



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 2857/3
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Rocla Quarry Products

1.3. Property details

Property: Mining Lease 70/776
Local Government Area: City of Swan
Colloquial name: Gnangara Mine Site Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
39.5		Mechanical Removal	Mineral Production

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 12 February 2015

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description Beard Vegetation Associations have been mapped for the whole of Western Australia and are useful to look at vegetation extent in a regional context. One Beard Vegetation Association is located within the application area (GIS Database):

Beard Vegetation Associations 949: Low woodland; *Banksia*.

Two Heddle Vegetation Complexes have been mapped in the application area (GIS Database):

Bassendean Complex - North: Consists of a Low Open Forest of *Banksia* spp., *Eucalyptus todtiana* to Low Woodland of *Melaleuca* spp. and Sedgelands which occupy the moister sites (RPS, 2009); and

Bassendean Complex – North Transition Vegetation: A transition complex of Low Open Forest and Low Woodland of *Banksia* spp., *Eucalyptus todtiana* on a series of high sand dunes. The understorey species reflect similarities with both the Bassendean - North and Karrakatta - North vegetation complexes (RPS, 2009).

RPS (2009) conducted a Level 1 flora survey of the proposed clearing area during Spring 2008. The following three vegetation units were mapped for the area:

1. *Pinus pinaster* Woodland over Low Open Woodland of *Eucalyptus todtiana*, *Banksia attenuata*, *Banksia menziesii* and *Nuytsia floribunda* over a Tall Open Shrubland of *Adenanthos cygnorum* subsp. *cygnorum* over Shrubland of *Xanthorrhoea preissii* over Low Open Shrubland of *Hibbertia hypericoides*;

2. Scattered *Eucalyptus todtiana* with Low Woodland of *Banksia attenuata* and *Banksia menziesii* over an Open Heath of *Croninia kingina*, *Hibbertia hypericoides* and *Eremaea pauciflora* var. *pauciflora*; and

3. Low Open Woodland of *Eucalyptus todtiana*, *Banksia attenuata* and *Nuytsia floribunda* over a Tall Open Shrubland of *Adenanthos cygnorum* subsp. *cygnorum*, *Jacksonia floribunda* and *Regelia ciliata* over an Open Herbland of *Phlebocarya ciliata* and *Patersonia occidentalis*.

Clearing Description Gnangara Mine Site Project.
Rocla Quarry Products proposes to clear up to 39.5 hectares of native vegetation within a total boundary of approximately 39.5 hectares, for the purpose of mineral production. The project is located approximately 22 kilometres northeast of Perth, in the City of Swan.

Vegetation Condition Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994);
To:
Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).

Comment The vegetation condition rating is derived from a Level 1 Spring vegetation and flora survey of the proposed clearing area, conducted by RPS (2009).

Two officers from the Department of Mines and Petroleum (DMP) visited Rocla Quarry Products' Gnangara Road operations on 19 March 2009 to undertake a site visit during the assessment of CPS 2857/1.

Clearing permit CPS 2857/1 was granted on 2 April 2009, and was valid from 2 May 2009 to 28 February 2013. The clearing permit authorised the clearing of 39.5 hectares of native vegetation. CPS 2857/1 was amended on 24 May 2012 to extend the duration of the permit by two years. Rocla Quarry Products has applied to amend CPS 2857/2 on 16 December 2014 for the purpose of extending the duration of the permit by five years to 28 February 2020.

3. Assessment of application against clearing principles

Comments

The amendment to extend the period in which clearing is authorised by five years is unlikely to result in any significant change to the environmental impacts of the proposed clearing. The size of the area approved (39.5 hectares) and the permit boundaries remain unchanged.

The assessment against the clearing principles remains consistent with the assessment in decision report CPS 2857/2.

Methodology

Planning instrument, Native Title, Previous EPA decision or other matter.

Comments

There is one Native Title claim over the area under application (WC2011/009). This claim has been registered with the National Native Title Tribunal on behalf of the claimant group. However, the mining tenure has been granted in accordance with the future act regime of the *Native Title Act 1993* and the nature of the act (i.e. the proposed clearing activity) has been provided for in that process, therefore the granting of a clearing permit is not a future act under the *Native Title Act 1993*.

There are no registered Aboriginal Sites of Significance within the application area (GIS Database). It is the proponent's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no Aboriginal sites of significance are damaged through the clearing process.

It is the proponent's responsibility to liaise with the Department of Environment Regulation, the Department of Parks and Wildlife and the Department of Water, to determine whether a Works Approval, Water Licence, Bed and Banks Permit, or any other licences or approvals are required for the proposed works.

Methodology

- GIS Database:
- Aboriginal Sites of Significance
 - Native Title Claims - Registered with the NNTT
 - Native Title Claims - Filed at the Federal Court
 - Native Title Claims - Determined by the Federal Court

4. References

- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- RPS (2009) Level 1 Spring flora survey of proposed sand extraction areas - Tick Road, Melaleuca. Prepared for Rocla Quarry Products, January 2009.

5. Glossary

Acronyms:

BoM	Bureau of Meteorology, Australian Government
DAA	Department of Aboriginal Affairs, Western Australia
DAFWA	Department of Agriculture and Food, Western Australia
DEC	Department of Environment and Conservation, Western Australia (now DPaW and DER)
DER	Department of Environment Regulation, Western Australia
DMP	Department of Mines and Petroleum, Western Australia
DRF	Declared Rare Flora
DotE	Department of the Environment, Australian Government
DoW	Department of Water, Western Australia
DPaW	Department of Parks and Wildlife, Western Australia
DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities (now DotE)
EPA	Environmental Protection Authority, Western Australia
EP Act	<i>Environmental Protection Act 1986</i> , Western Australia
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Federal Act)
GIS	Geographical Information System
ha	Hectare (10,000 square metres)

IBRA	Interim Biogeographic Regionalisation for Australia
IUCN	International Union for the Conservation of Nature and Natural Resources – commonly known as the World Conservation Union
PEC	Priority Ecological Community, Western Australia
RIWI Act	<i>Rights in Water and Irrigation Act 1914</i> , Western Australia
s.17	Section 17 of the <i>Environment Protection Act 1986</i> , Western Australia
TEC	Threatened Ecological Community

Definitions:

{DPaW (2013) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia}:-

- T Threatened species:**
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna or the Wildlife Conservation (Rare Flora) Notice for Threatened Flora (which may also be referred to as Declared Rare Flora).
Threatened Fauna and Flora are further recognised by DPaW according to their level of threat using IUCN Red List criteria. For example Carnaby's Cockatoo *Calyptorhynchus latirostris* is specially protected under the *Wildlife Conservation Act 1950* as a threatened species with a ranking of Endangered.
Rankings:
CR: Critically Endangered - considered to be facing an extremely high risk of extinction in the wild.
EN: Endangered - considered to be facing a very high risk of extinction in the wild.
VU: Vulnerable - considered to be facing a high risk of extinction in the wild.
- X Presumed Extinct species:**
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Presumed Extinct Fauna and Wildlife Conservation (Rare Flora) Notice for Presumed Extinct Flora (which may also be referred to as Declared Rare Flora).
- IA Migratory birds protected under an international agreement:**
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice.
Birds that are subject to an agreement between governments of Australia and Japan, China and The Republic of Korea relating to the protection of migratory birds and birds in danger of extinction.
- S Other specially protected fauna:**
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 4 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- P1 Priority One - Poorly-known species:**
Species that are known from one or a few collections or sight records (generally less than five), all on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, Shire, rail reserves and Main Roads WA road, gravel and soil reserves, and active mineral leases and under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes.
- P2 Priority Two - Poorly-known species:**
Species that are known from one or a few collections or sight records, some of which are on lands not under imminent threat of habitat destruction or degradation, e.g. national parks, conservation parks, nature reserves, State forest, unallocated Crown land, water reserves, etc. Species may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes.
- P3 Priority Three - Poorly-known species:**
Species that are known from collections or sight records from several localities not under imminent threat, or from few but widespread localities with either large population size or significant remaining areas of apparently suitable habitat, much of it not under imminent threat. Species may be included if they are comparatively well known from several localities but do not meet adequacy of survey requirements and known threatening processes exist that could affect them.
- P4 Priority Four - Rare, Near Threatened and other species in need of monitoring:**
(a) Rare. Species that are considered to have been adequately surveyed, or for which sufficient knowledge is available, and that are considered not currently threatened or in need of special protection, but could be if present circumstances change. These species are usually represented on conservation lands.
(b) Near Threatened. Species that are considered to have been adequately surveyed and that do not qualify for Conservation Dependent, but that are close to qualifying for Vulnerable.
(c) Species that have been removed from the list of threatened species during the past five years for reasons other than taxonomy.
- P5 Priority Five - Conservation Dependent species:**
Species that are not threatened but are subject to a specific conservation program, the cessation of which would result in the species becoming threatened within five years.

Principles for clearing native vegetation:

- (a) Native vegetation should not be cleared if it comprises a high level of biological diversity.
- (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 indigenous to Western Australia.
- (c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.
- (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.
- (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.
- (f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.
- (g) Native vegetation should not be cleared if the clearing of the vegetation is 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.
- (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.
- (j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.