



## CLEARING PERMIT

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

<b>Purpose Permit number:</b>	CPS 5664/1
<b>Permit Holder:</b>	Gerard Majella Attwell and Catherine Margaret Attwell
<b>Duration of Permit:</b>	14 September 2013 – 14 September 2023

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 sand and lime extraction.

**2. Land on which clearing is to be done**

Lot 50 on Diagram 94469, Cuthbert

**3. Area of Clearing**

The Permit Holder must not clear more than 1.7 hectares of native vegetation within the area hatched yellow on attached Plan 5664/1.

**4. Period in which clearing is authorised**

The permit Holder shall not clear any native vegetation after 15 September 2018.

**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.

**6. Compliance with Assessment Sequence and Management Procedures**

Prior to clearing any native vegetation under conditions 1, 2 and 3 of this Permit, the Permit Holder must comply with the Assessment Sequence and the Management Procedures set out in Part II of this Permit.

### PART II – ASSESSMENT SEQUENCE AND MANAGEMENT PROCEDURES

**7. 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.

## 8. 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*:

- (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 *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.

## 9. 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.
- (b) within three months following clearing authorised under this permit, *revegetate* and *rehabilitate* the area(s) that are 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; and
  - (ii) ripping the pit floor and contour batters within the extraction site; and
  - (iii) laying the vegetative material and topsoil retained under condition 9(a) on the cleared area(s); and
  - (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 24 months of undertaking *revegetation* and *rehabilitation* in accordance with condition 9(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 9(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 9(b)(v) and (vi) of this Permit.

## PART III - RECORD KEEPING AND REPORTING

### 10. 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 date that the clearing commenced;
  - (ii) the date the extraction operations ceased; and
  - (iii) the size of the area cleared (in hectares).
- (b) In relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 9 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.

## 11. 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 10 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, 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 15 June 2018, the Permit Holder must provide to the CEO a written report of records required under condition 10 of this Permit where these records have not already been provided under condition 11(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 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, or who is approved by the CEO as a suitable environmental specialist.

**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 20 kilometres and the same Interim Biogeographic Regionalisation for Australia (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;

**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.

*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 former Department of Environment and Conservation Regional Weed Assessments, regardless of ranking; or
- (c) not indigenous to the area concerned.



M Warnock  
MANAGER  
NATIVE VEGETATION CONSERVATION BRANCH




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

15 August 2013

# Plan 5664/1



## LEGEND

- Clearing Instruments**
-  Areas Approved to Clear
  -  Road Centrelines
  -  Cadastre for labelling

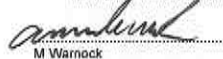
Albany Mount Barker 1.4m  
Orthomosaic - Landgate  
2002



Scale 1:8082  
(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 15/8/13

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.



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Department of Environment Regulation

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## 1. Application details

### 1.1. Permit application details

Permit application No.: 5664/1  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: Gerard Majella and Catherine Margaret Attwell

### 1.3. Property details

Property: LOT 50 ON DIAGRAM 94469 (Lot No. 50 ATTWELL CUTHBERT 6330)  
Local Government Area: City of Albany  
Colloquial name:

### 1.4. Application

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

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 15 August 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 vegetation under application is mapped as Beard vegetation association 423 and is described as Shrublands; Acacia scrub-heath (unknown spp.) (Shepherd et al, 2001)	The application is to clear up to 1.7 hectares of native vegetation within Lot 50 on Diagram 94469, Cuthbert, City of Albany, for the purpose of extracting sand and lime.	Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994)	The vegetation under application is described as a narrow strip of karri forest on the northern edge of the remnant vegetation and a coastal heath/woodland, a mosaic of peppermint low forest, coastal heath, coastal Banksia ilicifolia, peppermint low woodland and coastal limestone heath. The understorey is either sparse, absent or consists of herbaceous and grassy weed species (Hickman, 2010).

## 3. Assessment of application against clearing principles

### Comments

The application to clear up to 1.7 hectares of native vegetation on Lot 50 on Diagram 94469, Cuthbert, City of Albany, for the purpose of extracting sand and lime is unlikely to have any significant environmental impacts. The vegetation is considered to be in a degraded (Keighery, 1994) condition and consists of a relatively intact tree canopy with a sparse or absent understorey consisting of scattered native shrubs over herbaceous and grassy weed species (Hickman, 2010).

There are no rare or priority flora species within the application area (Hickman, 2010) or threatened ecological communities in the local area (10 kilometre radius). The Beard vegetation association to be cleared is well represented in the local area (81 per cent remaining; 10 kilometre radius) (Shepherd et al, 2001).

The degraded vegetation under application does not comprise of an area of high biodiversity.

Given the proposed clearing consists of a relatively small, degraded and weed infested area (1.7 hectares), that it is within the highly vegetated Warren Bioregion (79 per cent vegetated) (Government of Western Australia, 2013), it is unlikely that the proposed clearing will cause or exacerbate land degradation, flooding or impact on surface or ground water quality.

The application area contains a known habitat species preferred by the Western Ringtail Possum, being peppermint trees (*Agonis flexuosus*). There are no recorded sightings of this species within a 20 kilometre radius of the application area. Given the large percentage of suitable vegetation remaining, and small area to be

cleared, it is unlikely that the application area contains significant fauna habitat.

The proposed clearing is adjacent to Crown Reserve 13773 (locally referred to as the Albany Windfarm), vested for the combined purpose of conservation and electricity generation. The proposed clearing may indirectly impact the environmental values of this conservation area through the introduction or spread of weeds or dieback. Weed and dieback management measures will assist in mitigating this impact.

The assessment of the application identified that the clearing may be at variance to Principle (h) and not likely to be at variance to the remaining Principles.

**Methodology**    References

- Hickman (2010)
- Keighery (1994)
- Shepherd et al (2001)
- Government of Western Australia (2013)

GIS databases:

- Hydrography, linear
- DEC tenure
- Pre-European vegetation
- SAC Bio datasets (Accessed July 2013)

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

**Comments**

City of Albany extractive industry licence (Lic. No. P295368) has been issued (City of Albany, 2013).

Lot 50 occurs within the South Coast Water Reserve (a priority 2 Public Drinking Water Source Area) and the Albany Groundwater Area. Department of Water have advised that the clearing / end landuse is a permitted activity (DoW, 2013).

Lot 50 is zoned Rural under the Local Town Planning Scheme.

No submissions from the public have been received.

**Methodology**    References

- City of Albany (2013)
- DoW (2013)

**4. References**

- City of Albany (2013) extractive industry licence received for Clearing Permit application CPS 5664/1 (DER Ref: A660542).  
DoW (2013) Department of Water advice received for Clearing Permit application CPS 5664/1 (DER Ref: A658817).  
Government of Western Australia. (2013). 2012 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of October 2012. WA Department of Environment and Conservation, Perth.  
Hickman (2010), Lot 50 of Location 3131 Cuthbert, Albany, Flora Survey, A report prepared for Gerard Atwell, September 2010.  
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., Beeston, G.R., and Hopkins, A.J.M. (2001), Native Vegetation in Western Australia. Technical Report 249. Department of Agriculture Western Australia, South Perth.

**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)