



Your ref:
Our ref: 935

Department of Environment Regulation
Locked Bag 33
Cloisters Square
PERTH WA 6850

Dear Sir/Madam

**Clearing Permit Application
*Lot 1 Morangup Road, Morangup***

I refer to the clearing permit 30th April 2015 for Lot 1 Morangup Road, Morangup (CPS 5494/1). We are seeking an amendment to the permit as outlined in this letter. The following information is attached to this letter:

- Attachment 1 – Form C4
- Attachment 2 – Form C3
- Attachment 3 – Plans
- Attachment 4 – EPBC Act Approval.

Requested Amendment 1 – Authorised Activity

The current clearing permit applies to an area of 11.54 hectares in accordance with proposed Stage 1 of the extractive industry. An Extractive Industry has existed on the site for over 50 years and substantial clay resources remain. Future pit expansion areas have been identified to the south of the existing pit with an estimated lifespan of 40-50 years (Attachment 3). Four stages of extraction have been identified, each stage approximately representing 10 years of extraction.

An application was made to the Commonwealth Department of the Environment (DotE) under the *Environmental Protection and Biodiversity Conservation (EPBC) Act 1999* for all four stages (36.42 hectares) and approval was granted on 2nd September 2014 (Attachment 4). We request that the clearing permit (CPS 5494/1) is amended to include all four stages to an area of 36.42 hectares to bring the Clearing Permit in line with the EPBC Act approval.

As such, we request that the area cross-hatched yellow on the approved permit is amended in accordance with the shape file on the CD attached and in accordance with the attached plan.

CPS 5495/1
Application for an Amendment to a Clearing Permit



Requested Amendment 2 – Definition of ‘Covenant Area’

The schedule of Definitions for the Permit defines the Covenant Area as follows:

Covenant area means the area of land cross-hatched red on attached Plan 5495/1.

The area of land cross-hatched red on Plan 5495/1 is 42 hectares in size in accordance with the DER’s offset calculation for Stage 1. It is requested that the area cross-hatched red on Plan 5495/1 for the ‘covenant area’ is amended in accordance with the covenant area approved by the Commonwealth DotE as shown on the plan at Attachment 3.

Condition 3 of the EPBC Act approval requires that an area of 130.3 hectares is created to offset the proposed clearing. The offset area will be subject to a conservation covenant and is also subject to an approved Environmental Management and Offset Strategy (EMOS). The EMOS provides for the management of the offset area including procedures to address feral animals, weeds, dieback, monitoring, timeframes, reporting and responsibilities in accordance with Condition 4 of the EPBC Act approval.

Requested Amendment 3 – Condition 1

Condition 1 states the following:

Period in which clearing is authorised: The Permit Holder shall not clear any native vegetation after 19 November 2023.

It is requested that the condition is modified to take into account the long-term clearing proposed for Stages 1-4 in accordance with the timeframe approved by the Commonwealth DotE. The EPBC approval expires on 31st December 2069 and it is proposed that the duration of the clearing permit as stated in Condition 1 is extended in accordance with this timeframe.

Requested Amendment 4 – Condition 5a

Condition 5a states the following:

Revegetation and Rehabilitation: The Permit Holder shall 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.

We request the DER include the definition of ‘vegetative material’ in the list of Definitions in the clearing permit to make it clear what this condition refers to. We request the definition to mention that vegetation material excludes logs that have no rehabilitation value. While we appreciate that the primary purpose of the clearing is for clay extraction, the timber logs from the site may have a commercial value and the reuse of this material is ecologically sustainable due to that fact that only material that has no rehabilitation value be removed.

Requested Amendment 5 – Condition 5b

Condition 5b states the following:

Revegetation and Rehabilitation: The Permit Holder shall prior to 19 November 2024 revegetate and rehabilitate within the area cross-hatched yellow on attached Plan 5495/1...

With regards to Condition 5b we request that the DER reword the condition as this does not consider the staged approach of the quarry and the closure date. We would prefer if the condition be reworded as follows:

“The permit holder shall, 12 months following the closure of the quarry, revegetate and rehabilitate within the area cross-hatched yellow on attached Plan 5495/1 by...”

I understand that DER considered the dates on the Planning Approval when wording this condition, however, Austral Bricks has applied for an extension to the planning approval to apply to Stages 1-4 to reflect the long-term timeframe and importance of the site. Additionally, as a result of the nature of site excavation procedures, Austral Bricks will not be able to rehabilitate Stage 1 until future Stages 2-4 have been exhausted. It is also standard practise to rehabilitate 12 months following the closure of the quarry.

Conclusion

I trust the above provides the information you require to make the requested amendments to clearing permit 5495/1 for Lot 1 Morangup Road, Morangup. Please don't hesitate to contact me should you have any queries relating to the request. I look forward to hearing from you in due course.

Yours sincerely,



Sharee Rasmussen
Land Insights
Planning – Design – Environment

11 July 2016

Attachment 1: Form C4
Attachment 2: Form C3
Attachment 3: Plans
Attachment 4: EPBC Act Approval

ATTACHMENT 1

Form C4



Application for an amendment to a clearing permit

Environmental Protection Act 1986 s 51M

FORM C4

Clearing of native vegetation is prohibited in Western Australia except where a clearing permit has been granted or an exemption applies. A person who causes or allows unauthorised clearing commits an offence.

DEPARTMENT OF ENVIRONMENT
REGULATION
19 JUL 2016
Corporate Information Section
Date stamp

Part 1 Assessment under the assessment bilateral agreement

If the amendment to a clearing permit will or is likely to impact on a matter of national environmental significance identified under the Commonwealth of Australia's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) it must initially be referred to the Commonwealth of Australia prior to submitting this amendment application form.

Further information is located in Annex C7 and *A guide to native vegetation clearing processes under the Assessment bilateral agreement* available at www.der.wa.gov.au.

Was your clearing permit application previously assessed in accordance with, or under, an EPBC Act Accredited Process such as the assessment bilateral agreement?
 Yes No Proceed to Part 2

Has the amendment been referred to the Commonwealth of Australia under the EPBC Act?
 Yes EPBC Number
 No It cannot be assessed under an Accredited Process until it has been referred to the Commonwealth. Proceed to Part 2.

Has a decision been made under the EPBC Act as to whether the proposed amendment is a controlled action?
 Yes No Proceed to Part 2

Is the amendment a controlled action under the EPBC Act?
 No Proceed to Part 2
 Yes Complete and attach the requirements of Annex C7 to this completed form

List the controlling provisions identified in the notification of the controlled action decision

Annex C7 is completed and the required supporting documentation is attached.

Part 2 Clearing permit details

Amendments can only be made to active clearing permits.

FILE REFERENCE	Permit number CPS 5495/1	Permit holder's name as it appears on the permit Bristile Holdings Ltd TA Austral Bricks (WA) Pty Ltd
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Part 3 Contact/Applicant details

A person with whom the Department of Environment Regulation or Department of Mines and Petroleum should liaise concerning the amendment application.

*If applying as a company or incorporated body, please supply the registered business office address.

DEPARTMENT OF ENVIRONMENT
REGULATION
19 JUL 2016
Corporate Information Section

Given name, family name and title (Mr, Mrs, Ms, etc.) (please print)
Jessica French

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