



GOVERNMENT OF
WESTERN AUSTRALIA

CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 7054/1
Permit Holder:	BGC Australia Pty Ltd
Duration of Permit:	19 November 2016 – 19 November 2031

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 clay extraction and stockpiles.

2. Land on which clearing is to be done

Lot 5 on Plan 7892 (Bullsbrook)

3. Area of Clearing

The Permit Holder must not clear more than 1.982 hectares of native vegetation within the area cross-hatched yellow on attached Plan 7054/1.

4. Period in which clearing is authorised

The Permit Holder shall not clear any native vegetation after 18 October 2026.

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. 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.

7. 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) Prior to 19 November 2026, *revegetate* and *rehabilitate* the area cross-hatched yellow on attached Plan 7054/1 by:
 - (i) re-shaping the surface of the land so that it is consistent with the surrounding 5 metres of uncleared land;
 - (ii) ripping the pit floor and contour batters within the extraction site; and
 - (iii) laying the vegetative material and topsoil retained under condition 7(a) on the cleared area .
- (c) within 24 months of laying the vegetative material and topsoil on the cleared area in accordance with condition 7(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 7(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 7(c)(ii) of this permit, the Permit Holder shall repeat condition 7(c)(i) and 7(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 7(c)(i) and 7(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 7(c)(ii), the CEO may require the Permit Holder to undertake additional *planting* and *direct seeding* in accordance with the requirements under condition 7(c)(ii).

DEFINITIONS

The following meanings are given to terms used in this Permit:

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;

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;

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;

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.



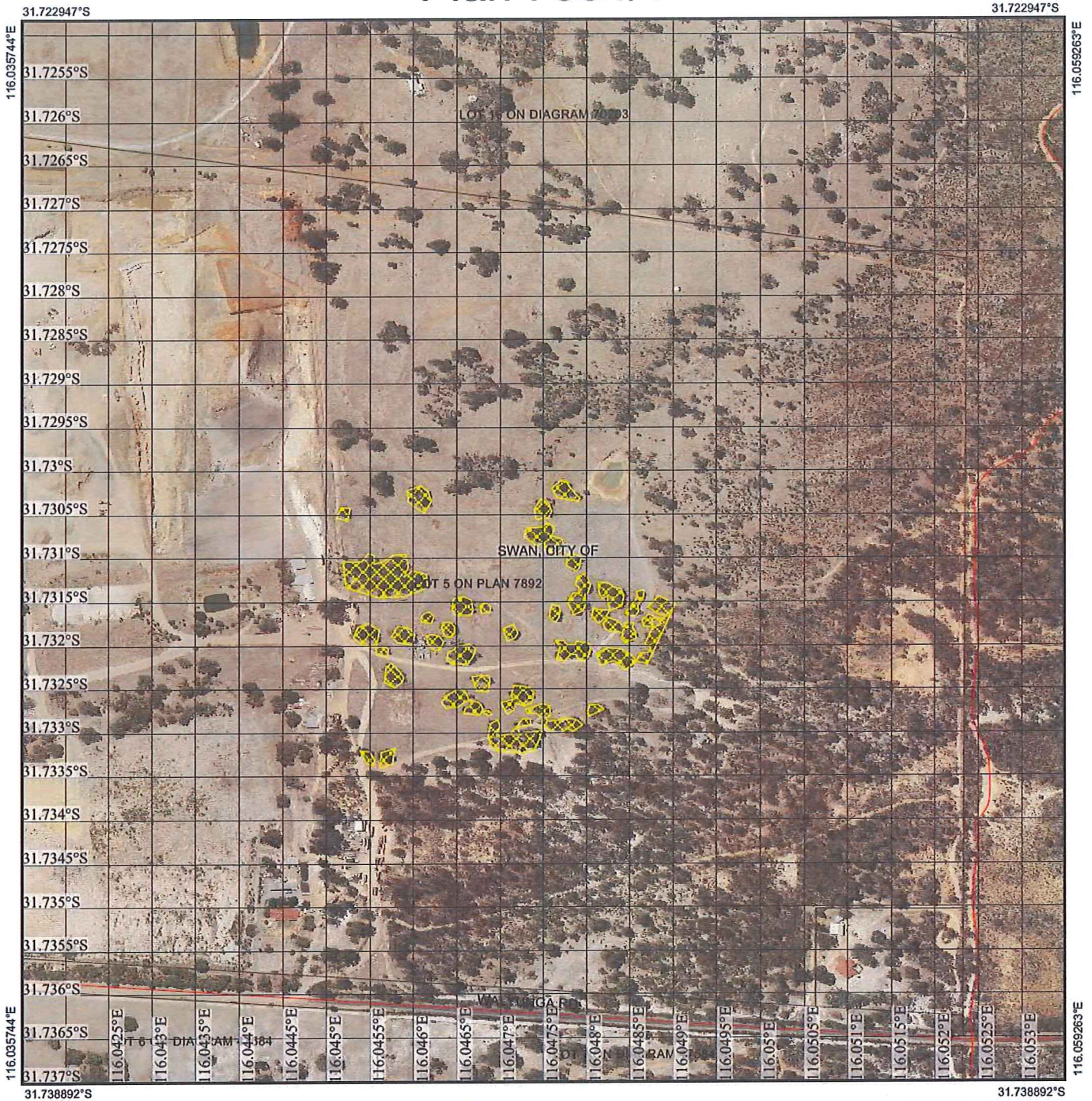
JAMES W. OEMBAR

MANAGER
CLEARING REGULATION

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

20 October 2016

Plan 7054/1



Legend

-  Roads
-  Imagery
-  Clearing Instruments Activities
-  Local Government Authority



1:6,000
 (Approximate when reproduced at A4)
 GDA 94 (Lat/Long)
 Geocentric Datum of Australia 1994

[Signature] Date 20/10/2016

[Signature]
 JAMES WJOENBAR

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



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 WESTERN AUSTRALIA
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1. Application details

1.1. Permit application details

Permit application No.: 7054/1
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: BGC Australia Pty Ltd

1.3. Property details

Property: Lot 5 on Plan 7892, Bullsbrook
Colloquial name:
Local Government: City of Swan
Authority:
DER Region: Greater Swan
DPaW District: Perth Hills
LCDC:
Localities: Bullsbrook

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
1.982		Mechanical Removal	Clay extraction and stockpiles

1.5. Decision on application

Decision on Permit Application: Grant

Decision Date: 20 October 2016

Reasons for Decision: The clearing permit application is to clear 1.982 hectares of native vegetation, and was received on 27 April 2016.

The clearing permit application has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986*. The Delegated Officer determined that the proposed clearing is not likely to be at variance to any of the clearing Principles.

The Delegated Officer had regard for the extractive industry licence granted by the City of Swan in deciding to grant a clearing permit.

State and other relevant policies have been taken into consideration in this decision.

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
One Beard vegetation association and one Mattiske vegetation complex have been mapped within the application area.	The applicant has proposed to clear up to 1.982 hectares of native vegetation within Lot 5 on Plan 7892, Bullsbrook, for the purpose of clay extraction and stockpiles.	Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994).	Vegetation condition was determined via a site inspection conducted on 21 June 2016 by officers from the Department of Environment Regulation (DER) (DER, 2016).

Beard vegetation association 3 is described as: medium forest; jarrah-marri (Shepherd et al., 2001); and

Mattiske vegetation complex Fo is described as: mosaic of open forest of *Corymbia calophylla-Eucalyptus wandoo-Eucalyptus marginata* subsp. *elegantella* and open forest of *Eucalyptus marginata* subsp. *marginata-Corymbia calophylla-Allocasuarina fraseriana-Banksia* spp. on the erosional spurs off the Darling Scarp to woodland of *Eucalyptus rudis* on the dissecting gullies in humid to semiarid zones (Mattiske and Havel 1980).

A flora, vegetation and fauna survey of the application area conducted by Mattiske Consulting Pty Ltd (Mattiske, 2015) recorded three vegetation communities within the application area:

Cc: Open woodland of *Corymbia calophylla* over pasture with isolated *Eucalyptus marginata*;

Er: Open woodland of *Eucalyptus rudis* over pasture; and

Ew+Cc: Open woodland of *Eucalyptus wandoo* and *Corymbia calophylla* over pasture.

3. Assessment of application against clearing principles

Comments

The application area contains isolated marri, wandoo, jarrah and *Nuytsia floribunda* trees over pasture. The local area has been historically grazed, and approximately half of the application area comprises regrowth vegetation (Mattiske, 2015).

A total of seven threatened and seven priority fauna species have been recorded within 10 kilometres of the application area (Parks and Wildlife, 2007-). Of these, the forest red-tailed black cockatoo (*Calyptorhynchus banksii subsp. naso*) and Carnaby's cockatoo (*Calyptorhynchus latirostris*) may utilise habitat within the application area. A site inspection conducted by officers from the Department of Environment Regulation (DER) observed that no trees within the application area contain hollows suitable for nesting by black cockatoos (DER, 2016). While marri and jarrah trees within the application area provide suitable foraging habitat for black cockatoos, the surrounding area provides foraging, roosting and potential nesting habitat in similar or better quality habitat. The proposed clearing is not likely to impact significant black cockatoo habitat.

No rare or priority flora were recorded during a flora, vegetation and fauna survey conducted by Mattiske Consulting Pty Ltd (Mattiske, 2015). Given the vegetation within the application area is in a completely degraded (Keighery, 1994) condition, the application area is not likely to provide habitat for any rare or priority flora species and is not considered to represent a threatened or priority ecological community.

The national objectives and targets for biodiversity conservation in Australia has a target to prevent clearance of ecological communities with an extent below 30 per cent of that present pre-1750, below which species loss appears to accelerate exponentially at an ecosystem level (Commonwealth of Australia, 2001). The application area crosses the boundary of the Swan Coastal Plain and Jarrah Forest Interim Biogeographic Regionalisation of Australia (IBRA) bioregions. The vegetation types mapped within the application area remain at less than 30 per cent of their pre-European extent within the Swan Coastal Plain bioregion, and at higher than 30 per cent of their pre-European extent within the Jarrah Forest bioregion (Government of Western Australia, 2015; Parks and Wildlife, 2015). The vegetation within the application area is in a completely degraded (Keighery, 1994) condition and no longer represents the Beard or Mattiske vegetation types that have been mapped over the application area. This vegetation is also unlikely to represent a significant fauna habitat linkage. Therefore, the application area is not likely to be a significant remnant in an area that has been highly cleared.

The application area is located 13 metres from Bush Forever site 412: Walyunga Road Bushland, Bullsbrook. The application area is not likely to represent a significant ecological linkage between the Bush Forever site and other remnant vegetation. Given the completely degraded (Keighery, 1994) condition of vegetation within the application area, the proposed clearing is not likely to impact the environmental values of this conservation area.

One minor, non-perennial watercourse is mapped within the application area. This watercourse has been impacted by historic clearing activities and adjacent development associated with clay extraction.

The clearing of 1.982 hectares of completely degraded (Keighery, 1994) native vegetation is not likely to cause deterioration of the quality of surface water or groundwater, cause appreciable land degradation or exacerbate the incidence or intensity of flooding.

Given the above, the proposed clearing is not likely to be at variance to any of the clearing principles.

Methodology

References:
Commonwealth of Australia (2001)
DER (2016)
Government of Western Australia (2015)
Keighery (1994)
Mattiske (2015)
Parks and Wildlife (2007-)
Parks and Wildlife (2015)

- GIS Databases:
- Bush forever (2000)
 - Hydrography, linear
 - Imagery
 - NLWRA, Current Extent of Native Vegetation
 - Parks and Wildlife tenure
 - SAC Bio datasets accessed June 2016
 - Soils, statewide

Planning instruments and other relevant matters.

Comments The City of Swan granted an extractive industry licence for the proposed activities on 18 October 2016, and expires on 18 October 2026 (DER Ref A1181844).

The North Swan Land Conservation District Committee (NSLCDC) responded to a direct interest letter on 30 May 2016, recommending that the application be refused for the following reasons (NSLCDC, 2016):

- The application area is adjacent to Bush Forever site 412;
- The application area is located within an area that has been extensively cleared by the adjacent clay extraction activities and a nearby landfill disposal site; and
- The committee believes that stockpiles can be arranged without the removal of the vegetation.

Impacts to conservation areas and remnant vegetation have been considered in the above assessment.

The application was advertised in *The West Australian* newspaper on 23 May 2016 for a 21 day public submission period. The application was readvertised in *The West Australian* newspaper on 11 July 2016 for a seven day submission period to include an additional purpose. There were no public submissions received.

There is one Aboriginal Site of Significance within the application area (Ellen Brook: Upper Swan). It is the proponent's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

Methodology References:
City of Swan (2016)
NSLCDC (2016)

GIS Database:
- Aboriginal Sites of Significance

4. References

- City of Swan (2016) Advice received from the City of Swan on 3 June 2016. DER REF: A1109151.
- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- Department of Environment Regulation (DER) (2016) CPS 7054/1 site inspection report. Department of Environment Regulation. DER REF: A1113942.
- Department of Parks and Wildlife (Parks and Wildlife) (2007-) Naturemap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife, Perth. <http://naturemap.dpaw.wa.gov.au/default.aspx> (Accessed June 2016).
- Department of Parks and Wildlife (Parks and Wildlife) (2015) 2015 South West Forest and Swan Coastal Plain Vegetation Complex Statistics: a report prepared for the Department of Environment Regulation. Current as of March 2015. Department of Parks and Wildlife, Perth, Western Australia.
- Government of Western Australia (2015) 2015 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of June 2015. WA Department of Parks and Wildlife, 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.
- North Swan Land Conservation District Committee (NSLCDC) (2016) Advice received from the North Swan Land Conservation District Committee on 30 May 2016. DER REF: A1107076.
- Shepherd, D.P., Beeston, G.R. and Hopkins, A.J.M. (2001) Native Vegetation in Western Australia, Extent, Type and Status. Resource Management Technical Report 249. Department of Agriculture, Western Australia.