



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	8883/1
Duration of Permit:	From 9 January 2021 to 8 January 2036
Permit Holder:	Cockburn Cement Limited

The Permit Holder is authorised to clear native vegetation subject to the following conditions of this Permit.

PART I - CLEARING AUTHORISED

1. Land on which clearing is to be done

Mining Lease 70/311
Mining Lease 70/917

2. Purpose for which clearing may be done

Clearing for the purpose of sand mining and associated activities.

3. Area of Clearing

The Permit Holder must not clear more than 145.4 hectares of native vegetation. All clearing must be within the areas cross-hatched yellow or cross-hatched red on attached Plan 8883/1.

4. Type of Clearing Authorised – Staged Clearing

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

5. Type of Clearing Authorised - Erosion Management

The Permit Holder shall ensure that:

- (a) no more than 10 hectares within the Permit Area is *open for sand mining* at any one time; and
- (b) mined areas are progressively *rehabilitated*, in accordance with Condition 12 of this Permit.

6. Period in which clearing is authorised

The Permit Holder shall not clear any native vegetation after 8 January 2031.

7. 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

8. 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.

9. 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*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (b) ensure that no *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.

10. Flora Management

Prior to undertaking any clearing authorised under this Permit within the areas cross-hatched red on attached Plan 8883/1:

- (a) The Permit Holder shall engage a *botanist* to conduct a *targeted flora survey* of the Permit Area for the presence of threatened flora listed in the *Wildlife Conservation (Rare Flora) Notice* and *priority flora* in accordance with *EPA Technical Guidance*.
- (b) Prior to undertaking any clearing authorised under this Permit within the areas cross-hatched red on attached Plan 8883/1, the Permit Holder shall provide the results of the *targeted flora survey* in a report to the *CEO*.
- (c) If threatened or *priority flora* are identified within the Permit Area, the *targeted flora survey* report must include the following:
 - (i) the location of each threatened or *priority flora*, either as the location of individual plants, or where this is not practical, the areal extent of the population and an estimate of the number of plants, 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 species name of each threatened, or *priority flora* identified;
 - (iii) the methodology used to survey the Permit Area;
 - (iv) the extent of the identified threatened or *priority flora* shown on a map; and
 - (v) a site description of where the threatened or *priority flora* was found.
- (d) Where threatened or *priority flora* are identified in relation to Condition 10(a) of this Permit, the Permit Holder shall ensure that:
 - (i) no clearing occurs within 50 metres of identified threatened flora, unless first approved by the *CEO*;
 - (ii) no clearing of identified *priority flora* occurs, unless first approved by the *CEO*; and
 - (iii) no clearing occurs within 10 metres of identified *priority flora*, unless first approved by the *CEO*.

11. Fauna Management - Malleefowl

Where clearing authorised under this Permit is to occur between 1 September and 31 January, the Permit Holder shall:

- (a) Within two weeks prior to undertaking any clearing, engage an *environmental specialist* to conduct an inspection of the area to be cleared to identify *active (in use) Malleefowl (Leipoa ocellata) mounds*.
- (b) Where an *active (in use) Malleefowl mound* is identified under Condition 11(a) of this Permit, the Permit Holder shall ensure that no clearing occurs within 50 metres of the mound, during the months of September through to January, unless first approved by the *CEO*.

12. 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 12 months following clearing authorised under this Permit, *revegetate* and *rehabilitate* the areas 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; and
 - (ii) ripping the ground on the contour to remove soil compaction; and
 - (iii) laying the vegetative material and topsoil retained under Condition 12(a) on the cleared area.
- (c) within 4 years of undertaking *revegetation* and *rehabilitation* in accordance with Condition 12(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 12(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

13. Records to 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 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;
 - (ii) the date that the area was cleared;
 - (iii) the size of the area cleared (in hectares); and
 - (iv) purpose for which clearing was undertaken.
- (b) In relation to the *revegetation* and *rehabilitation* of areas pursuant to Condition 12 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; and
 - (iii) the size of the area *revegetated* and *rehabilitated* (in hectares).
- (c) actions taken to avoid, minimise and reduce the impacts and the extent of clearing in accordance with Condition 8 of this Permit; and
- (d) actions taken to minimise the introduction and spread of *weeds* in accordance with Condition 9 of this Permit.
- (e) actions taken in accordance with Condition 10 and Condition 11 of this Permit.

14. Reporting

- (a) The Permit Holder shall provide a report to the *CEO* by 1 October each year for the life of this Permit, demonstrating adherence to all conditions of this Permit, and setting out the records required under Condition 13 of this Permit in relation to clearing carried out between 1 July and 30 June of the previous financial year.
- (b) If no clearing authorised under this Permit was undertaken between 1 July and 30 June of the previous financial year, a written report confirming that no clearing under this permit has been carried out, must be provided to the *CEO* by 1 October of each year.
- (c) Prior to 8 January 2036, the Permit Holder must provide to the *CEO* a written report of records required under Condition 13 of this Permit where these records have not already been provided under Condition 14(a) or 14(b) of this Permit.

DEFINITIONS

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

active (in use) Malleefowl mound means a mound with evidence of current Malleefowl (*Leipoa ocellata*) activity, such as: working of the mound; scratching; litter trails leading to the mound; or loose uncompacted surfaces. The form and structure of the mound will show that it is currently being prepared for egg laying or it already contains eggs;

botanist means a person who holds a tertiary qualification in environmental science or equivalent, and has a minimum of 2 years work experience in identification and surveys of flora native to the bioregion being inspected or surveyed, or who is approved by the *CEO* as a suitable *botanist* for the bioregion;

CEO means the Chief Executive Officer of the Department responsible for administering the clearing provisions contained within the *Environmental Protection Act 1986* or an Officer with delegated authority under Section 20 of the *Environmental Protection Act 1986*;

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;

EPA Technical Guidance means Environmental Protection Authority (2016), *Technical Guidance - Flora and Vegetation Surveys for Environmental Impact Assessment*, EPA, Western Australia;

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;

open for sand mining means areas which have been cleared of vegetation under this Permit for the authorised purpose of sand mining, and which have not yet been *revegetated* and *rehabilitated* in accordance with Condition 12(b) of this Permit. This does not include areas which have been cleared of vegetation under this Permit for other activities associated with sand mining such as: roads, buildings and topsoil stockpiles;

planting means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired species;

priority flora means those plant taxa described as priority flora classes 1, 2, 3, or 4 in the Department of Biodiversity, Conservation and Attractions' *Threatened and Priority Flora List for Western Australia* (as amended);

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;

targeted flora survey means a field-based investigation, including a review of established literature, of the biodiversity of flora and vegetation of the Permit Area, focusing on habitat suitable for flora species that are being targeted and carried out during the optimal time to identify those species. Where target flora are identified in the Permit Area, the survey should also include sufficient surrounding areas to place the Permit Area into local context;

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.

Wildlife Conservation (Rare Flora) Notice means those plant taxa gazetted as a threatened flora pursuant to section 19(1) of the *Biodiversity Conservation Act 2016* (as amended).



Dan Endacott
General Manager Environmental Compliance
Resource and Environmental Compliance Division
17 December 2020

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