



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 8875/1
Permit Holder:	Holcim (Australia) Pty Ltd
Duration of Permit:	16 July 2020 – 16 July 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 pit development for the Esperance Quarry.

2. Land on which clearing is to be done

Lot 835 on Plan 230232, Myrup

3. Area of Clearing

The Permit Holder must not clear more than 1.4 hectares of native vegetation within the area cross-hatched yellow on attached Plan 8875/1.

4. Period in which clearing is authorised

The Permit Holder shall not clear any native vegetation after 16 July 2025.

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. Type of clearing authorised

The Permit Holder shall not clear native vegetation unless the purpose for which the clearing is authorised is enacted within 3 months of the clearing being undertaken.

7. 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:

- 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

- (a) 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*:
- (i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
 - (ii) shall only move soil in *dry conditions*;
 - (iii) ensure that no *dieback* or *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
 - (iv) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.
- (b) At least once in each 12 month period for the *term* of this Permit, the Permit Holder must remove or kill any *weeds* growing within areas cleared under this permit

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 in an area that has already been cleared.
- (b) within 6 months following completion of extractive activities, revegetate and rehabilitate the area hatched yellow, with the exception of the pit void, on attached Plan 8875/1 by:
- (i) re-shaping the surface of the land so that it is consistent with the surrounding 5 metres of uncleared land; and
 - (ii) laying the vegetative material and topsoil retained under condition 9(a) on the cleared area
- (c) within 24 months of laying the vegetative material and topsoil on the cleared area 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, *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 9(c)(ii) of this permit, the Permit Holder shall repeat condition 9(c)(i) and 9(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 9(c)(i) and 9(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 9(c)(ii), the CEO may require the Permit Holder to undertake additional *planting* and *direct seeding* in accordance with the requirements under condition 9(c)(ii).

PART III - RECORD KEEPING AND REPORTING

10. Record keeping

The Permit Holder must maintain the following records in relation to the clearing of native vegetation authorised under 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 or decimal degrees;
 - (iii) the date(s) that the area was cleared;
 - (iv) the size of the area cleared (in hectares);

- (v) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 7 of this Permit; and
 - (vi) actions taken to minimise the risk of the introduction and spread of *dieback* and *weeds* in accordance with condition 8 of this Permit.
- (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 July to 30 June of the preceding financial year.
- (b) If no clearing authorised under this Permit was undertaken between 1 July to 30 June of the preceding financial 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 16 April 2030, 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:

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 is engaged by the Permit Holder for the purpose of providing environmental advice, 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;

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

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Ryan Mincham
MANAGER
NATIVE VEGETATION REGULATION

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

23 June 2020

Plan 8875/1

121°55'12.000"E

33°46'12.000"S



33°46'12.000"S

121°55'12.000"E

Legend

CPS layers

 CPS areas approved to clear

base layers


 Road Centrelines

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Officer delegated under section 20 of the
Environmental Protection Act 1986



GOVERNMENT OF
WESTERN AUSTRALIA



Clearing Permit Decision Report

1. Application details

Permit application details

Permit application No.: 8875/1
Permit type: Purpose Permit

Applicant details

Applicant's name: Holcim (Australia) Pty Ltd
Application received date: 16 April 2020

Property details

Property: Lot 835 on Plan 230232, Myrup
Local Government Authority: Shire of Esperance
Localities: Myrup

Application

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

Decision on application

Decision on Permit Application: Grant
Decision Date: 23 June 2020
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*. It has been concluded that the proposed clearing may be at variance with principle (e), and is not likely to be at variance with the remaining clearing principles.

Through assessment it was identified that vegetation in the application area is within an extensively cleared landscape, with less than 30 per cent of remnant vegetation within the local area. The application area also forms a minor component of an ecological linkage. A previous permit for the application area (CPS 3015/4) included an offset to mitigate the impacts to principle (e), with a conservation covenant placed on 1.4 hectares of adjacent land. It was determined that this offset was suitable to mitigate the impacts assessed under principle (e).

In determining to grant a clearing permit, the Delegated Officer determined that potential impacts to adjacent vegetation and conservation areas can be adequately minimised and/or avoided by imposing weed and dieback management conditions, as well as through the implementation of revegetation conditions on the permit.

The Delegated Officer determined that the proposed clearing is unlikely to lead to any unacceptable risk to the environment.

2. Site Information

Clearing Description The application is to clear 1.4 hectares of native vegetation within Lot 835 on Plan 230232, Myrup, for the purpose of works associated with extractive industries (Figure 1). The majority of the application area has been previously cleared under CPS 3015/4.

Vegetation Description Flora and vegetation surveys of the application area have been undertaken in December 2007, June 2008 and October 2008 by Mattiske Consulting (Mattiske, 2008a, 2008b, 2008c), with targeted flora survey based on a desktop assessment undertaken in 2007 by Bennett Consulting (2007). Although the surveys were undertaken over 12 years ago, the application area has been cleared; as such it was determined that these surveys were suitable for the purpose of assessing the environmental values of the application area.

Based on flora and vegetation surveys of the application area, the vegetation consisted of predominantly closed heathland, with small areas of scrub and low open woodland (Umwelt, 2009).

The broad scale mapping of the application area is Recherche (931), characterised by Medium woodland of Yate (Shepherd *et al.*, 2001).

Vegetation Condition Based on vegetation surveys of the application area the vegetation condition ranged from Excellent; vegetation structure intact, disturbance affecting individual species and weeds are non-aggressive species to

Degraded; basic vegetation structure severely impacted by disturbance, scope for regeneration but not to a state approaching good condition without intensive management (Keighery, 1994).

Approximately 30 per cent of the vegetation was disturbed and in a Degraded condition (Umwelt, 2009). Clearing has been undertaken within the application area under CPS 3015/1 (Figure 1).

Soil and Landform Type: The application area is mapped as Esperance 4R Phase - Rock outcrops (granite) (Schoknecht *et al.*, 2004).

Comments: The local area referred to in the assessment of this application is defined as a 20 kilometre radius measured from the perimeter of the application area. The local area retains 29.55 per cent remnant vegetation.



Figure 1: Application area

3. Avoidance and minimisation measures

The application relates to land already cleared under a previous permit (CPS 3015/4). The applicant has noted that clearing is limited to the pit to target the resource. No other alternatives are available.

4. Assessment of application against clearing principles

(a) Native vegetation should not be cleared if it comprises a high level of biological diversity.

Proposed not likely to be at variance with this principle

Flora and vegetation surveys previously undertaken within the application area and surrounding vegetation identified one species listed as conservation significant, Priority 3 *Styphelia pentapogona* (sny. *Astroloma microphyllum*) and a significant range extension of *Eucalyptus macrandra* and *Drosera platystigma* (Umwelt, 2009). The *S. pentapogona* individual was located approximately 25 metres from the application area and determined to not be significantly impacted by the proposed clearing. *D. platystigma* was recorded at four locations, one of which was within the application area. Approximately 54 per cent of the population of *E. macrandra* (93 individuals) was recorded within the application area.

Previous clearing permits (CPS 3015/1 to CPS 3015/4) authorised the clearing of native vegetation within the application area; as such the application area contains regrowth. An assessment of the conservation significant flora species in the local area was undertaken, noting that of the 40 conservation significant species considered in the previous survey, 32 are still listed as significant (eight are no longer listed as conservation significant), and 14 were identified as occurring within the local area. A total of 31 conservation significant species were identified in the desktop assessment which were not targeted in the 2008 survey. Based on the soil type (granite outcrop) and disturbed nature of the application area, the habitat was determined to be unsuitable

for the 31 species of conservation significant flora not targeted in the previous flora survey (Western Australian Herbarium, 1998-).

Given the application area contains regrowth vegetation, is not likely to provide significant habitat for fauna.

Two Priority Ecological Communities have been recorded in the local area, Proteaceae dominated kwongkan shrublands of the southeast coastal floristic province of Western Australia (Kwongkan Shrubland; Priority 3) and Subtropical and Temperate Coastal Saltmarsh (Priority 3). Vegetation communities mapped during the 2008 flora survey indicate that there are consistencies in vegetation composition between the mapped heathland community within the application area and the Kwongkan Shrubland PEC. However, granite outcrops associated with the application area are not listed as soil that this community typically occurs on (Department of the Environment, 2014).

(b) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna.

Proposed clearing not likely to be at variance with this principle

A total of 48 conservation significant fauna species have been recorded in the local area; 40 of these species are associated with coastal habitat or wetlands and it was determined that the application area does not provide suitable habitat for these species. Additionally, the application area was determined to be unsuitable for malleefowl (*Leipoa ocellata*), which are associated with Mallee and acacia shrublands more than heathland communities and need sandy soils and thick leaf litter for breeding (Benshemesh, 2007).

Of the seven species for which the application area may provide suitable habitat, it was determined that the proposed clearing was not likely to provide significant habitat, based on the wide distribution of habitat and mobility of the species. There are 149 records of Carnaby's Black Cockatoo (*Calyptorhynchus latirostris*) in the local area, with the closest confirmed roosting site located 4.8 km from the application area. Although the application area likely provided suitable foraging habitat prior to the clearing under CPS 3015/4, it has been cleared recently and is no longer likely to be providing foraging value.

(c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, Threatened flora.

Proposed clearing is not likely at variance with this principle

One Threatened flora species has been recorded in the local area, *Anigozanthos bicolor* subsp. *minor*, however the habitat was not determined to be suitable, with this species persisting in moist sandy soils not consistent with the application area (DEC, 2008).

(d) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community.

Proposed clearing is not likely to be at variance with this principle

No ecological communities listed as Threatened under the *Biodiversity Conservation Act* 2016 have been recorded in the local area.

(e) Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.

Proposed clearing may be at variance with this principle

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).

In assessing the risk of further loss and subsequent cumulative effects, consideration has been given to the extent of native vegetation remaining and what is currently managed as conservation estate. As indicated in Table 1, the current vegetation extents for the bioregion, and the mapped vegetation complex are above the 30 per cent threshold. The local area however retains less than 30 per cent, with 29.55 per cent remaining. The application area also forms a minor component of an ecological corridor through the landscape. However, the previous application CPS 3015/4 had offsetting requirements associated with principle (e). A 1.4 hectare parcel of land adjacent has been registered as an offset, with a conservation covenant (memorial L435290) under the *Soil and Land Conservation Act 1945* placed over the area (Figure 2). Although the proposed clearing may be at variance with this principle, the application area has already been offset through previous permits which cover the same area.

Table 1: Vegetation representation statistics (Government of Western Australia, 2018)

	Pre-European (ha)	Current Extent (ha)	Remaining (%)	Current Extent in DBCA Managed Lands	
				(ha)	(%)
IBRA Bioregion					
Esperance Plains	2,899,940.66	1,494,450.87	51.53	814,612.00	28.09
Beard Vegetation Association					
931	31,742.71	14,269.49	44.95	2,022.84	6.37

Beard vegetation association in LGA					
	5,296.57	1,745.39	32.95	160.79	3.04
Local area					
	102,318.7	30,235.18	29.55	-	-

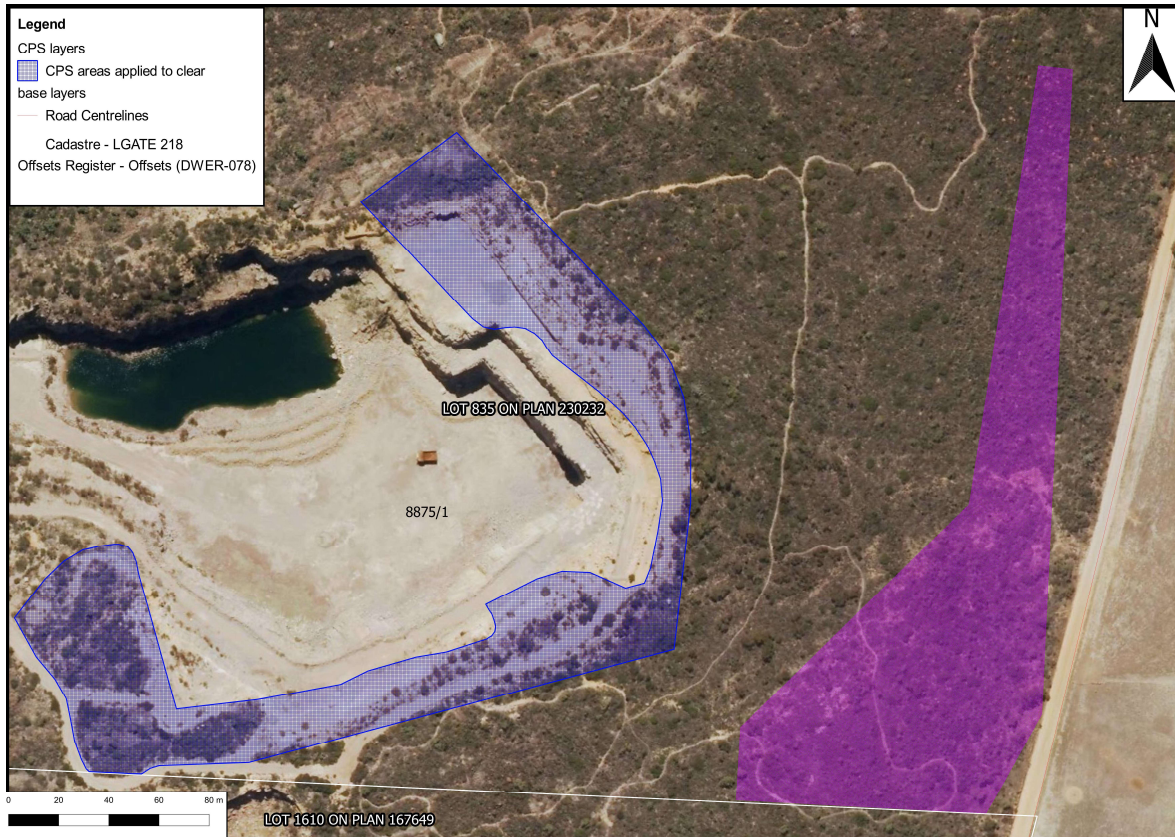


Figure 2: Application area and the registered offset for principle (e) under CPS 3015/4, which encompassed the same area.

(f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.

Proposed clearing is not likely to be at variance with this principle

The application area is located approximately 155 m from Coramup Creek. Based on the flora and vegetation survey of the application area and the topography, the vegetation within the application area was not consistent with riparian vegetation; the proposed clearing is not associated with a wetland or watercourse.

(g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.

Proposed clearing is not likely to be at variance with this principle

Based on the low land degradation risk associated with the mapped soil type and the small size of the application area, the proposed clearing is not likely to cause appreciable land degradation.

(h) Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.

Proposed clearing not likely to be at variance with this principle

The closest conservation area, Woody Lake Nature Reserve, is located 1.2 km south of the application area; the proposed clearing is not likely to impact on conservation areas located nearby.

(i) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.

Proposed clearing not likely to be at variance with this principle

Based on the small size of the application area, the proposed clearing is not likely to impact on the quality of surface or groundwater.

(j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.

Proposed clearing not likely to be at variance with this principle

Based on the small size of the application area the proposed clearing is not likely to cause or exacerbate flooding.

Planning instruments and other relevant matters.

A previous clearing permit for the application area (CPS 3015/4) was valid from May 2009 to 2 May 2019. One incident was lodged associated with this clearing permit (ICMS 27379) with no annual reports received as of January 2013. This matter was closed out by the Department of Water and Environmental Regulation's (DWER) Compliance and Enforcement section

An Extractive Industry Licence and Development approval for this land use have been issued

It is the permit holder's responsibility to comply with the *Aboriginal Heritage Act 1972* (WA) and ensure that no Aboriginal Sites of Significance are damaged through the clearing process. Two Aboriginal sites of significance have been recorded within the application area:

- Coramup Camp (1639) – Registered site; and
- Bukenerup Road Camp (1644) – Stored data/not a site.

The clearing permit application was advertised on the DWER website on 30 April 2020 with a 21 day submission period. No submissions were received in relation to this clearing permit application.

4. References

- Bennett Environmental Consulting Pty Ltd (Bennett) (2007). Desktop Study for Readymix Esperance Lease (Esperance Location 835). Report prepared for Readymix.
- Benshemesh, J. (2007). National Recovery Plan for Malleefowl. Department for Environment and Heritage, South Australia.
- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- Department of Environment and Conservation (DEC) (2008). Small Two-coloured Kangaroo Paw (*Anigozanthos bicolor* subsp. *minor*) Recovery Plan 2006-2011. Interim Recovery Plan No. 223. Department of Environment and Conservation, Perth, Western Australia.
- Department of the Environment (2014). Approved Conservation Advice for Proteaceae Dominated Kwongan Shrublands of the southeast coastal floristic province of Western Australia. Canberra: Department of the Environment.
- Government of Western Australia. (2018) 2017 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of December 2017. WA Department of Biodiversity, Conservation and Attractions.
- Mattiske Consulting Pty Ltd (Mattiske) (2008a) Flora and Vegetation Survey for the Esperance Quarry Expansion Area, May 2008. Report prepared for Umwelt (Australia) Pty Ltd.
- Mattiske Consulting Pty Ltd (Mattiske) (2008b) Flora and Vegetation Survey for the Esperance Quarry Expansion Area, November 2008. Report prepared for Umwelt (Australia) Pty Ltd.
- Mattiske Consulting Pty Ltd (Mattiske) (2008c) Flora Search for *Eucalyptus macrandra* in and around the CEMEX Esperance Quarry. Report prepared for Umwelt (Australia) Pty Ltd.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Schoknecht, N., Tille, P. and Purdie, B. (2004) Soil-landscape mapping in South-Western Australia – Overview of Methodology and outputs' Resource Management Technical Report No. 280. Department of Agriculture.
- 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.
- Umwelt (2009) Esperance Quarry Assessment of Proposed Clearing. Prepared by Umwelt (Australia) Pty Ltd on behalf of CEMEX Australian Pty Ltd.
- Western Australian Herbarium (1998-) FloraBase - the Western Australian Flora. Department of Biodiversity, Conservation and Attractions. <https://florabase.dpaw.wa.gov.au/> Accessed May 2020.

5. GIS Datasets

Publicly available GIS Databases used (data.wa.gov.au):

- Soil and Landscape Mapping – Best Available
- Directory of Important Wetlands in Australia – Western Australia (DBCA-045)
- IBRA Vegetation Statistics
- Remnant Vegetation
- Groundwater Salinity Statewide (DWER-026)
- Contours (DPIRD-073)
- Soil and Landscape Quality – Wind Erosion Risk (DPIRD-016)
- Soil and Landscape Quality – Water Erosion Risk (DPIRD-013)
- Soil and Landscape Quality – Waterlogging Risk (DPIRD-015)
- Soil and Landscape Quality – Water Repellence Risk (DPIRD-014)
- Soil and Landscape Quality – Subsurface Acidification Risk (DPIRD-011)
- Soil and Landscape Quality – Phosphorus Export Risk (DPIRD-010)
- Soil and Landscape Quality – Salinity Risk (DPIRD-009)
- Flood Risk (DPIRD-007)

- DBCA – Lands of Interest (DBCA-012)
- DBCA Legislated Lands and Waters (DBCA-011)
- Aboriginal Heritage Places (DPLH-001)
- Local Planning Scheme – Zones and Reserves (DPLH-071)

Restricted GIS Databases used:

- Threatened Flora (TPFL)
- Threatened Flora (WAHerb)
- Threatened Fauna
- TECs and PECs
- TECs and PECs (buffered)
- Black Cockatoo roost sites
- Black Cockatoo records