



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 3107/2
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Limestone Building Block Company Pty Ltd

1.3. Property details

Property: Mining Lease 70/339
Local Government Area: City of Wanneroo
Colloquial name: Limestone Building Blocks Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
0.62		Mechanical Removal	Limestone Extraction

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 9 January 2014

2. Background

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. One Beard vegetation association has been mapped within the application area (GIS Database):

- 6: Medium woodland; tuart & jarrah.

A level 2 flora and vegetation survey of the application area and surrounding vegetation (referred to as the survey area) was undertaken in early Spring (2 and 12 October 2009) and late Spring (24 November 2009). Four vegetation communities were identified within the application area. In addition, a small area in the northern most application area was mapped as regrowth/rehabilitated and has been described below (Coffey Environments, 2010).

TOSXp: Tall Open Scrub of *Xanthorrhoea preissii*, *Acacia rostellifera* and *Banksia sessilis* over Open Shrubland of *Dodonaea aptera* to Low Open Shrubland of *Jacksonia sericea* over Herbland of *Desmocladius flexuosus*, *Uropermum picroides* and *Anagallis arvensis*.

OWEg: Open Woodland of *Eucalyptus gomphocephala* over Tall Shrubland of *Acacia rostellifera* and *Banksia sessilis* over Open Shrubland of *Xanthorrhoea preissii* over Low Open Shrubland of *Phyllanthus calycinus*, *Banksia nivea* and *Jacksonia sericea* over Very Open Sedgeland of *Lepidosperma pubisquamum* over Very Open Herbland of *Desmocladius flexuosus* and *Uropermum picroides*.

OHMs: Open Heath of *Melaleuca systema* and *Acacia rostellifera* over Low Open Shrubland of *Grevillea preissii* over Very Open Herbland of *Desmocladius asper* and *Galium divericatum* with occasional *Banksia sessilis*.

TSMs: Tall Shrubland of *Melaleuca systema* over Open Shrubland of *Acacia lasiocarpa* and *Melaleuca huegelii* over Very Open Herbland of *Desmocladius flexuosa* with scattered *Grevillea preissii*.

Reg: Regrowth/Rehabilitated vegetation including *Melaleuca huegelii*, *Olearia axillaris* and *Acacia rostellifera*. Situated on an area of spoil/overburden and in degraded condition with high weed occurrence.

Clearing Description Limestone Building Blocks Project. Limestone Building Block Company Pty Ltd proposes to clear up to 0.62 hectares of native vegetation within a total boundary of approximately 0.62 hectares for the purpose of limestone extraction. The project is located approximately 14.5 kilometres south-east of Yanchep, in the City of Wanneroo.

Vegetation Condition Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994);
To:
Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).

Comment

Vegetation condition was assessed by Coffey Environments (2010) and by Department of Mines and Petroleum staff during a site visit to the application area on 24 June 2009.

Clearing permit CPS 3107/1 was granted by the Department of Mines and Petroleum on 24 February 2011. On 19 November 2013, the Department of Mines and Petroleum initiated to amend CPS 3107/1 for the purpose of removing Condition 5 from the Clearing Permit.

3. Assessment of application against clearing principles

Comments

The Department of Mines and Petroleum have initiated the amendment of clearing permit CPS 3107/1 to remove Condition 5 from the Clearing Permit. On 24 June 2013, officers from the Department of Mines and Petroleum inspected the portion of the application area subject to an offset condition and confirmed the area to be overburden and rehabilitated vegetation. The area of rehabilitation does not meet the definition of 'native vegetation' under section 51A of the *Environmental Protection Act 1986*. Therefore, it is not appropriate that the clearing of rehabilitation within the application area be subject to the requirement to implement an offset condition.

There are no additional environmental impacts associated with this amendment. Therefore, the assessment of the clearing principles is consistent with the assessment in the clearing permit decision report CPS 3107/1.

Methodology

Planning instrument, Native Title, RIWI Act Licence, EP Act Licence, Works Approval, Previous EPA decision or other matter.

Comments

There are no native title claims over the area under application. 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 Sites of Aboriginal Significance within the area applied to clear (GIS Database). It is the proponent's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no Sites of Aboriginal Significance are damaged through the clearing process.

It is the proponent's responsibility to liaise with the Department of Environment Regulation (formerly the Department of Environment and Conservation) 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

4. References

- Coffey Environments (2010) Flora and Fauna Assessment M70/339, Hopkins Road, Carabooda, Prepared for Limestone Building Block Company Pty Ltd, Prepared by Coffey Environments Australia, March 2010.
- Ecologia (2009) Limestone Building Block Company Vegetation Clearing Permit Supporting Documentation, Progressive Rehabilitation Plan 2009 – 2012, prepared for Limestone Building Block Company, prepared by Ecologia Environment, April 2009.
- Keighery, B.J (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.

5. Glossary

Acronyms:

BoM	Bureau of Meteorology, Australian Government
CALM	Department of Conservation and Land Management (now DEC), Western Australia
DAFWA	Department of Agriculture and Food, Western Australia
DEC	Department of Environment and Conservation, Western Australia
DEH	Department of Environment and Heritage (federal based in Canberra) previously Environment Australia
DEP	Department of Environment Protection (now DEC), Western Australia
DIA	Department of Indigenous Affairs
DLI	Department of Land Information, Western Australia
DMP	Department of Mines and Petroleum, Western Australia

DoE	Department of Environment (now DEC), Western Australia
DoIR	Department of Industry and Resources (now DMP), Western Australia
DOLA	Department of Land Administration, Western Australia
DoW	Department of Water
EP Act	Environmental Protection Act 1986, Western Australia
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999 (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
RIWI Act	Rights in Water and Irrigation Act 1914, Western Australia
s.17	Section 17 of the Environment Protection Act 1986, Western Australia
TEC	Threatened Ecological Community

Definitions:

{Atkins, K (2005). *Declared rare and priority flora list for Western Australia, 22 February 2005*. Department of Conservation and Land Management, Como, Western Australia} :-

- P1** **Priority One - Poorly Known taxa:** taxa which are known from one or a few (generally <5) populations which are under threat, either due to small population size, or being on lands under immediate threat, e.g. road verges, urban areas, farmland, active mineral leases, etc., or the plants are under threat, e.g. from disease, grazing by feral animals, etc. May include taxa with threatened populations on protected lands. Such taxa are under consideration for declaration as 'rare flora', but are in urgent need of further survey.
- P2** **Priority Two - Poorly Known taxa:** taxa which are known from one or a few (generally <5) populations, at least some of which are not believed to be under immediate threat (i.e. not currently endangered). Such taxa are under consideration for declaration as 'rare flora', but are in urgent need of further survey.
- P3** **Priority Three - Poorly Known taxa:** taxa which are known from several populations, at least some of which are not believed to be under immediate threat (i.e. not currently endangered). Such taxa are under consideration for declaration as 'rare flora', but are in need of further survey.
- P4** **Priority Four – Rare taxa:** taxa which are considered to have been adequately surveyed and which, whilst being rare (in Australia), are not currently threatened by any identifiable factors. These taxa require monitoring every 5–10 years.
- R** **Declared Rare Flora – Extant taxa (= Threatened Flora = Endangered + Vulnerable):** taxa which have been adequately searched for, and are deemed to be in the wild either rare, in danger of extinction, or otherwise in need of special protection, and have been gazetted as such, following approval by the Minister for the Environment, after recommendation by the State's Endangered Flora Consultative Committee.
- X** **Declared Rare Flora - Presumed Extinct taxa:** taxa which have not been collected, or otherwise verified, over the past 50 years despite thorough searching, or of which all known wild populations have been destroyed more recently, and have been gazetted as such, following approval by the Minister for the Environment, after recommendation by the State's Endangered Flora Consultative Committee.

{Wildlife Conservation (Specially Protected Fauna) Notice 2005} [Wildlife Conservation Act 1950] :-

- Schedule 1** **Schedule 1 – Fauna that is rare or likely to become extinct:** being fauna that is rare or likely to become extinct, are declared to be fauna that is need of special protection.
- Schedule 2** **Schedule 2 – Fauna that is presumed to be extinct:** being fauna that is presumed to be extinct, are declared to be fauna that is need of special protection.
- Schedule 3** **Schedule 3 – Birds protected under an international agreement:** being birds that are subject to an agreement between the governments of Australia and Japan relating to the protection of migratory birds and birds in danger of extinction, are declared to be fauna that is need of special protection.
- Schedule 4** **Schedule 4 – Other specially protected fauna:** being fauna that is declared to be fauna that is in need of special protection, otherwise than for the reasons mentioned in Schedules 1, 2 or 3.

{CALM (2005). *Priority Codes for Fauna*. Department of Conservation and Land Management, Como, Western Australia} :-

- P1** **Priority One: Taxa with few, poorly known populations on threatened lands:** Taxa which are known from few specimens or sight records from one or a few localities on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, active mineral leases. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P2** **Priority Two: Taxa with few, poorly known populations on conservation lands:** Taxa which are known from few specimens or sight records from one or a few localities on lands not under immediate threat of habitat destruction or degradation, e.g. national parks, conservation parks, nature reserves, State forest, vacant Crown land, water reserves, etc. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.

- P3** **Priority Three: Taxa with several, poorly known populations, some on conservation lands:** Taxa which are known from few specimens or sight records from several localities, some of which are on lands not under immediate threat of habitat destruction or degradation. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P4** **Priority Four: Taxa in need of monitoring:** Taxa which are considered to have been adequately surveyed, or for which sufficient knowledge is available, and which are considered not currently threatened or in need of special protection, but could be if present circumstances change. These taxa are usually represented on conservation lands.
- P5** **Priority Five: Taxa in need of monitoring:** Taxa which are not considered threatened but are subject to a specific conservation program, the cessation of which would result in the species becoming threatened within five years.

Categories of threatened species (*Environment Protection and Biodiversity Conservation Act 1999*)

- EX** **Extinct:** A native species for which there is no reasonable doubt that the last member of the species has died.
- EX(W)** **Extinct in the wild:** A native species which:
 (a) is known only to survive in cultivation, in captivity or as a naturalised population well outside its past range; or
 (b) has not been recorded in its known and/or expected habitat, at appropriate seasons, anywhere in its past range, despite exhaustive surveys over a time frame appropriate to its life cycle and form.
- CR** **Critically Endangered:** A native species which is facing an extremely high risk of extinction in the wild in the immediate future, as determined in accordance with the prescribed criteria.
- EN** **Endangered:** A native species which:
 (a) is not critically endangered; and
 (b) is facing a very high risk of extinction in the wild in the near future, as determined in accordance with the prescribed criteria.
- VU** **Vulnerable:** A native species which:
 (a) is not critically endangered or endangered; and
 (b) is facing a high risk of extinction in the wild in the medium-term future, as determined in accordance with the prescribed criteria.
- CD** **Conservation Dependent:** A native species which is the focus of a specific conservation program, the cessation of which would result in the species becoming vulnerable, endangered or critically endangered within a period of 5 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.