



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 4187/4  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: Tuma Holdings Pty Ltd

### 1.3. Property details

Property: Mining Lease 70/836  
Local Government Area: Shire of Northam  
Colloquial name:

### 1.4. Application

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

### 1.5. Decision on application

Decision on Permit Application: Granted  
Decision Date: 25 January 2017

## 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. There is one Beard vegetation association mapped within the application area: (GIS Database):

**3003:** Medium forest; jarrah & marri on laterite with wandoo in valleys, sandy swamps with teatree and Banksia.

A vegetation assessment was undertaken on Mining Lease 70/836 to record the species richness and diversity of the vegetation prior to mining (Landform Research, 1998). The vegetation that was surveyed is located immediately west of the application area (Landform Research, 1998). The vegetation community has been described as:

- Open Low Jarrah Woodland: Species comprised of scattered regrowth of *Eucalyptus marginata* with isolated *Banksia grandis* over an understorey dominated by *Stirlingia latifolia*, *Bossiaea eriocarpa*, *Dryandra lindleyana* with *Hibbertia huegelii*.

**Clearing Description** Tuma Holdings Pty Ltd has applied to clear up to 5 hectares of native vegetation for the purpose of sand extraction. Vegetation will be cleared using a front end loader.

**Vegetation Condition** Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).

**Comment** The application area is located adjacent to an existing sand mining operation to the west and farmland to the south. The application area is bordered by native vegetation to the northeast. The vegetation is located within the Mundaring Weir Catchment Area.

Clearing permit CPS 4187/1 was granted by the Department of Mines and Petroleum (DMP) on 14 April 2011 and was valid from 7 May 2011 to 7 May 2021. The clearing permit authorised the clearing of 5 hectares of native vegetation. As a result of an appeal decision for adjacent clearing permit CPS 4046/1 dated 13 June, 2011 the Minister for Environment wrote to DMP in relation to an overlap of CPS 4187/1 and CPS 4046/1. The Minister requested that the matter be reviewed by DMP with consultation from the Department of Environment and Conservation to consider appropriate setbacks for the continued safe use of Goods Road. The southern boundary of clearing permit CPS 4187/1 was amended to provide appropriate setbacks to Goods Road on 22 September 2011.

CPS 4187/2 was amended on 22 November 2012 to move the boundary of the clearing permit from its previous location at the southern boundary of Mining Lease 70/836, two hundred metres north to allow expansion of the active quarry face to the East. The area approved for clearing (5 hectares) remained the same. An additional requirement to commence offset planting by 31 August 2016 was added to the clearing permit conditions.

## 3. Assessment of application against clearing principles

### Comments

Tuma Holdings Pty Ltd has requested the permit is amended to extend to the dates on Conditions 9 and 10 of CPS 4187/3 from 31 August 2016 to 31 August 2017. These conditions relate to the fencing and revegetation of an area of cleared agricultural land. The offset area consists of three separate polygons totalling

approximately 13.1 hectares as shown on Plan 4187/4B. Fencing and revegetation has been undertaken for the two northern areas, however, the southern area of approximately 5.24 hectares is yet to be undertaken.

It is also a requirement of the permit that the permit holder engages an environmental specialist to determine the success of the rehabilitation. Based on the average count of stem density it is estimated that the revegetation will achieve a survival rate of 920 stems per hectare (Landform Research, 2016). This is above the 850 stems per hectare required by the permit. The offset has also been inspected by the Department of Water who were satisfied that the northern areas have been adequately fenced and are in good condition (Department of Water, 2016).

The proposed amendment is unlikely to result in any significant change to the environmental impacts of the proposed clearing. The assessment against the clearing principles remains consistent with the assessment contained in decision report CPS 4187/3.

**Methodology** Department of Water (2016)  
Landform Research (2016)

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

##### **Comments**

The permit area is within the South West Native Title Settlement area (Department of Aboriginal Affairs, 2016). This settlement resolves Native Title rights and interests over an area of approximately 200,000 square kilometres within the south west of Western Australia. 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 is one registered Aboriginal Site of Significance within the application area (Department of Aboriginal Affairs, 2016). 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, 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.

The clearing permit amendment was advertised on 19 December 2016 by the Department of Mines and Petroleum inviting submissions from the public. No submissions were received to the proposed amendment.

**Methodology** Department of Aboriginal Affairs (2016)

#### **4. References**

- Department of Aboriginal Affairs (2016) Aboriginal Heritage Inquiry System. Department of Aboriginal Affairs. <http://maps.dia.wa.gov.au/AHIS2/> (Accessed on 1 December 2016).
- Department of Water (2016) Advice received in relation to Clearing Permit Application CPS 6900/1, Department of Water, Western Australia, March 2016.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Landform Research (1998) Vegetation Study and Rehabilitation Plan, ML 70/836, The Lakes. Report prepared for Action Sand Supplies, by Landform Research, 21 July 1998.
- Landform Research (2016) M70/836 – Offset Planting Review. Report prepared for Tuma Holdings Pty Ltd, by Landform Research, 7 November 2016.

#### **5. Glossary**

##### **Acronyms:**

<b>BoM</b>	Bureau of Meteorology, Australian Government
<b>DAA</b>	Department of Aboriginal Affairs, Western Australia
<b>DAFWA</b>	Department of Agriculture and Food, Western Australia
<b>DEC</b>	Department of Environment and Conservation, Western Australia (now DPaW and DER)
<b>DEE</b>	Department of the Environment and Energy, Australian Government
<b>DER</b>	Department of Environment Regulation, Western Australia
<b>DMP</b>	Department of Mines and Petroleum, Western Australia
<b>DRF</b>	Declared Rare Flora
<b>DoE</b>	Department of the Environment, Australian Government (now DEE)
<b>DoW</b>	Department of Water, Western Australia
<b>DPaW</b>	Department of Parks and Wildlife, Western Australia
<b>DSEWPaC</b>	Department of Sustainability, Environment, Water, Population and Communities (now DEE)
<b>EPA</b>	Environmental Protection Authority, Western Australia
<b>EP Act</b>	<i>Environmental Protection Act 1986</i> , Western Australia

<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Federal Act)
<b>GIS</b>	Geographical Information System
<b>ha</b>	Hectare (10,000 square metres)
<b>IBRA</b>	Interim Biogeographic Regionalisation for Australia
<b>IUCN</b>	International Union for the Conservation of Nature and Natural Resources – commonly known as the World Conservation Union
<b>PEC</b>	Priority Ecological Community, Western Australia
<b>RIWI Act</b>	<i>Rights in Water and Irrigation Act 1914</i> , Western Australia
<b>TEC</b>	Threatened Ecological Community

**Definitions:**

{DPaW (2015) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia}:-

<b>T</b>	<p><b>Threatened species:</b> Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, listed under Schedules 1 to 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora (which may also be referred to as Declared Rare Flora).</p> <p><b>Threatened fauna</b> is that subset of ‘Specially Protected Fauna’ declared to be ‘likely to become extinct’ pursuant to section 14(4) of the Wildlife Conservation Act.</p> <p><b>Threatened flora</b> is flora that has been declared to be ‘likely to become extinct or is rare, or otherwise in need of special protection’, pursuant to section 23F(2) of the Wildlife Conservation Act.</p> <p>The assessment of the conservation status of these species is based on their national extent and ranked according to their level of threat using IUCN Red List categories and criteria as detailed below.</p>
<b>CR</b>	<p><b>Critically endangered species</b> Threatened species considered to be facing an extremely high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.</p>
<b>EN</b>	<p><b>Endangered species</b> Threatened species considered to be facing a very high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.</p>
<b>VU</b>	<p><b>Vulnerable species</b> Threatened species considered to be facing a high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.</p>
<b>EX</b>	<p><b>Presumed extinct species</b> Species which have been adequately searched for and there is no reasonable doubt that the last individual has died. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Presumed Extinct Fauna and Wildlife Conservation (Rare Flora) Notice for Presumed Extinct Flora.</p>
<b>IA</b>	<p><b>Migratory birds protected under an international agreement</b> Birds that are subject to an agreement between the government of Australia and the governments of Japan (JAMBA), China (CAMBA) and The Republic of Korea (ROKAMBA), and the Bonn Convention, relating to the protection of migratory birds. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 5 of the Wildlife Conservation (Specially Protected Fauna) Notice.</p>
<b>CD</b>	<p><b>Conservation dependent fauna</b> Fauna of special conservation need being species dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 6 of the Wildlife Conservation (Specially Protected Fauna) Notice.</p>
<b>OS</b>	<p><b>Other specially protected fauna</b> Fauna otherwise in need of special protection to ensure their conservation. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 7 of the Wildlife Conservation (Specially Protected Fauna) Notice.</p>
<b>P</b>	<p><b>Priority species</b> Species which are poorly known; or</p>

Species that are adequately known, are rare but not threatened, and require regular monitoring. Assessment of Priority codes is based on the Western Australian distribution of the species, unless the distribution in WA is part of a contiguous population extending into adjacent States, as defined by the known spread of locations.

**P1 Priority One - Poorly-known species:**

Species that are known from one or a few locations (generally five or less) which are potentially at risk. All occurrences are either: very small; or on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, road and rail reserves, gravel reserves and active mineral leases; or otherwise under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes. Such species are in urgent need of further survey.

**P2 Priority Two - Poorly-known species:**

Species that are known from one or a few locations (generally five or less), some of which are on lands managed primarily for nature conservation, e.g. national parks, conservation parks, nature reserves and other lands with secure tenure being managed for conservation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes. Such species are in urgent need of further survey.

**P3 Priority Three - Poorly-known species:**

Species that are known from several locations, and the species does not appear to be under imminent threat, or from few but widespread locations 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 locations but do not meet adequacy of survey requirements and known threatening processes exist that could affect them. Such species are in need of further survey.

**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 are close to qualifying for Vulnerable, but are not listed as Conservation Dependent.

(c) Species that have been removed from the list of threatened species during the past five years for reasons other than taxonomy.

**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.