



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 5424/3
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: TG and JM McLean

1.3. Property details

Property: Mining Lease 70/208
Local Government Area: Shire of Lake Grace
Colloquial name: Lake Camm Gypsum Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
21		Mechanical Removal	Gypsum mining and rehabilitation

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 25 June 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. One Beard vegetation association has been mapped within the application area (GIS Database): 511: Medium woodland; salmon gum & morel.
Clearing Description	Lake Camm Gypsum Project. TG and JM McLean proposes to clear up to 21 hectares of native vegetation within a total boundary of approximately 23.7 hectares, for the purpose of gypsum mining and rehabilitation. The project is located approximately 16 kilometres north-west of Lake King, in the Shire of Lake Grace.
Vegetation Condition	Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).
Comment	An application to amend CPS 5424/1 was received by the Department of Mines and Petroleum on 19 October 2014 for the purposes of increasing the area authorised to clear from 6 hectares to 21 hectares, to amend the purpose of the clearing permit to include gypsum mining and to extend the duration of the permit from 4 May 2015 to 30 June 2020. CPS 5424/2 was granted on 4 May 2015 to extend the duration of the permit from 4 May 2015 to 30 June 2020.

3. Assessment of application against clearing principles

Comments

TG and JM McLean has applied to increase the amount of clearing by 15 hectares and to amend the purpose of the clearing permit to include gypsum mining. The permit boundary will remain at 23.7 hectares.

Historical mining has occurred within the amendment area since 1993 and subsequently the condition of the vegetation is 'degraded' (McCawley, 2012; Keighery, 1994). An inventory of flora within the amendment area conducted by Rick (2012) identified 20 native flora species. The flora species identified are not considered to be of higher diversity than those assessed within clearing permit decision report CPS 5424/1. No vegetation communities recorded are considered to be Threatened or Priority Ecological Communities and no Threatened or Priority Flora was recorded within the amendment area (DPaW, 2014; Rick, 2012; GIS Database).

The native vegetation within the amendment area is broadly mapped as Beard vegetation association 511 of which greater than 74% remains at a state level and 48% at a bioregional level which is more than the 30% threshold level recommended in the National Objectives Targets for Biodiversity Conservation below which, species loss appears to accelerate exponentially at an ecosystem level (Commonwealth of Australia, 2001). Beard vegetation association 511 is considered to be depleted within the Mallee bioregion, however given the degraded nature of the native vegetation within the amendment area and the progressive nature of the gypsum

mining activities and rehabilitation, the proposed clearing is unlikely to impact on this vegetation association.

No fauna survey has been conducted over the application area. The application area is almost completely degraded and unlikely to provide habitat or a food source specific for any conservation significant fauna (Keighery, 1994; GIS Database). Aerial imagery identified nearby vegetation in the local area that is in significantly healthier condition in which fauna species are more likely to inhabit (GIS Database). Fauna habitat within the amendment area is limited due to the sparse nature of the understorey and degraded nature of the vegetation (GIS Database). There are no conservation significant species listed as Threatened under the *Environment Protection and Biodiversity Conservation Act 1999* or protected under Western Australian legislation (*Wildlife Conservation Act, 1950*), that may potentially occur within the application area (DPaW, 2014). The ecological values of the potential fauna habitats are therefore considered to be low. The proposed clearing of 21 hectares of native vegetation is not likely to impact critical feeding or breeding habitat for any conservation significant fauna species as the amendment area does not appear to contain significant faunal habitats.

The amendment area falls within the Lake King Nature Reserve which is managed by the Department of Parks and Wildlife (GIS Database). The native vegetation within the amendment area has been degraded due to historical mining (McCawley, 2012; GIS Database). A staged clearing condition previously placed on the permit will ensure the progressive rehabilitation of the mining activities. The degraded and sparse nature of the vegetation is not likely to provide a significant ecological linkage or fauna movement corridor and the proposed clearing of native vegetation is not likely to impact the environmental values of the conservation area.

The amendment area is located within a non-perennial lake subject to inundation (GIS Database). Rick (2012) identified several flora species growing in association with the lake. The proposed clearing is unlikely to result in any significant impact to the non-perennial lake provided disturbance to riparian habitats is minimised where possible, and strict weed hygiene procedures are followed. Potential impacts to riparian vegetation may be minimised through the implementation of a vegetation management condition.

Wind erosion of the non-perennial lake margins may be exacerbated by loss of stabilising perennial shrubs given the increase of amount of clearing (21 hectares) (GIS Database). Conditions previously placed on the permit will minimise potential land degradation impacts.

Current environmental information has been reviewed and the assessment of clearing principles (i) and (j) is consistent with the assessment in clearing permit decision report CPS 5424/1.

Methodology Commonwealth of Australia (2001)
DPaW (2014)
Keighery (1994)
McCawley (2012)
Rick (2012)
GIS Database:
- DEC Tenure
- Evaporation Isopleths
- Groundwater Salinity
- Hydrography, linear
- IBRA WA (Regions - Sub Regions)
- Pre-European Vegetation
- Public Drinking Water Source Areas
- Rangeland Land System Mapping
- Rainfall, Mean Annual
- Threatened and Priority Flora
- Threatened Ecological Sites Buffered

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

Comments

There are two Native Title claims over the area under application (WC00/7 and WC03/6). These claims have 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 is one registered Aboriginal Site 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.

The clearing permit application was advertised on 10 November 2014 by the Department of Mines and Petroleum inviting submissions from the public. One submission was received in relation to this application regarding rehabilitation and public roads, and these concerns will be addressed in the associated Mining Proposal where possible.

- 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

- Commonwealth of Australia (2001) National objectives and targets for biodiversity conservation 2001-2005. Commonwealth of Australia, Canberra, ACT.
- DPaW (2014) NatureMap Department of Parks and Wildlife, viewed 5 December 2014 <<http://naturemap.dec.wa.gov.au>>.
- 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, A (2012) Plant Species Growing on Gypsum Mine M70/208 Lake Camm. Unpublished report prepared for Trevor McLean, 2012.

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.