



## CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

<b>Purpose Permit number:</b>	CPS 5843/1
<b>Permit Holder:</b>	Jonathon James Dwyer
<b>Duration of Permit:</b>	From 1 February 2014 to 1 February 2024

### ADVICE NOTE:

This Permit does not confer upon the Permit Holder authorisation to access the land to which the Permit relates.

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 gravel extraction.

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

Lot 7 on Plan 7148, Bindoon

#### 3. Area of Clearing

The Permit Holder must not clear more than 10 hectares of native vegetation within the area hatched yellow on attached Plan 5843/1a.

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

The Permit Holder shall not clear any native vegetation after 1 February 2019.

#### 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 – MANAGEMENT CONDITIONS

#### 6. 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.

#### 7. Fauna management

- (a) Prior to undertaking any clearing authorised under this Permit outside the period 1 February to 7 March, the Permit Holder shall engage a *fauna specialist* to conduct a *fauna survey* of the Permit Area to identify *black cockatoo habitat tree/s* being utilised by fauna species listed below:

- (i) *Calyptorhynchus latirostris* (Carnaby's cockatoo); and
- (ii) *Calyptorhynchus baudini* (Baudin's cockatoo).

- (b) Where fauna are identified under condition 7(a) of this Permit, the Permit Holder shall engage a *fauna specialist* to map *black cockatoo habitat tree/s* within the Permit Area.
- (c) Prior to undertaking any clearing authorised under this Permit, the Permit Holder shall provide the results of the *fauna survey* in a report to the CEO.
- (d) The *fauna survey* report must include the following:
  - (i) the location of the *black cockatoo habitat tree/s* 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 location of any fauna species, listed in condition 7(a) if 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; and
  - (iii) the name and amount of each fauna species identified;
  - (iv) the methodology, used to survey the Permit Area; and
  - (v) a description of the *black cockatoo habitat tree/s* identified.
- (e) where fauna are identified under condition 7(a) of this Permit, the Permit Holder shall ensure that:
  - (i) no clearing within 10 metres of *black cockatoo habitat tree/s* of the identified fauna occurs, unless first approved by the CEO; and
  - (ii) no taking of identified fauna occurs, unless first approved by the CEO.

**8. Retain vegetative material and topsoil, revegetation and rehabilitation**

- (a) 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.
- (b) within 6 months following the completion of extractive activities, *revegetate* and *rehabilitate* the area cross-hatched red on attached Plan 5843/1b in accordance with the following provisions:
  - (i) laying the vegetative material and topsoil retained under condition 8(a) on the cleared area; and
  - (ii) deliberately *planting* and/or *direct seeding* native vegetation that will result in an average species density of 1000 stems per hectare, consisting of overstorey species representative of the local area (50km radius);
- (c) within 18 months of undertaking *revegetation* and *rehabilitation* 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 areas *revegetated* and *rehabilitated* will not result in an average species density of 1000 stems per hectare, consisting of overstorey species representative of the local area (50km radius), the Permit Holder must undertake additional *planting* or *direct seeding* of native vegetation in accordance with the requirements of condition 2(b)(ii) of this Permit.
- (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 2(c)(i) and 8(c)(ii) within 18 months of undertaking the additional *planting* or *direct seeding* of native vegetation.
- (e) where a determination by an *environmental specialist* that the areas *revegetated* and *rehabilitated* will result in an average species density of 1000 stems per hectare, consisting of overstorey species representative of the local area (50km radius), 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).



## 9. Records to be kept

The Permit Holder must maintain the following records in relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 8 of this Permit:

- (a) 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;
- (b) a description of the *revegetation* and *rehabilitation* activities undertaken;
- (c) the size of the area *revegetated* and *rehabilitated* (in hectares);
- (d) the species composition, structure and density of *revegetation* and *rehabilitation*, and
- (e) a copy of the environmental specialist's report.

## 10. Reporting

- (a) The Permit Holder must provide to the CEO on or before 1 July 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 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 1 July of each year.
- (c) Prior to 1 November 2023, 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:

***black cockatoo 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;

***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;

***fauna specialist:*** means a person who holds a tertiary qualification specializing in environmental science or equivalent, and has a minimum of 2 years work experience in fauna identification and surveys of fauna native to the region being inspected or surveyed, or who is approved by the CEO as a suitable fauna specialist for the bioregion, and who holds a valid fauna licence issued under the *Wildlife Conservation Act 1950*;

***fauna survey:*** means a field-based investigation, including a review of established literature, of the biodiversity of fauna and/or fauna habitat of the Permit Area. Where conservation significant fauna are identified in the Permit Area, the survey should also include sufficient surrounding areas to place the Permit Area into local context;

***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 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;

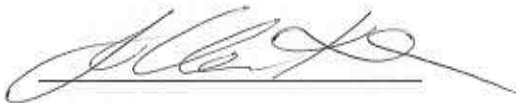
**regenerate/ed/ion** means re-establishment of vegetation from in situ seed banks and propagating material (such as lignotubers, bulbs, rhizomes) contained either within the topsoil or seed-bearing mulch;

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



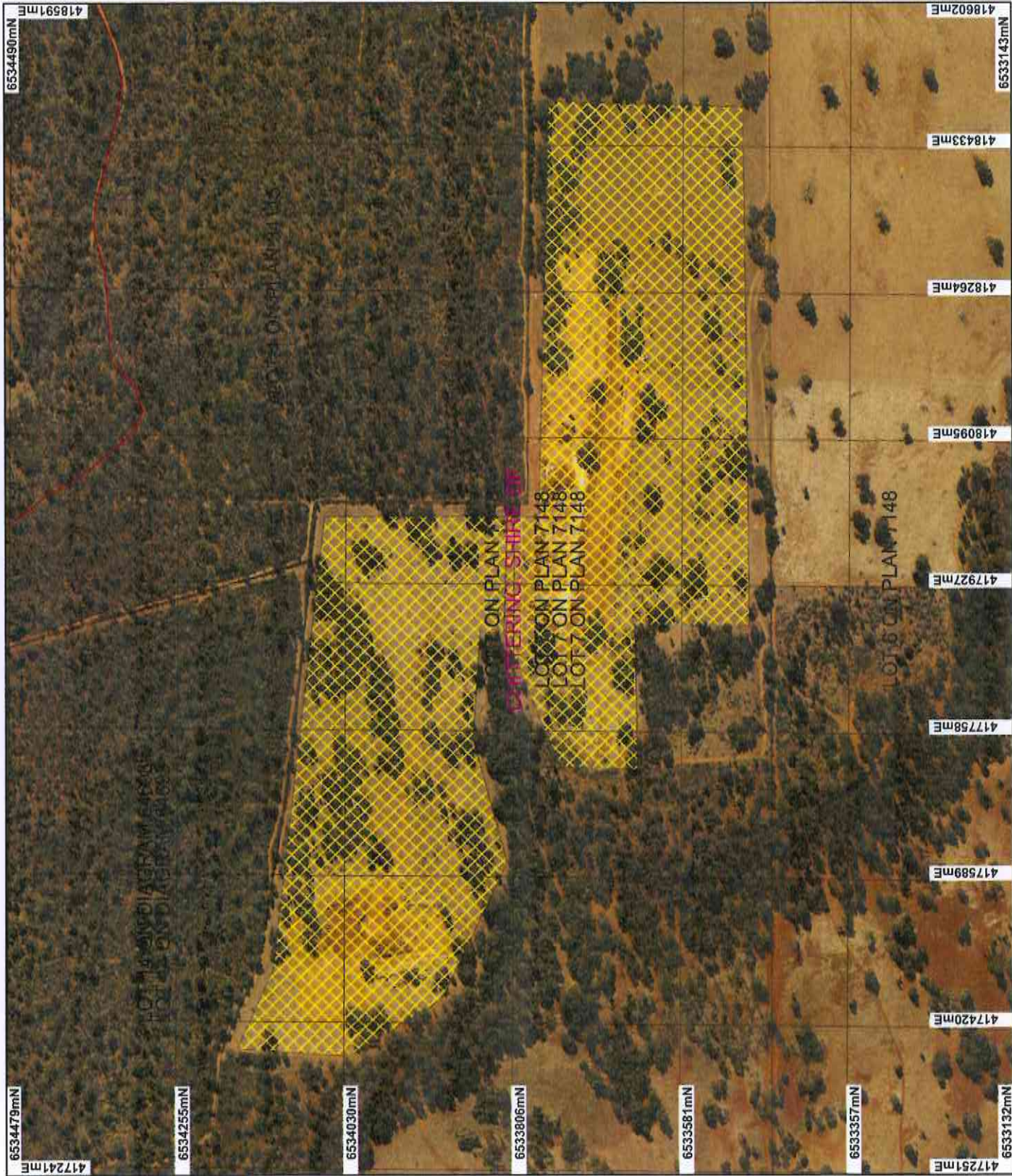
J Clarkson  
ACTING MANAGER  
NATIVE VEGETATION CONSERVATION BRANCH

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

2 January 2014



# Plan 5843/1 a



## LEGEND

- Egoi Control Lines
- Local Government Authorities, 1
- Perth Metropolitan Area North 15cm
- Orthomosaic - Landgate 2012
- Clearing Instruments
- Areas Approved to Clear

\* Project Data is denoted by asterisk.  
 This data has not been quality assured.  
 Please contact map author for details.



Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion of measurement instruments.

*J. Clerkson* Data 2.1.14

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

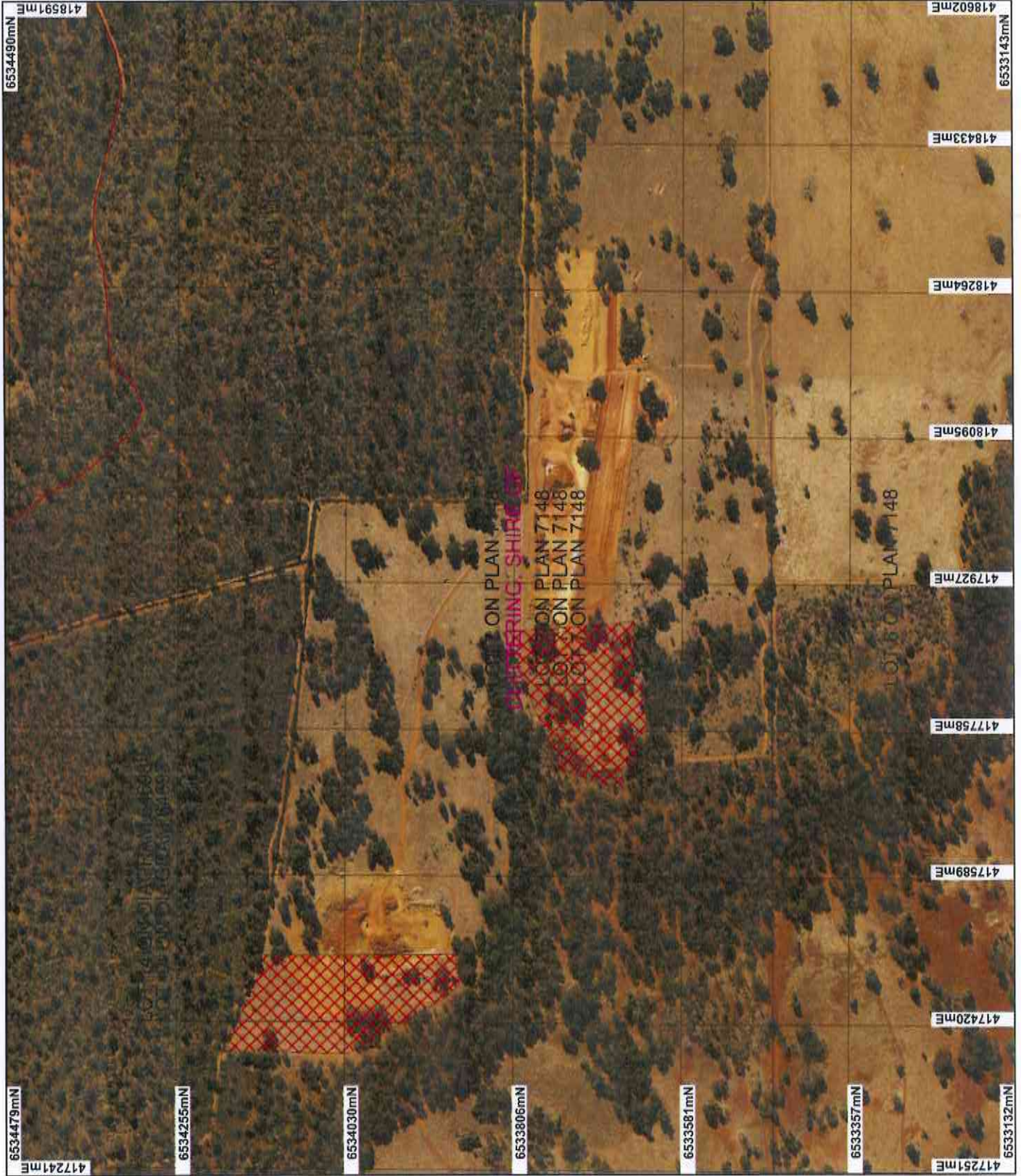
Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.



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 Department of Environment Regulation  
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# Plan 5843/1 b



**LEGEND**

- Control Lines
- Local Government Authorities, 1
- Perth Metropolitan Area North 15cm Orthomosaic - Landgate 2012
- Clearing Instruments
- Areas Subject to Conditions

\* Project Data is denoted by asterisk. This data has not been quality assured. Please contact map author for details.

Scale 1:6500  
Approximate when reprobed 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.

J. Clarkson Data 2.1.14

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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# Clearing Permit Decision Report

Government of Western Australia  
Department of Environment Regulation

## 1. Application details

### 1.1. Permit application details

Permit application No.: 5843/1  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: Jonathon James Dwyer

### 1.3. Property details

Property: LOT 7 ON PLAN 7148 (House No. 75 TOY BINDOON 6502)  
Local Government Area: Shire of Chittering  
Colloquial name:

### 1.4. Application

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

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 2 January 2014

## 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's (Shepherd et al, 2001): • 4 (20 percent of application area). Medium woodland; marri & wandoo. • 968 (80 percent of application area): Medium woodland; jarrah, marri & wandoo.  Hedde / Mattiske vegetation complex's (Mattiske et al 1998): • Yalanbee Y6 (90 of application area). Woodland of Eucalyptus wandoo-Eucalyptus accedens, less consistently open forest of Eucalyptus marginata fs24 subsp. thalassica-Corymbia calophylla on lateritic uplands and breakaway landscapes in arid and perarid zones. • Bindoon Bi (10 percent of application area): Woodland of Eucalyptus loxophleba on the slopes, flanked by woodlands of Eucalyptus wandoo-Eucalyptus accedens on the breakaways and upper slopes in the perarid zone.		The application is to clear up to 10 hectares of native vegetation within Lot 7 on deposited plan 7148, Bindoon, for the purpose of gravel extraction.	Completely Degraded: No longer intact; completely/almost completely without native species (Keighery 1994)  The condition of the vegetation under application was determined via a site inspection by Department of Environment Regulation staff on the 21 November 2013 (DER, 2013) and a flora assessment of the property during the development of an Excavation-Rehabilitation Management Plan (Dwyer, 2013).

## 3. Assessment of application against clearing principles

### Comments

The application is to clear up to 10 hectares of native vegetation for the purposes of gravel extraction. An existing gravel operation already operates on the site. The vegetation under application is in a completely degraded (Keighery, 1994) condition with no understorey present (DER, 2013 and Dwyer, 2013).

The local area (10 kilometre radius) surrounding the application area retains approximately 70 percent vegetation. The mapped Beard vegetation type and IBRA bioregion retain above the recommended level of 30 percent (Government of Western Australia, 2013).

Given the condition of the vegetation under application, with no understorey present, it is not likely to contain rare or priority flora, a high level of biodiversity or vegetation consistent with a threatened ecological community. The application area does not fall in close proximity to a conservation reserves and is therefore, not likely to impact on their environmental value.

No watercourses are mapped within the application area. An assessment of the proposed excavation works undertaken by Landform Research (Dwyer, 2013) concluded that given the limited depth of excavation together with a deep water table, groundwater is not likely to be impacted. Given outlined management practices it was also concluded that surface water is likely to be retained on site therefore, the application is not likely to impact the quality of surface or underground water.

Given outlined management actions (Dwyer, 2013) clearing the vegetation under application is not likely to cause land degradation in the form of wind or water erosion. Given the extent of vegetation directly adjacent to and surrounding the application area as well as a confirmed deep groundwater table, the application is not likely to cause primary or secondary salinity.

*Calyptorhynchus baudinii* (Baudin's cockatoo) and *Calyptorhynchus latirostris* (Carnaby's cockatoo), listed as vulnerable/endangered on the Environment Protection and Biodiversity Conservation Act 1999 and rare or likely to become extinct on the Wildlife Conservation Act 1950 respectively, have been recorded from within the local area. These species nest in large hollows of Eucalyptus and Corymbia trees foraging on the seeds, nuts and flowers of a large variety of plants (Shah, 2006).

The application area has been mapped within a confirmed Carnaby's cockatoo breeding area and as unconfirmed feeding habitat. A site inspection undertaken by the Department of Environment Regulation recorded numerous *Corymbia Calophylla* trees of an age and size considered to be potential breeding sites for Baudin's and Carnaby's cockatoos (DER, 2013). The application therefore may be significant habitat for these species if they are utilising the hollows for breeding. Checking the vegetation for black cockatoo breeding prior to clearing will assist in mitigating the potential impact to these species.

Rehabilitating an area equivalent to that cleared and implementing weed and dieback management practices will further limit the risk of land degradation as well as weed and dieback spread.

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

#### Methodology

##### References:

DER (2013)  
Dwyer (2013)  
Government of Western Australia (2013)  
Keighery (1994)  
Shah (2006)

##### GIS Datasets:

- Carnaby's cockatoo breeding areas confirmed  
- SacBiodataSets - accessed October 2013  
- Perth Metropolitan Area North 15cm Orthomosaic - Landgate 2012

#### Planning Instrument, Native Title, Previous EPA decision or other matter.

#### Comments

A submission from the public was received in relation to this application stating that the application may impact on salinity and therefore the quality of surface and underground water. The concerns raised have been addressed through the assessment of the application against the clearing principles.

No Aboriginal Sites of Significance have been mapped within the application area.

The application area is zoned "Agricultural resource" under the Local Town Planning Scheme.

The applicant was granted Shire approval on the 19 September 2012. Shire of Chittering (2013) has advised that the proposed clearing is within the approved limits of excavation.

The Department of Water (DoW) has advised the applicant that no licences from the DoW are required (Dwyer, 2013).

#### Methodology

##### References

- Dwyer (2013)  
- Shire of Chittering (2013)

##### GIS Databases

- Town Planning Scheme Zones  
- Aboriginal Sites of Significance



#### 4. References

- DER (2013) Site Inspection Report for Clearing Permit Application CPS 5843/1, Lot 7 on Plan 7148, Bindoon. Site inspection undertaken 21/10/2013. Department of Environment Regulation, Western Australia (DER Ref A700469).
- Dwyer (2013) Information submitted in support of clearing permit application CPS 5843/1. Received 9 October 2013 (DER Ref A682723).
- 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.
- 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, E.M. and Havel, J.J. (1998) Vegetation Complexes of the South-west Forest Region of Western Australia. Maps and report prepared as part of the Regional Forest Agreement, Western Australia for the Department of Conservation and Land Management and Environment Australia.
- Shah, B. (2006) Conservation of Carnaby's Black-Cockatoo on the Swan Coastal Plain, Western Australia. December 2006. Carnaby's Black-Cockatoo Recovery Project. Birds Australia, 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.
- Shire of Chittering (2013) Response in request for regional advice for clearing permit application CPS 5843/1. Received 1 November 2013 (DER Ref A691632).