



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 7754/1
Permit Holder:	B and J Catalano Pty Ltd
Duration of Permit:	8 August 2018 – 31 March 2030

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 104 on Diagram 85224, Brunswick

3. Area of Clearing

The Permit Holder must not clear more than 2.3 hectares of native vegetation within the area hatched yellow on attached Plan 7754/1a.

4. 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.

5. Period in which clearing is authorised

The Permit Holder shall not clear any native vegetation after 22 May 2023.

6. Avoidance, minimize and reduce the impacts and extent of 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:

- (a) avoid the clearing of native vegetation;
- (b) minimise the amount of native vegetation to be cleared; and
- (c) reduce the impact of clearing on any environmental value.

PART II – MANAGEMENT CONDITIONS

7. 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) ensure that no *dieback* or *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
- (c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

8. 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 22 October 2023, *revegetate* and *rehabilitate* within the areas cross-hatched red on attached Plan 7754/1b 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 8(a) on the revegetation area.
- (c) within 18 months of laying the vegetative material and topsoil on the cleared area 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 composition structure and density determined under condition 8(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 8(c)(ii) of this permit, the Permit Holder shall repeat condition 8(c)(i) and 8(c)(ii) within 24 months of undertaking the additional *planting* or *direct seeding* of native vegetation.

PART III - RECORD KEEPING AND REPORTING

9. 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 species composition, structure and density of the cleared area;
 - (ii) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings;
 - (iii) the date that the area was cleared; and
 - (iv) the size of the area cleared (in hectares).
- (b) Actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 6 of this Permit.
- (c) Actions taken to minimise the risk of the introduction and spread of *weeds* and *dieback* in accordance with condition 7 of this Permit.

- (d) In relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 8 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.

10. 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 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 30 June of each year.
- (c) Prior to 31 December 2029, 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:

CEO means the Chief Executive Officer of the Department responsible for the administration of the clearing provisions under the *Environmental Protection Act 1986*

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 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.

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 a Department of Biodiversity, Conservation and Attractions Regional Weed Rankings Summary, regardless of ranking; or
- (c) not indigenous to the area concerned.

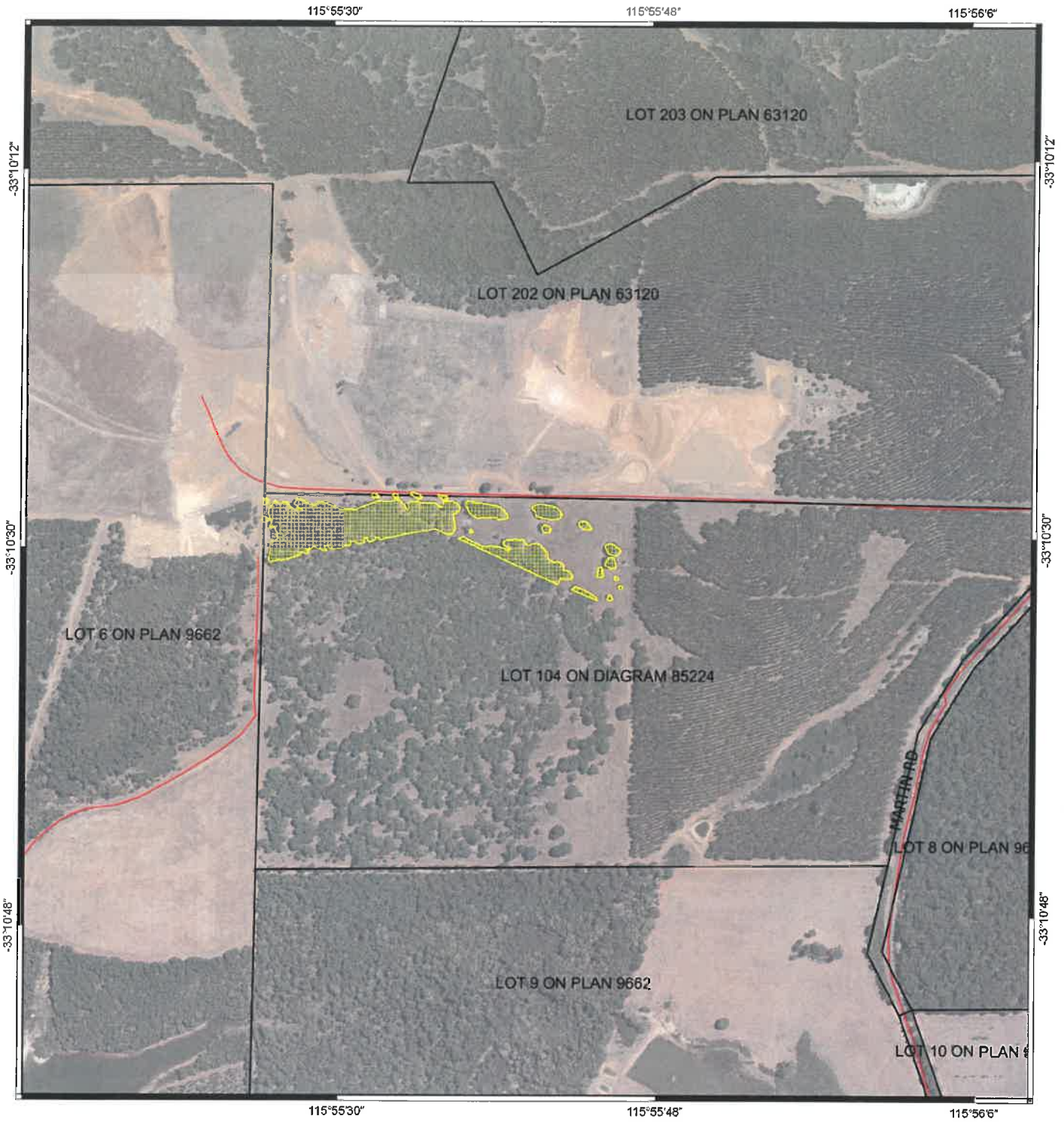


Mathew Gannaway
MANAGER
NATIVE VEGETATION REGULATION


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

9 July 2018

Plan 7754/1a



Legend

 CPS areas approved to clear
base layers

 Cadastre

 roads

Virtual Mosaic - WA Now



200 0 200 m



MGA94

Geocentric Datum of Australia 1994

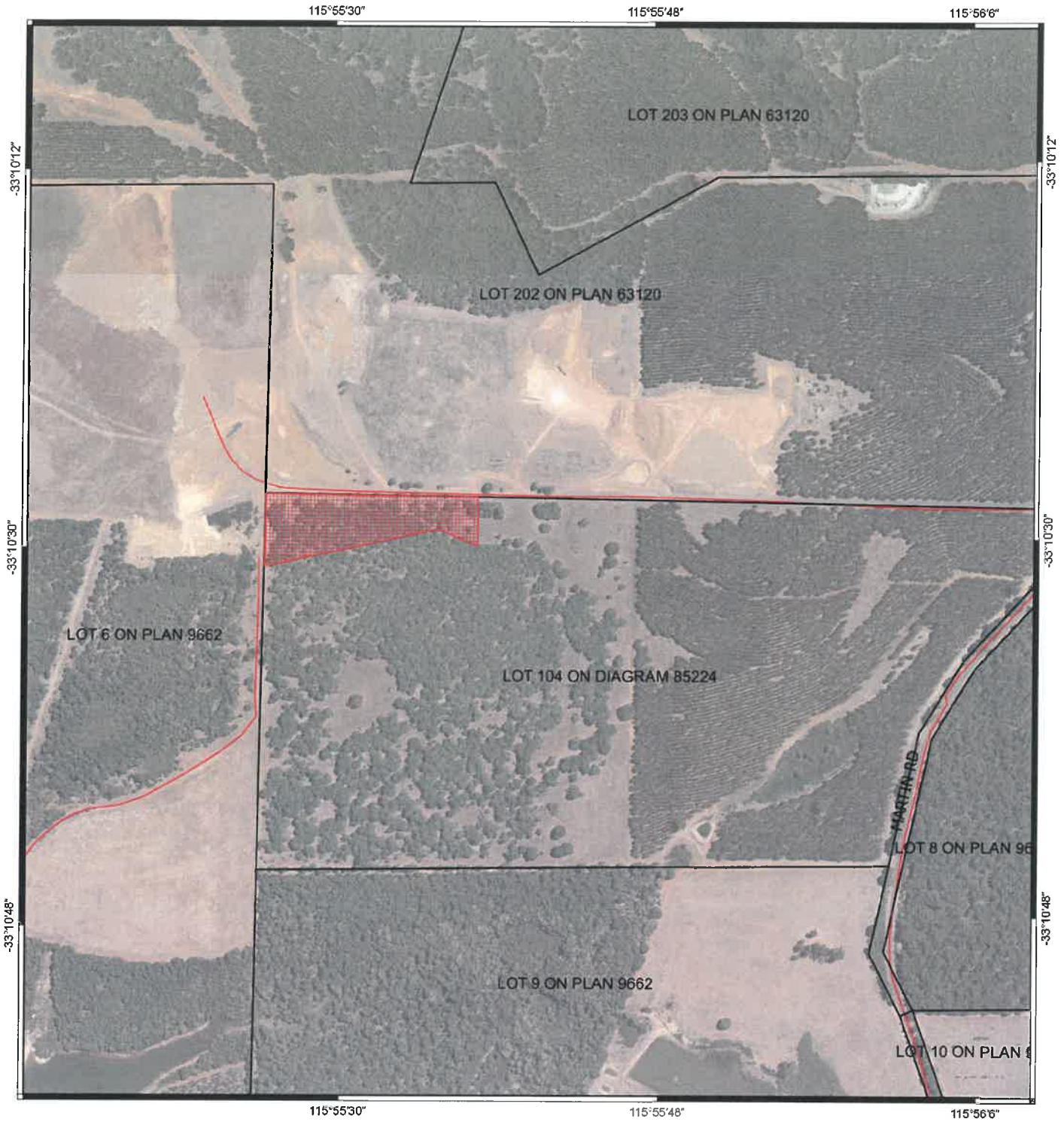
AKS Date: *9/7/2018*
Mathew Gannaway

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







GOVERNMENT OF
WESTERN AUSTRALIA

Plan 7754/1b



Legend


-  Area subject to conditions
-  base layers
-  Cadastre
-  roads
- Virtual Mosaic - WA Now



200 0 200 m.



MGA94
Geocentric Datum of Australia 1994

 Date: 9/7/2015

Mathew Gannaway

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



GOVERNMENT OF
WESTERN AUSTRALIA



1. Application details

1.1. Permit application details

Permit application No.: 7754/1
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: B and J Catalano Pty Ltd
Application received date: 06 September 2017

1.3. Property details

Property: Lot 104 on Diagram 85224
Local Government Authority: Harvey, Shire of
Localities: Brunswick

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
2.3	-	Mechanical Removal	Extractive industry

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 9 July 2018
Reasons for Decision: The clearing application has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986*, and it has been concluded that the proposed clearing is not likely to be at variance to any of the clearing principles.

The Delegated Officer has had regard to specialist advice received from the Department of Biodiversity, Conservation and Attractions and a site inspection of the application area undertaken by the former Department of Environment Regulation.

Based on the predominantly degraded condition of the application area, close proximity to extensive areas of native vegetation in better condition, lack of fauna habitat and lack of flora values, the Delegated Officer considers that the proposed clearing represents a low risk and is unlikely to result in unacceptable impacts to the environment.

Given the above, the Delegated Officer decided to grant a clearing permit.

As the proposed clearing is for a temporary land use, a rehabilitation management condition has been placed on the permit. Weed and dieback management condition's will also ensure that impacts to adjoining vegetation are minimised.

2. Site Information

Clearing Description	The clearing of 2.3 hectares of native vegetation within Lot 104 on Diagram 85224, Brunswick, is for the purpose of gravel extraction.
Vegetation Description	<p>The application area is mapped within South West Vegetation association D1 - Open forest of <i>Eucalyptus marginata</i> subsp. <i>marginata</i> - <i>Corymbia calophylla</i> on lateritic uplands in mainly humid and subhumid zones (Government of Western Australia, 2017).</p> <p>A site inspection of 1.3 hectares of the application area was conducted for a previous permit application by then Department of Environment Regulation (DER)(DER site inspection) officers, which described the vegetation as an Open forest of <i>Eucalyptus marginata</i> and <i>Corymbia calophylla</i> with little to no mid or understorey present (DER, 2016).</p>
Vegetation Condition	<p>The application area is predominantly in a degraded (Keighery, 1994) condition. The condition of the vegetation was determined through the DER site inspection (DER, 2016).</p> <p>Degraded; Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).</p>
Comment	The local area is defined as a 10 kilometre radius measured from the outside of the application area.

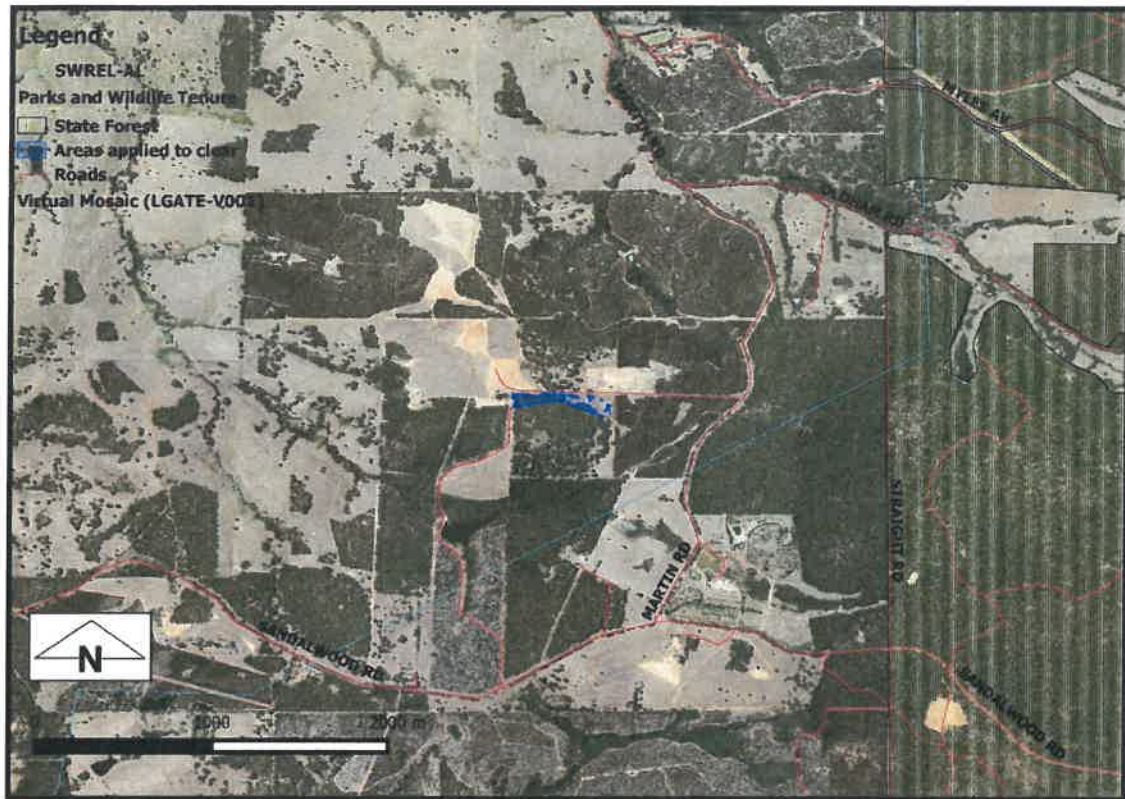


Figure 1: Location of application area in relation to SWERL linkage and DBCA tenure.

3. Minimisation and mitigation measures

The location of the application area has been determined by the applicant based on the availability of extraction resources. No further minimisation or mitigation measures have been provided.

4. Assessment of application against clearing principles

As assessed under Section 2, the application is to clear 2.3 hectares of native vegetation within Lot 104 on Diagram 85224, Brunswick is for the purpose of gravel extraction. The application area occurs on the edge of a larger remnant of native vegetation covering approximately 150 hectares (Figure 1).

An DER site inspection noted that (DER, 2016):

- The understorey consists predominantly of weeds with little to no native species present;
- Although small hollows were observed, no trees suitable for breeding with no large hollows suitable for black cockatoo breeding identified within the application area; and
- No wetlands watercourses or riparian vegetation was observed.

The local area retains 45 per cent native vegetation. The application area occurs adjacent to a large remnant of vegetation in a better condition than the application area (Figure 1).

The Department of Biodiversity Conservation and Attractions advised that (DBCA, 2017):

- The application will not impact on any flora or vegetation that is currently listed as threatened; and
- The application area may provide breeding, roosting and foraging habitat to black cockatoo species.

A Black Cockatoo Habitat assessment undertaken on behalf of the applicant, and subsequent survey of the remainder of the application area concluded that (Harewood, 2016; Lundstrom, 2017):

- 37 trees with a DBH greater than 50 centimetres are present within the application area;
- 34 of these did not contain a hollow;
- the remaining three contained small hollows that were not deemed suitable for use by Black cockatoos;
- evidence of two species of Black cockatoo foraging on site was recorded; and
- no roosting trees were identified.

As no suitable hollows for black cockatoos are present within the application area, significant vegetation in a better condition is present in the local area and given the lack of understorey forming foraging habitat, the vegetation under application is not likely to form significant habitat for Black cockatoos. Revegetation of the area post extraction will also minimise the long term impacts to these species.

Noting the absence of mid and understorey species and given DBCA's advice, the proposed clearing is not considered likely to impact on threatened or priority flora or ecological communities.

Due to the presence of larger remnants of native vegetation in a better condition within the local area (Figure 1) and condition of the vegetation under application, it is unlikely to represent significant fauna habitat.

The vegetation under application is mapped within close proximity to a mapped South West Regional Ecological Linkage (Molloy et al. 2009)(Figure 1). These linkages are recognised for their significance in facilitating indigenous fauna movement across the landscape (Molloy et al. 2009). The proposed clearing may contribute to the degradation or disruption of this linkage and subsequently reduce fauna dispersal capabilities in the local area. However, given the condition of the application area, as it occurs on the edge of a remnant and will not increase the exposed distance fauna are required to travel, clearing the application area is not likely to impact on the viability of the linkage or the movement of fauna across the landscape. Revegetation of the area post extraction will also minimise the long term impacts to this linkage.

The national objectives and targets for biodiversity conservation includes a target that prevents the clearance of ecological communities with an extent below 30 per cent of that present pre-European settlement (Commonwealth of Australia, 2001). As the mapped vegetation association and local area retain above 30 per cent native vegetation (86 per cent and 40 per cent respectively), the application area is not considered to be within an extensively cleared area.

The closest conservation reserve occurs 1.7 kilometres from the application area. As the vegetation under application will not fragment or reduce the viability of this reserve, the local area is highly vegetated, given the comparatively small size of the application area and as adjoining vegetation provides a buffer to the conservation estate, the proposed clearing is unlikely to impact on the environmental values of nearby conservation areas.

As no wetlands or watercourses are mapped within the application area and given the amount of vegetation within the local area, the proposed clearing is not likely to impact on riparian vegetation, contribute to or cause land degradation, deteriorate the quality of ground water or surface water and is not likely to cause or exacerbate flooding.

As the proposed clearing is for a temporary land use, the applicant will be required to rehabilitate and revegetate the cleared area at the completion of extraction. Suitable revegetation is likely to return Black Cockatoo foraging habitat and fauna habitat to the cleared area.

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

5. Assessment of application against Planning instruments and other relevant matters

No Aboriginal sites of significance have been mapped within the application area.

The clearing permit application was advertised on the DWER website on 10 October 2017 with a 21 day submission period. No public submissions have been received in relation to this application.

On 3 May 2016 application CPS 7059/1 was received from the applicant for 1.3 hectares that overlaps the current application area. On 5 August 2016 the applicant was sent an agreement to grant the clearing permit contingent on the receipt of an extractive industry licence (EIL) from the Shire of Harvey. On 29 May 2017 the application was withdrawn as the EIL had not yet been obtained.

On 19 June 2018, the Shire of Harvey granted development approval for the proposed extraction site subject to conditions including:

- Compliance with the approved Dust, Weed and Noise Management Plan; and
- Compliance with the approved Rehabilitation Plan.

6. References

- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- Department of Biodiversity Conservation and Attractions (DBCAs)(DBCAs, 2017) Advice received in relation to clearing permit application CPS 7754/1. Received 14 November 2017 (DWER ref: A1575111).
- Department of Environment Regulation (2016) Site Inspection Report for Clearing Permit Application CPS 7059/1. Site inspection undertaken 5 July 2016. Department of Environment Regulation, Western Australia (DWER Ref. A1134675).
- Government of Western Australia (2017) 2016 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of December 2017. WA Department of Parks and Wildlife, Perth.
- Harewood (2016) Black Cockatoo Habitat Assessment of Proposed Gravel Extraction Area, Lot 104 Martin Road Mornington. Greg Harewood. Western Australia. DER 2016/000673.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Lundstrom (2018) Email correspondence received from Mr Mike Lundstrom in relation to clearing permit application CPS 7754/1. Received 9 January 2018 (DWER ref: A1567476).
- Molloy, S., Wood, J., Hall, S., Wallrodt, S. and Whisson, G. (2009) South West Regional Ecological Linkages Technical Report. DEC, WALGA and Planning South West.
- Shire of Harvey (2017) Advice received from the Shire of Harvey in relation to clearing permit application CPS 7754/1. Received 20 October 2017 (DWER ref: A1547602).

GIS Databases Accessed:

- SAC Biodata Sets 2018
- Hydrography, linear
- Hydrography, hierarchy
- Wetlands

- DEC Tenure
- DER/DPAW Managed Lands
- DPAW Operations Dieback
- Aboriginal sites register system
- Town planning scheme zones
- WA Aerial Imagery