



## CLEARING PERMIT

*Granted under section 51E of the Environmental Protection Act 1986*

<b>Purpose Permit number:</b>	CPS 4935/2
<b>Permit Holder:</b>	Hanson Construction Materials Pty Ltd
<b>Duration of Permit:</b>	7 August 2016 to 7 August 2034

### ADVICE NOTE

The funds referred to in condition 10 of this permit are intended for contributing towards the purchase of 35.46 hectares of native vegetation with similar environmental values containing black cockatoo habitat within the Swan Coastal Plain Bioregion.

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 sand extraction.

#### 2. Land on which clearing is to be done

LOT 301 ON DIAGRAM 75682, OLDBURY  
LOT 300 ON DIAGRAM 75682, OLDBURY  
LOT 6 ON DIAGRAM 47557, OLDBURY

#### 3. Area of Clearing

The Permit Holder must not clear more than 11.6 hectares of native vegetation within the area hatched yellow on attached Plan 4935/2a.

#### 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 6 December 2024.

### 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:

- 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.

## **7. 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*:
- (i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
  - (ii) ensure that no *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
  - (iii) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.
- (b) Prior to leaving the area(s) cross-hatched yellow on attached Plan 4935/2a, the Permit Holder must clean earth-moving machinery of soil and vegetation.

## **8. Site Restoration plan**

The Permit Holder must implement and adhere to the document Boomerang Road Oldbury - Site Restoration Management Plan, March 2016 (V1b) submitted to the Department of Environment Regulation on 1 April 2016, within the area of land cross-hatched red on attached Plan 4935/2c.

## **9. Hydrological Management Plan**

The Permit Holder must implement and adhere to the document Groundwater Profile Modelling, Version Rev 2, March 2016, submitted to the Department of Environment Regulation on 1 April 2016.

## **10. Monetary contributions to a fund maintained for the purpose of establishing or maintaining vegetation (offset)**

Prior to undertaking any clearing authorised under this Permit and no later than 7 October 2016, the Permit Holder shall provide documentary evidence to the CEO that funding of \$301,410 has been transferred to the Department of Environment Regulation for the purpose of establishing or maintaining native vegetation.

## **11. Offsets – conservation covenant**

Prior to clearing, the Permit Holder shall:

- (a) give a conservation covenant under section 30B of the *Soil and Land Conservation Act 1945* setting aside the *covenant area* for the protection and management of vegetation in perpetuity; and
- (b) provide to the CEO a copy of the executed conservation covenant.

## **PART III - RECORD KEEPING AND REPORTING**

### **12. 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) In relation to actions done to implement the Site Restoration Plan and Hydrological Management Plan under this Permit:
  - (i) a description of the Site Restoration Plan activities undertaken;
  - (ii) the date(s) the Site Restoration Plan activities were undertaken;
  - (iii) a description of the Hydrological Management Plan activities undertaken; and
  - (iv) the date(s) the Hydrological Management Plan activities were undertaken;

### 13. Reporting

- (a) The Permit Holder must provide to the CEO on or before 1 July of each year, a written report:
- (i) of records required under condition 12 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 1 July of each year.
- (c) Prior to 7 July 2034, the Permit Holder must provide to the CEO a written report of records required under condition 12 of this Permit where these records have not already been provided under condition 13(a) of this Permit.

### DEFINITIONS

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

**Covenant area** means the area of land cross-hatched red on attached Plan 4935/2b;

**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;

**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 Parks and Wildlife Regional Weed Rankings Summary, 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*

29 January 2019

# Plan 4935/2a

115°53.040'E      115°53.160'E      115°53.280'E      115°53.400'E      115°53.520'E

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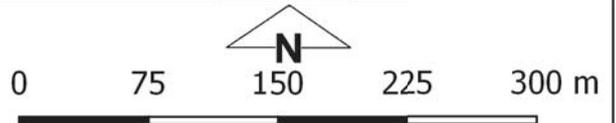
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## Legend

-  CPS areas approved to clear base layers
-  Local Government Authorities
-  Cadastre
-  Roads
- Image



MGA 94  
Geocentric Datum of Australia 1994

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



# Plan 4935/2b

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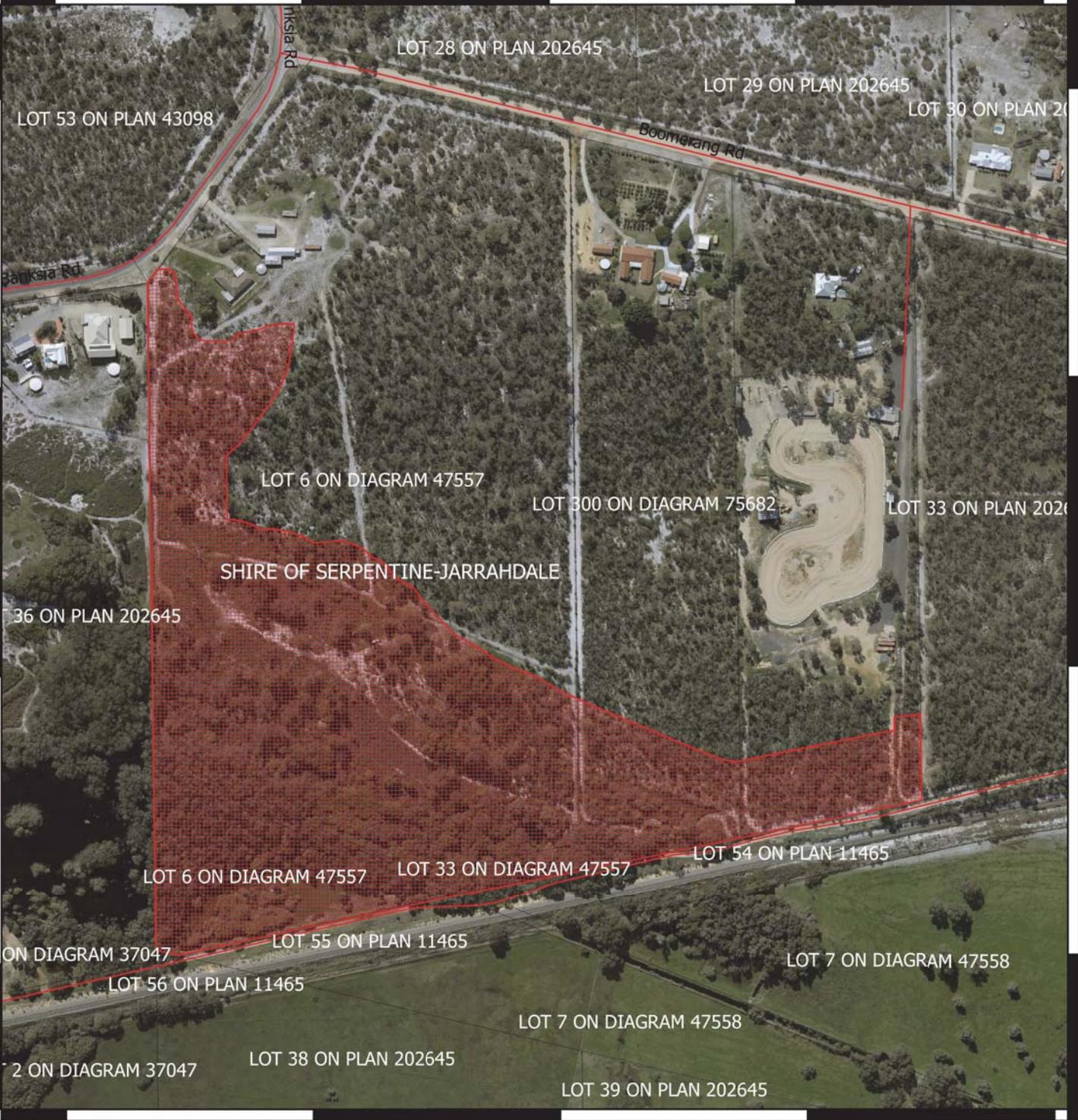
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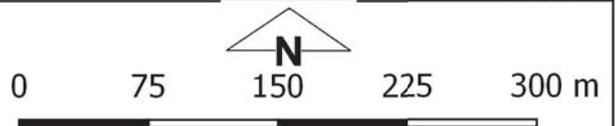
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## Legend

-  CPS subject to conditions
-  Local Government Authorities
-  Cadastre
-  Roads
- Image



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of the Environmental Protection Act 1986



GOVERNMENT OF  
WESTERN AUSTRALIA  
WA Crown Copyright 2018

# Plan 4935/2c

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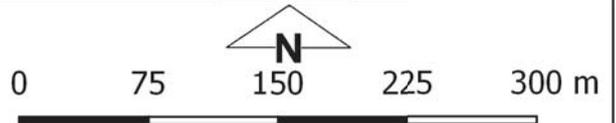
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## Legend

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of the Environmental Protection Act 1986





# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 4935/2  
Permit type: Purpose Permit

### 1.2. Applicant details

Applicant's name: Hanson Construction Materials Pty Ltd (Hanson)  
Application received date: 12 November 2018

### 1.3. Property details

Property: LOT 300 ON DIAGRAM 75682, OLDBURY  
LOT 301 ON DIAGRAM 75682, OLDBURY  
LOT 6 ON DIAGRAM 47557, OLDBURY  
Local Government Authority: Shire of Serpentine-Jarrahdale  
Localities: Oldbury

### 1.4. Application

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

### 1.5. Decision on application

Decision on Permit Application: Granted

Decision Date: 29 January 2019

Reasons for Decision:

The original clearing application (CPS 4935/1) was assessed against the clearing principles, planning instruments and other matters in accordance with s51O of the *Environmental Protection Act 1986* (EP Act), and it was concluded that the proposed clearing is at variance to clearing principles (a), (b) and (e), may be at variance to principles (d), (g), (h), (i) and (j) and is not likely to be at variance to the remaining clearing principles.

The assessment determined that the proposed clearing of 11.6 hectares of native vegetation includes:

- foraging habitat and potential nesting habitat for Carnaby's cockatoo (*Calyptorhynchus latirostris*), Baudin's cockatoo (*Calyptorhynchus baudinii*) and the forest red-tailed black cockatoo (*Calyptorhynchus banksii naso*);
- high biological diversity and a regionally significant ecological linkage; and
- native vegetation considered to be a significant remnant of native vegetation in an area that has been extensively cleared.

Consistent with the WA Environmental Offset Policy (2011) and WA Environmental Offsets Guidelines (2014), and pursuant to section 51I(2)(b) of the EP Act, in order to mitigate the significant environment impacts described above, the Permit Holder was required to provide an offset that comprised the following components:

- documented evidence that a monetary contribution towards the purchase of 35.46 hectares of remnant vegetation that includes habitat for the three black cockatoos species had been transferred to the former Department of Environment Regulation;
- develop a Site Restoration Plan for the revegetation of 12.5 hectares; and
- place a conservation covenant on 11.6 hectares of vegetation on Lot 6 on Diagram 47557 and Lot 300 and Lot 301 on Diagram 75682, Oldbury.

## 2. Site Information

### Clearing Description

The application proposes to clear 11.6 hectares of native vegetation within a 24 hectare footprint area on Lot 6 on Diagram 47557 and Lots 300 and 301 on Diagram 75682, Oldbury for the purpose of sand extraction.

### Vegetation Description

The application area has been mapped as the following Heddlu vegetation complexes:

- Bassendean Complex Central And South - Transition Vegetation Complex - Woodland of *Eucalyptus marginata* (Jarrah) - *Corymbia calophylla* (Marri) with well defined second storey of *Allocasuarina fraseriana* (Sheoak) and *Banksia grandis* (Bull Banksia) on the deeper soils and a closed scrub on the moister sites. The understorey species reflect similarities with the adjacent vegetation complexes; and

- Serpentine River Complex - Closed scrub of *Melaleuca* species and fringing woodland of *Eucalyptus rudis* (Flooded Gum) - *Melaleuca raphiophylla* (Swamp Paperbark) along streams (Hedde et al. 1980).

#### Vegetation Condition

Degraded; Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994).

To

Excellent; Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery 1994).

### 3. Assessment of application against clearing principles

This amendment has been made to amend condition 11 of Clearing Permit CPS 4935/1 in accordance with directions given by the Department of Water and Environmental Regulation in October 2018 (outlined below). The amended condition imposes a requirement that the conservation covenant be executed prior to the commencement of any clearing activities, as opposed to setting a date by which this has to occur.

As this application is to amend a permit condition, a reassessment against the clearing principles was not undertaken. The assessment against the clearing principles can be found in Clearing Permit Decision Report CPS 4935/1.

### Planning instruments and other relevant matters

On 28 July 2017, Hanson wrote to the Department of Water and Environmental Regulation (DWER) and advised that Hanson had been working with the Commonwealth Department of the Environment and Energy (DotEE) to finalise the Commonwealth approval for the clearing and the corresponding offset. Hanson advised they were awaiting the final approval from DotEE prior to preparing a conservation covenant.

On 10 August 2017, a DWER Delegated Officer wrote to Hanson and advised that Hanson have not complied with Condition 11 of CPS 4935/1. The Delegated Officer requested Hanson provide an estimated date on executing the conservation covenant for the area of land cross-hatched red on Plan 4935/1b.

On 4 September 2017, Hanson wrote to DWER and advised that they would commence negotiating the conservation covenant with DWER in late October 2017.

On 15 October 2018, DWER's Enforcement Branch wrote to Hanson and advised that DWER has commenced an investigation into the alleged non-compliance with condition 11. The letter also advised that as condition 11 is unable to be complied with, any associated clearing will not be in accordance with the clearing permit and will be in breach of Section 51C of the EP Act. This letter advised that Hanson was required to make application for an amendment to the clearing permit to allow compliance with condition 11.

On 12 November 2018, Hanson applied to amend condition 11 of Clearing Permit CPS 4935/1.

The clearing permit application was advertised on the DWER website on 26 November 2018 with a 21 day submission period. Twenty seven submissions were received in relation to this application. In summary, the submissions raised the following issues:

- The proposed extractive industry will pollute drinking water;
- The application area contains foraging habitat for black cockatoos;
- As the permit holder has not been compliant with Condition 11 of the permit the permit should be considered to no longer be valid;
- Hanson has failed to meet the conditions of the Western Australian Planning Commission (WAPC) approval

The top and bottom dot point above are beyond the scope of the clearing permit application and therefore were not considered in the assessment of this application.

In regards to black cockatoo's, offset conditions were added to the permit to counterbalance the significant residual impacts.

In regards to the validity of the permit, a summary of events has been provided above.

### 4. References

- Hedde, E. M., Loneragan, O. W., and Havel, J. J. (1980) Vegetation Complexes of the Darling System, Western Australia. In Department of Conservation and Environment, Atlas of Natural Resources, Darling System, Western Australia.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.