



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 4705/5  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: Regan Scott Grant

### 1.3. Property details

Property: Mineral Lease 70/1285  
Local Government Area: Shire of Lake Grace  
Colloquial name:

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
135		Mechanical Removal	Gypsum Mining

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 30 July 2015

## 2. Site Information

### 2.1. Existing environment and information

#### 2.1.1. Description of the native vegetation under application

Vegetation Description	Clearing Description	Vegetation Condition	Comment
Beard vegetation associations have been mapped for the whole of Western Australia (Government of Western Australia, 2013). Two Beard vegetation association is located within the application area (GIS Database):  The majority of the application area is mapped as Beard vegetation association <b>125</b> : Bare areas; salt lakes.  The remaining portion of the application area is mapped as Beard vegetation association <b>519</b> : Shrublands; mallee scrub, <i>Eucalyptus eremophila</i> .  A flora survey of the application area and its surrounds was undertaken in October 2009 by Rick (2010). Two vegetation types were identified within the application area:  Te - Tecticornia (Samphire) - scrub/heath; and  Td - Tecticornia (Samphire) - Scrub/heath degraded (Rick, 2010).	Regan Scott Grant proposed to clear up to 135 hectares of native vegetation, within a total boundary of approximately 146 hectares, for the purpose of gypsum mining.  The proposed clearing is located at Lake Cobham approximately 55 kilometres south-east of Newdegate in the Shire of Lake Grace.	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).	The gypsum is for use in the agricultural industry. It will be extracted using a 25 tonne excavator, stockpiled and loaded onto trucks.  The vegetation condition was assessed during a flora survey of the application area conducted by Rick (2010).  Clearing permit CPS 4705/1 was granted by DMP on 19 January 2012, authorising the clearing of up to 8.5 hectares of native vegetation within a boundary of approximately 38.7 hectares.  Amended clearing permit CPS 4705/2 was granted on 6 September 2012, increasing the clearing authorised from 8.5 hectares to 30 hectares within a boundary of approximately 42 hectares.  Amended clearing permit CPS 4705/3 was granted on 28 March 2013, removing a condition limiting the amount of clearing authorised within a financial year.  Amended clearing permit CPS 4705/4 was granted on 17 October 2013, increasing the clearing authorised from 30 hectares to 70 within a boundary of approximately 83 hectares and extending the duration of the permit by 16 months.  An application for an amendment to clearing permit 4705/4 was received on 3 June 2015 to increase the amount of clearing authorised from 70 hectares to 135 hectares, increase the clearing permit boundary to approximately 146 hectares and extend the permit duration by two years.

### 3. Assessment of application against clearing principles

#### Comments

Regan Scott Grant has applied to increase the amount of clearing authorised by 65 hectares, increase the clearing permit boundary by approximately 63 hectares, and to extend the permit duration by two years. This amendment will allow for the clearing of up to 135 hectares of native vegetation within a clearing permit boundary of approximately 146 hectares.

The application area is located within Lake Cobham which is a non perennial salt lake (GIS Database) and the vegetation to be cleared consists of predominantly salt tolerant species. The application area is flat with no change in topography and is also located in an area where the average annual evaporation rate greatly exceeds the local annual rainfall (BoM, 2015; GIS Database). Although the land systems are considered to be stable, the proposed increase in clearing is relatively large (70 hectares to 135 hectares). Rehabilitation is progressive with each area levelled off and top soil returned as soon as possible following completion of mining, minimising the long term impact of land degradation (Grant, 2011). However, in the short term there is a risk of wind and water erosion if any susceptible areas are left cleared and bare for long periods of time. Therefore the proposed clearing may be at variance to Principle (g). Potential impacts from erosion may be minimised by the implementation of a staged clearing condition.

A flora survey of the entire tenement, which includes the application area, was undertaken on 20, 21 and 29 October in 2009 by Rick (2010). The vegetation types mapped within the clearing permit boundary currently under assessment, remain the same as those mapped within the existing permit boundary (Rick, 2010). The Tecticornia scrub/heath vegetation associations recorded at Lake Cobham are extensive throughout the Lake Magenta salt lake chain and large areas of salt lake vegetation are conserved in the Lake Magenta Nature Reserve (Rick, 2010). While the proposed clearing is considered to be at variance to Principle (f), impacts to the vegetation associated with a wetland are unlikely to be significant.

No vegetation communities recorded are considered to be threatened or priority ecological communities and no Threatened Flora have been identified within the amendment area (Rick, 2010). Therefore, the proposed clearing is not likely to be at variance to Principles (a), (c) and (d).

The vegetation associations, landforms, and fauna habitat types occurring within the amendment area remain consistent with those identified within the existing permit area and are well represented in the local area (GIS Database; Rick, 2010). The proposed clearing of an additional 65 hectares of predominantly Tecticornia scrub/heath habitat found extensively in nearby lake systems, is unlikely to have a significant impact on the availability of fauna habitat at a local or regional scale. This being considered, the proposed clearing is not likely to be at variance to Principle (b).

Current environmental information has been reviewed and the assessment of clearing principles (e), (h), (i), and (j) remains consistent with the assessment in decision reports CPS 4705/4, CPS 4705/3, CPS 4705/2 and CPS 4705/1.

#### Methodology

BoM (2015)  
Grant (2011)  
Rick (2010)  
GIS Database:  
- DEC Tenure  
- Imagery  
- Groundwater Salinity  
- Hydrographic Catchments – Catchments  
- Hydrography, linear  
- IBRA WA (Regions - Sub Regions)  
- Pre-European Vegetation  
- Public Drinking Water Source Areas (PDWSAs)  
- RIWI Act, Groundwater Areas  
- Soils, statewide  
- Threatened and Priority Flora List  
- Threatened Ecological Sites Buffered  
- Threatened and Priority Ecological Communities Buffers  
- Threatened and Priority Ecological Communities Boundaries

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

#### Comments

There are three Native Title Claims (WC2003/006, WC1996/109 and WC1998/070) over the area under application (GIS Database). These claims have been filed at the Federal Court of Australia and registered with the National Native Title Tribunal on behalf of the claimant group respectively. 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 located in the area applied to clear (GIS Database; DAA, 2014). 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, 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.

CPS 4705/5 was advertised on 15 June 2015 by the Department of Mines and Petroleum (DMP) inviting submissions from the public. No submissions were received.

**Methodology** DAA (2015)  
GIS Database:  
- Aboriginal Sites of Significance

#### 4. References

- BoM (2015) Climate Statistics for Australian Locations. A Search for Climate Statistics for Marble Bar, Australian Government Bureau of Meteorology. < <http://www.bom.gov.au>
- DAA (2015) Aboriginal Heritage Inquiry System, Government of Western Australia, Department of Aboriginal Affairs, Perth, < <http://maps.dia.wa.gov.au/AHIS2/>>.
- DPaW (2014) NatureMap Department of Parks and Wildlife <http://naturemap.dec.wa.gov.au>.
- Grant (2011) Information for Clearing Permit Application Purpose Permit. Report Prepared by Regan Scott Grant, October 2013.
- Government of Western Australia (2013) 2012 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of October 2012. WA Department of Environment and Conservation, Perth
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Rick (2010) Lake Cobham - Proposed Gypsum Mine, Vegetation and Flora Survey 2010. Botanical Consultants report for Regan Grant by Anne (Coates) Rick.

#### 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>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>DotE</b>	Department of the Environment, Australian Government
<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 DotE)
<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>s.17</b>	Section 17 of the <i>Environment Protection Act 1986</i> , Western Australia
<b>TEC</b>	Threatened Ecological Community

##### Definitions:

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

<b>T</b>	<b>Threatened species:</b> Specially protected under the <i>Wildlife Conservation Act 1950</i> , 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 the Department according to their level of threat using IUCN Red List criteria. For example Carnaby's Cockatoo <i>Calyptorhynchus latirostris</i> is specially
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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.