious signs of disturbance. For example, disturbance to vegetation structure caused by repeated fires, the presence of some more aggressive weeds, dieback, logging and/or grazing.
Good	Vegetation structure significantly altered by very obvious signs of multiple disturbances. Retains basic vegetation structure or ability to regenerate it. For example, disturbance to vegetation structure caused by very frequent fires, the presence of some very aggressive weeds at high density, partial clearing, dieback and/or grazing.
Degraded	Basic vegetation structure severely impacted by disturbance. Scope for regeneration but not to a state approaching good condition without intensive management. For example, disturbance to vegetation structure caused by very frequent fires, the presence of very aggressive weeds, partial clearing, dieback and/or grazing.
Completely degraded	The structure of the vegetation is no longer intact and the area is completely or almost completely without native species. These areas are often described as 'parkland cleared' with the flora comprising weed or crop species with isolated native trees or shrubs.

## Appendix C. Sources of information

### C.1. GIS databases

Publicly available GIS Databases used (sourced from [www.data.wa.gov.au](http://www.data.wa.gov.au)):

- 10 Metre Contours (DPIRD-073)
- Aboriginal Heritage Places (DPLH-001)
- Aboriginal Heritage Places (DPLH-001)

- Cadastre (LGATE-218)
- Cadastre Address (LGATE-002)
- Contours (DPIRD-073)
- DBCA – Lands of Interest (DBCA-012)
- DBCA Legislated Lands and Waters (DBCA-011)
- Directory of Important Wetlands in Australia – Western Australia (DBCA-045)
- Environmentally Sensitive Areas (DWER-046)
- Flood Risk (DPIRD-007)
- Groundwater Salinity Statewide (DWER-026)
- Hydrography – Inland Waters – Waterlines
- Hydrological Zones of Western Australia (DPIRD-069)
- IBRA Vegetation Statistics
- Imagery
- Local Planning Scheme – Zones and Reserves (DPLH-071)
- Native Title (ILUA) (LGATE-067)
- Offsets Register – Offsets (DWER-078)
- Pre-European Vegetation Statistics
- Public Drinking Water Source Areas (DWER-033)
- Ramsar Sites (DBCA-010)
- Regional Parks (DBCA-026)
- Remnant Vegetation, All Areas
- RIWI Act, Groundwater Areas (DWER-034)
- RIWI Act, Surface Water Areas and Irrigation Districts (DWER-037)
- Soil Landscape Land Quality – Flood Risk (DPIRD-007)
- Soil Landscape Land Quality – Phosphorus Export Risk (DPIRD-010)
- Soil Landscape Land Quality – Subsurface Acidification Risk (DPIRD-011)
- Soil Landscape Land Quality – Water Erosion Risk (DPIRD-013)
- Soil Landscape Land Quality – Water Repellence Risk (DPIRD-014)
- Soil Landscape Land Quality – Waterlogging Risk (DPIRD-015)
- Soil Landscape Land Quality – Wind Erosion Risk (DPIRD-016)
- Soil Landscape Mapping – Best Available
- Soil Landscape Mapping – Systems
- Wheatbelt Wetlands Stage 1 (DBCA-021)

Restricted GIS Databases used:

- ICMS (Incident Complaints Management System) – Points and Polygons
- Threatened Flora (TPFL)
- Threatened Flora (WAHerb)
- Threatened Fauna
- Threatened Ecological Communities and Priority Ecological Communities
- Threatened Ecological Communities and Priority Ecological Communities (Buffers)

## C.2. References

B & J Catalano Pty Ltd (2013) *Clearing permit application CPS 5480/1*, received 7 February 2013 (DWER Ref: A597576).

B & J Catalano Pty Ltd (2023) *Clearing permit application amendment CPS 5480/2*, received 13 January 2023 (DWER Ref: DWERDT711201).

DEP (2010) Site inspection for Clearing Permit Application cps 3989/1 , Lot 7 Runnymede Road, Wellesley. Site inspection undertaken 2/11/2010. Department of Environment and Conservation, Western Australia (DEC REF: A344602),

DSEWPC (2011) Approval B & J Catalano Pty Ltd, Lot 7 Runnymede Road, Wellesley, WA (EPBC 2011/5996. Department of Sustainability, Environment, Water, Populations and Communities, Canberra (DEC REF: A597576).

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- Government of Western Australia (2019a) *2018 South West Vegetation Complex Statistics. Current as of March 2019*. WA Department of Biodiversity, Conservation and Attractions, Perth, <https://catalogue.data.wa.gov.au/dataset/dbca>
- Government of Western Australia. (2019b) *2018 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of March 2019*. WA Department of Biodiversity, Conservation and Attractions. <https://catalogue.data.wa.gov.au/dataset/dbca-statewide-vegetation-statistics>
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### C.3. 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)