



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: CPS 9059/1
File Number: DWERVT6627
Duration of Permit: From 19 November 2022 to 19 November 2029

PERMIT HOLDER

Cotton Holdings Pty Ltd

LAND ON WHICH CLEARING IS TO BE DONE

Lot 333 on Plan 111125, Gwindinup

AUTHORISED ACTIVITY

The permit holder must not clear more than 0.185 hectares of *native vegetation* within the area cross-hatched yellow in Figure 1 of Schedule 1.

CONDITIONS

1. Period during which clearing is authorised

The permit holder must not clear any *native vegetation* after 19 November 2024.

2. Avoid, minimise, and reduce impacts and extent of clearing

In determining the *native vegetation* authorised to be cleared under this permit, the permit holder must apply the following principles, set out in descending 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.

3. Weed and dieback management

When undertaking any clearing authorised under this permit, the permit holder must take the following measures to minimise the risk of 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.

4. Retain vegetative material and topsoil, and rehabilitation

- (a) The permit holder must 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) The permit holder must within 12 months of undertaking *clearing* authorised under this permit and no later than 19 November 2025 *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 five metres of uncleared land;
 - (ii) ripping the ground on the contour to remove soil compaction; and
 - (iii) laying the vegetative material and topsoil retained under Condition 4(a) on the cleared area.
- (c) The permit holder must within 18 months of laying the vegetative material and topsoil on the cleared area in accordance with condition 4(b) of this Permit:
 - (i) engage an *environmental specialist* to determine the species composition, structure and density of the vegetation of area *revegetated* and *rehabilitated*; and
 - (ii) engage an *environmental specialist* to make a determination as to whether the composition, structure and density determined under condition 4(c)(i) of this Permit will, without further *revegetation*, result in a similar species composition, structure and density to that of pre-*clearing* vegetation types in that area.
- (d) If the determination made by the *environmental specialist* under condition 4(c)(ii) is that the species composition, structure, and density determined under condition 4(c)(i) will not, without further *revegetation*, result in a similar species composition, structure and density to that of pre-*clearing* vegetation types in that area, the permit holder must *revegetate* the area by deliberately *planting* and/or *direct seeding native vegetation* seeds that will result in a similar species composition, structure, and density of *native vegetation* to pre-*clearing* vegetation types in that area.
- (e) Where additional *planting* or *direct seeding of native vegetation* is undertaken in accordance with condition 4(d), the permit holder must repeat the activities required by condition 4(c) and 4(d) within 12 months of undertaking the additional *planting* or *direct seeding of native vegetation*.
- (f) Where a determination is made by an *environmental specialist* under condition 4(c)(ii) 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, that determination shall be submitted to the *CEO* within three months of the determination being made by the *environmental specialist*.

5. Records that must be kept

The permit holder must maintain records relating to the listed relevant matters in accordance with the specifications detailed in Table 1.

Table 1: Records that must be kept

No.	Relevant matter	Specifications
1.	In relation to the authorised clearing activities generally	<ul style="list-style-type: none">(a) the species composition, structure, and density of the cleared area;(b) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994/2020 (GDA94/2020), expressing the geographical coordinates in Eastings and Northings;(c) the date that the area was cleared;(d) the size of the area cleared (in hectares); and(e) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 2; and(f) actions taken to minimise the risk of the introduction and spread of <i>weeds</i> and <i>dieback</i> in accordance with condition 3.
2.	In relation to the <i>revegetation</i> and <i>rehabilitation</i> areas pursuant to condition 4 of this Permit	<ul style="list-style-type: none">(a) a description of the <i>revegetation</i> and <i>rehabilitation</i> activities undertaken;(b) the size of the area(s) <i>revegetated</i> and <i>rehabilitated</i> (in hectares);(c) the data when <i>revegetation</i> and <i>rehabilitation</i> works began; and(d) actions taken in accordance with condition 4(d) of this permit to ensure that the environmental benefits of <i>revegetation</i> and <i>rehabilitation</i> are achieved.

6. Reporting

The permit holder must provide to the *CEO* the records required under condition 5 of this permit when requested by the *CEO*.

DEFINITIONS

In this permit, the terms in Table 2 have the meanings defined.

Table 2: Definitions

Term	Definition
CEO	Chief Executive Officer of the department responsible for the administration of the clearing provisions under the <i>Environmental Protection Act 1986</i> .
clearing	has the meaning given under section 3(1) of the EP Act.
condition	a condition to which this clearing permit is subject under section 51H of the EP Act.
dieback	means the effect of <i>Phytophthora</i> species on native vegetation.
department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> (WA) and designated as responsible for the administration of the EP Act, which includes Part V Division 3.
Direct seeding	means a method of re-establishing vegetation through 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 <i>environmental specialist</i> .
EP Act	<i>Environmental Protection Act 1986</i> (WA)
fill	means material used to increase the ground level, or to fill a depression
Local provenance	means <i>native vegetation</i> seeds and propagating material from natural sources within 100 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.
native vegetation	has the meaning given under section 3(1) and section 51A of the EP Act.
Planting	means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired species.
Rehabilitate/ed/ion	means actively managing an area containing <i>native vegetation</i> in order to improve the ecological function of that area
Revegetate/ed/ion	means the re-establishment of a cover of <i>local provenance native vegetation</i> in an area using methods such as natural regeneration, direct seeding and/or <i>planting</i> , so that the species composition, structure and density is similar to pre-clearing vegetation types in that area

Term	Definition
weeds	<p>means any plant –</p> <ul style="list-style-type: none"> (a) that is a declared pest under section 22 of the <i>Biosecurity and Agriculture Management Act 2007</i>; 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.

END OF CONDITIONS



Meenu Vitarana
MANAGER
 NATIVE VEGETATION REGULATION

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

26 October 2022

SCHEDULE 1

The boundary of the area authorised to be cleared is shown in the map below (Figure 1)



Figure 1: Map of the boundary of the area within which clearing may occur



Mr Ian Francis Kenny
Managing Director
Cotton Holdings Pty Ltd
PO Box 9096
PICTON WA 6229

Attn: Mike Lundstrom

via email: mikelund1@bigpond.com
tamaryn@aphcontractors.com.au

Dear Mr Kenny,

APPLICATION TO CLEAR NATIVE VEGETATION UNDER THE *ENVIRONMENTAL PROTECTION ACT 1986* – CLEARING PERMIT CPS 9059/1 GRANTED

I refer to Cotton Holdings Pty Ltd's application for an area permit under section 51E(1) of the *Environmental Protection Act 1986* (the EP Act), to clear 0.185 hectares of native vegetation within Lot 333 on Deposited Plan 111125, Gwindinup for the purpose of a laterite gravel extraction quarry. The application was received by the Department of Water and Environmental Regulation (the department) on 21 September 2020 and assigned the reference CPS 9059/1.

The department has been made aware that Development Approval, an Extractive Industry Licence and a Works Approval has been granted to Cotton Holdings Pty Ltd for this project. The Delegated Officer has assessed Cotton Holdings Pty Ltd's application and determined that a clearing permit be granted under section 51E(5) of the EP Act. This permit authorises the permit holder to clear native vegetation, subject to the terms, conditions, and restrictions specified.

A copy of the permit and the associated decision report are attached to this notification, and are now also available on the department's website (at <https://www.der.wa.gov.au/our-work/clearing-permits/clearing-permits-available-for-public-appeal>) for the public to view, as required under regulation 8 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

Please read the conditions on the permit carefully and note that there are penalties for non-compliance with those conditions. If you wish to discuss this permit and/or its conditions, please contact the department.

Subject to compliance with any pre-clearing conditions on the permit, clearing must not be undertaken before the permit duration commencement date stated on the permit.

Please also note that in undertaking the clearing authorised under this permit, the permit holder must have regard to avoiding clearing, minimising clearing, and reducing the impacts of clearing on any environmental value.

Please note that as the permit requires the submission of a report on specified matters, this should be provided electronically via email to: info@dwer.wa.gov.au.

If Cotton Holdings Pty Ltd's are aggrieved by any of the conditions of the permit, an appeal may be lodged with the Minister for Environment, via the Office of the Appeals Convenor. If lodging an appeal, it must be in writing, setting out the grounds of the appeal, and be received within 21 calendar days of being notified of the decision. For further information or to lodge an appeal, please contact the Office of the Appeals (see contact details below):

Office of the Appeals Convenor
Level 22 Forrest Centre
221 St George's Terrace, PERTH WA 6000
Tel: 6364 7990 Fax: 6364 7999
Email: admin@appealsconvenor.wa.gov.au
Website: www.appealsconvenor.wa.gov.au

Note that third parties may also appeal against the grant of this permit or its conditions. Please note that, while an appeal is lodged by a third party is under consideration:

- if the appeal is against the grant of this permit, then under section 101A(9) of the EP Act, the permit is deemed not to have been granted and clearing cannot commence until the appeal is determined; and
- if the appeal is regarding a condition(s) of the permit, then under section 101A(6), the permit continues to have effect and clearing can commence in accordance with the conditions of the permit.

For more information about complying with your permit to clear native vegetation, please refer to *Fact Sheet 4: Complying with your clearing permit* found at: <https://www.der.wa.gov.au/our-work/clearing-permits/49-fact-sheets>.

Compliance with the terms, conditions, or restrictions of this permit does not absolve the permit holder from responsibility for compliance with the requirements of all Commonwealth, State, and local government legislation.

If you have any queries, please contact the Environmental Officer, as listed above.

Yours sincerely



Meenu Vitarana
Manager
NATIVE VEGETATION REGULATION

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

26 October 2022

Attached: Clearing permit with plan (CPS 9059/1)
Decision report for CPS 9059/1