



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 8137/1
Permit Holder:	Triple M Transport (WA) Pty Ltd
Duration of Permit:	13 December 2019 – 13 December 2034

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 extractive industry.
- 2. Land on which clearing is to be done**
Lot 502 on Deposited Plan 735450, Dalyup
- 3. Area of Clearing**
The Permit Holder must not clear more than 8.301 hectares of native vegetation within the area hatched yellow on attached Plan 8137/1.
- 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. Type of clearing authorised**
The Permit Holder shall not clear any native vegetation after 13 December 2029.

PART II – MANAGEMENT CONDITIONS

- 6. Avoid, minimise 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.
- 7. Dieback and weed management**
When undertaking any clearing 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 known *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) within 3 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;
 - (ii) ripping the ground on the contour to remove soil compaction;
 - (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 cleared area(s).
- (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.

PART III - RECORD KEEPING AND REPORTING

9. Records must be kept

The Permit Holder must maintain the following records for activities done in pursuant to this Permit:

- (a) In relation to the clearing of native vegetation authorised under this Permit:
 - (i) 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;
 - (ii) the date that the area was cleared; and
 - (iii) 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 the Permit.
- (c) Actions taken to minimise the risk of the introduction and spread of *weeds* and *dieback* in accordance with condition 7 of the 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 13 September 2034, 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;

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 50 kilometres and the same Interim Biogeographic Regionalisation for Australia (IBRA) subregion of the area cleared;

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;

fill means material used to increase the ground level, or fill a hollow;

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; 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 a Department of Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking 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*

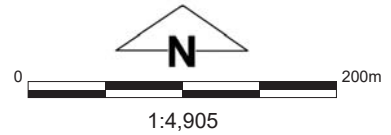
13 November 2019

Plan 8137/1




Legend

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



(Approximate when reproduced at A4)
GDA 94 (Lat/Long)
Geocentric Datum of Australia 1994

 Date 13/11/2019
Mat Gannaway

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



1. Application details

1.1. Permit application details

Permit application No.: 8137/1
Permit type: Area Permit

1.2. Applicant details

Applicant's name: Triple M Transport (WA) Pty Ltd
Application received date: 16 July 2018

1.3. Property details

Property: Lot 502 on Deposited Plan 73450, Dalyup
Local Government Authority: Esperance, Shire of
Localities: Dalyup

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 13 November 2019

Reasons for Decision: 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* (EP Act). It has been concluded that the proposed clearing is not likely to be at variance with any of the clearing principles.

The applicant has avoided and minimised impacts through amending the clearing area to avoid priority flora.

The Delegated Officer also took into consideration that an extractive industry licence has been approved by the Shire of Esperance for the proposed extractive industry and revegetation of the cleared area post extraction will occur.

Given the above, the Delegated Officer decided to grant a clearing permit subject to weed and dieback management, staged clearing and revegetation post extraction conditions.

2. Site Information

Clearing Description	The application is to clear 8.301 hectares (ha) of native vegetation within Lot 502 on Deposited Plan 73450, Dalyup, for the purpose of gravel extraction.
Vegetation Description	<p>The vegetation within the application area is mapped within Beard vegetation association 42 which is described as shublands; mallee and acacia scrub on south coastal dunes (Shepherd et al., 2001).</p> <p>A flora survey of the application area recorded two vegetation types (Esperance Wildflower Society, 2017):</p> <ul style="list-style-type: none">• <i>Pultenaea heterochila</i> open heath or low shrubland on limestone; and• <i>Anthocercis littorea</i> open scrub to tall shrubland on deep sands.
Vegetation Condition	<p>Vegetation condition within this assessment has been assessed using the vegetation condition scale developed by Keighery (1994). All references to vegetation condition throughout this assessment therefore, reference this scale.</p> <p>The flora survey of the application area recorded the vegetation in an excellent condition, which described as vegetation structure intact; disturbance affecting individual species; weeds are non-aggressive species.</p>
Soil type	The mapped soil type within the application is Tooregullup 1 Subsystem, which is described as calcareous uniform sands on parabolic dunes (DPIRD, 2019).
Local Area	The local area is defined as 10 kilometre radius from the perimeter of the application area.



Figure 1: Application area cross hatched in blue

3. Minimisation and mitigation measures

The applicant advised through supporting documentation with the application that there are few alternative resources within the area (Triple M Transport (WA) Pty Ltd, 2018).

The applicant has avoided and minimised impacts through amending the application area to avoid *Austrostipa echinata*.

4. Assessment of application against clearing principles

The vegetation under application occurs within a highly vegetated area, with the local area retaining 96.99 per cent native vegetation. A flora survey of the application area recorded 77 flora species from 36 families, which is considered consistent with the surrounding vegetation. The flora survey did not find the vegetation to be consistent with a state or Commonwealth listed threatened or priority ecological community (TEC or PEC) and did not record any rare flora within the application area (Esperance Wildflower Society, 2017). Given this, rare flora, a TEC or PEC is not likely to be impacted by the proposed clearing.

One species, *Austrostipa mundula*, listed as Priority 3 by the Department of Biodiversity Conservation and Attractions (DBCA) was recorded within the application area. *Austrostipa mundula* is known from 15 records along the coast from Perth to Caiguna. The record within the application area is within the known range of the species. This species was recorded scattered across limestone substrate and was also recorded in greater density within the surrounding vegetation (Esperance Wildflower Society, 2017). Given the presence of individuals in greater density within adjoining vegetation and the location within its known range, the occurrence within the application area is not likely to be significant. Removing the vegetation within the application area is not likely to impact on the conservation status of the species.

The initial flora survey of the application area recorded the flora species *Austrostipa echinata*, a species not previously recorded in Western Australia, within the original application area. *Austrostipa echinata* was listed as Priority flora in January 2019, as it is only known from a small number of plants at a single location in WA, although it is also found in coastal and near coastal areas in South Australia where it is listed as Near Threatened (DBCA, 2019). A subsequent targeted flora survey of the application area identified five separate 'clumps' of this species within and adjacent to the application area totalling 37 plants (Esperance Wildflower Society, 2019). The applicant has indicated that this population is introduced through drilling machinery from the eastern states and that the population is not naturally occurring. Expert botanist advice has been received stating that it is considered for this population to be naturally occurring (DBCA, 2019). The applicant has amended the application area to avoid this species. A 10 metre buffer between the proposed clearing and the location of *Austrostipa echinata* has been provided.

Two threatened and 2 Priority 4 fauna species have been recorded within the local area. As these species are associated with wetland environments, which are not present within the application area, they are not likely to be impacted by the proposed clearing. Given this, and the extent of adjoining vegetation, the proposed clearing is not likely to contain significant fauna habitat.

No watercourses or wetlands have been mapped within the application area and the flora survey did not record riparian vegetation within the application area (Esperance Wildflower Society, 2017). Given this, the extent of adjoining vegetation and as the cleared area will be maintained as an extraction site, the proposed clearing is not likely to impact on riparian vegetation, cause land degradation, impact on the quality of surface or ground water and is not likely to cause or exacerbate flooding.

The proposed clearing is not likely to be at variance with any of the clearing Principles.

Planning instruments and other relevant matters

The applicant holds a current extractive industry licence from the Shire of Esperance and expires on the 10 May 2037. The proposed final land use is to return the site to local native vegetation. An approved revegetation plan is in place (Triple M Transport (WA) Pty Ltd, 2018).

The application occurs within a Priority 1 zone of a Public Drinking Water Source area. Extractive industry is a supported land use within this zone (DWER, 2019).

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

The clearing permit application was advertised on the DWER website on 10 August 2018 with a 21 day submission period. No public submissions have been received in relation to this application.

5. References

- DBCA (2019) Expert Flora advice for clearing permit application CPS 8137/1. Department of Biodiversity, Conservation and Attractions, Government of Western Australia. DWER ref A1771749
- DPIRD (2019) NRInfo Digital Mapping. Department of Primary Industries and Regional Development. Government of Western Australia. URL: **Error! Hyperlink reference not valid.** (accessed July 2019).
- DWER (2019) Water planning advice for clearing permit application CPS 8137/1. Department of Water and Environmental Regulation, Government of Western Australia. DWER ref DWERDT90150
- Esperance Wildflower Society (2017) Flora survey Report Mining lease M63/602 East of Quallilup lake, Dalyup. DWER Ref A1704040
- Esperance Wildflower Society (2019) Flora survey Report Mining lease M63/602 East of Quallilup lake, Dalyup. Supplementary report *Austrostipa echinata* and *A. mundula*. DWER ref A1793152
- Government of Western Australia (2018) 2017 South West Vegetation Complex Statistics. Current as of October 2017. WA Department of Biodiversity, Conservation and Attractions, 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.
- 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
- Triple M Transport (WA) Pty Ltd (2018) Clearing permit application and supporting documentation CPS 8137/1. DWER ref A1704033

GIS databases:

- CPS Areas applied to clear
- NatureMap (conservation significant fauna)
- DAFWA Subsystems V5
- Soils of WA
- Vegetation Complexes – Swan Coastal Plain
- Managed Tenure
- Environmentally Sensitive Areas
- TPFL Data August 2019
- WAHerb Data August 2019
- Aboriginal Sites Register
- IBRA Vegetation WA
- WA TECPEC
- Land Degradation Hazards