Government of **Western Australia**
Department of **Mines and Petroleum**

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 4705/6
Permit type: Purpose

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

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 23 June 2016

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 (Government of Western Australia, 2013). Three Beard vegetation associations are located within the application area (GIS Database):

125: Bare areas; salt lakes;

519: Shrublands; mallee scrub, *Eucalyptus eremophila*; and

511: Medium woodland; salmon gum & morrel.

A flora survey of the application area and its surrounds was undertaken in October 2009 by Rick (2010). Four vegetation types were identified within the application area:

Te: Tecticornia - scrub/ heath;

Td: Tecticornia - Scrub/ heath degraded;

Ek: *Eucalyptus kondininensis* Woodand; and

At: Atriplex Scrub/Heath.

Clearing Description Regan Scott Grant proposes to clear up to 278.06 hectares of native vegetation within a total boundary of approximately 280 hectares, for the purpose of gypsum mining. The project is located approximately 55 kilometres north-east of Newdegate, in the Shire of Lake Grace.

Vegetation Condition Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Kieghery, 1994);

To

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

Comment 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.

Amended clearing permit CPS 4705/5 was granted on 30 July 2015 increasing the amount of clearing authorised from 70 hectares to 135 hectares, increasing the clearing permit boundary to approximately 146 hectares, and extending the permit duration by two years.

On 14 April 2016, the permit holder applied to amend CPS 4705/5 to increase the permit boundary by 143.06 hectares from 135 hectares to 278.06 hectares and increase the permit boundary by 134 hectares from 146 hectares to 280 hectares.

3. Assessment of application against clearing principles

Comments

Regan Scott Grant has applied to increase the amount of clearing authorised by 143.06 hectares and increase the clearing permit boundary by approximately 134 hectares. This amendment will allow for the expansion of existing mining operations.

The amended application area is located within Lake Cobham which is a non perennial salt lake (GIS Database). 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 additional area are 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). The amended application area has been previously mined and as such a portion of vegetation proposed to be cleared is considered degraded. 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; GIS Database). The Priority 3 flora species *Frankenia* sp. southern gypsum was recorded at most sites and quadrats on the lake bed inclusive of the additional application area (Rick, 2010). However, this species has also been recorded at 13 out of 25 (10 metre x 10 metre) quadrats sampled in the Lake Magenta chain of salt lakes, including Lake Burkett, Lake Lockhart and Lake Magenta (Rick, 2010). *Frankenia* sp. southern gypsum was also found to occur in regenerated areas following past mining operations (Rick, 2010). Therefore the additional clearing proposed under this amendment is unlikely to impact on the conservation status of this species.

The vegetation associations, landforms and fauna habitat types occurring within the amended application area remain consistent with those identified within the assessment for CPS 4705/5 and are well represented in the local area. The proposed clearing of an additional 143.06 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.

The proposed increase in clearing is relatively large (135 hectares to 278.06 hectares) and as such there is a short term risk of increased wind and water erosion. 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 (Rick, 2010). Potential impacts from erosion may be minimised by the continued implementation of the existing staged clearing condition.

The proposed increase in clearing is unlikely to significantly impact surface water or groundwater. The application area is not located within a Public Drinking Water Source Area (GIS Database).

Current environmental information has been reviewed and the assessment against the clearing principles remains consistent with the assessment in decision report CPS 4705/5.

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

Comments: There is one native title claim (WC 2003/006) over the area under application (DAA, 2016). This claim has been registered with the Native Title Tribunal on behalf of the claimant group. However, the tenure has been granted in accordance with the future act regime of the *Native Title Act 1993* and the nature of the act (ie. 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 (DAA, 2016). 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 4705/6 was advertised on 13 June 2016 by the Department of Mines and Petroleum (DMP) inviting submissions from the public. No submissions were received.

Methodology: DAA (2016)

4. References

DAA (2016) Aboriginal Heritage Inquiry System. Department of Aboriginal Affairs. http://maps.dia.wa.gov.au/AHIS2/ (Accessed 17 May 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

Government of Western Australia (2014) 2014 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). WA Department of Environment and Conservation, Perth

Rick (2010) Lake Cobham – Proposed Gypsum Mine, Vegetation and Flora Survey 2010. Report prepared for Regan Scott Grant, by Anne (Coates) Rick, October 2010.

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	*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
PEC	Priority Ecological Community, Western Australia
RIWI Act	*Rights in Water and Irrigation Act 1914*, Western Australia
TEC	Threatened Ecological Community

Definitions:

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

T **Threatened species:**
Published as Specially Protected under the *Wildlife Conservation Act 1950,* 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).

Threatened fauna is that subset of 'Specially Protected Fauna' declared to be 'likely to become extinct' pursuant to section 14(4) of the Wildlife Conservation Act.

Threatened flora 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.

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.

CR **Critically endangered species**
Threatened species considered to be facing an extremely high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950,* in Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.

EN **Endangered species**
Threatened species considered to be facing a very high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950,* in Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.

VU **Vulnerable species**
Threatened species considered to be facing a high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950,* in Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.

EX **Presumed extinct species**
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 *Wildlife Conservation Act 1950,* 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.

IA **Migratory birds protected under an international agreement**
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 *Wildlife Conservation Act 1950,* in Schedule 5 of the Wildlife Conservation (Specially Protected Fauna) Notice.

CD **Conservation dependent fauna**
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 *Wildlife Conservation Act 1950,* in Schedule 6 of the Wildlife Conservation (Specially Protected Fauna) Notice.

OS **Other specially protected fauna**
Fauna otherwise in need of special protection to ensure their conservation. Published as Specially Protected under the *Wildlife Conservation Act 1950,* in Schedule 7 of the Wildlife Conservation (Specially Protected Fauna) Notice.

P **Priority species**
Species which are poorly known; or
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.