



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 5652/2  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: Westdeen Holdings Pty Ltd

### 1.3. Property details

Property: Mining Lease 70/307  
Local Government Area: Shire of Dandaragan  
Colloquial name: Jurien Bay Limesand Project

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
20		Mechanical Removal	Limesand extraction and associated activities

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 29 November 2018

## 2. Site Information

### 2.1. Existing environment and information

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

**Vegetation Description** The vegetation of the application area is broadly mapped as the following Beard vegetation associations:

**Beard vegetation association 129:** Bare areas; dune sand;

**Beard vegetation association 1026:** Mosaic: Shrublands; *Acacia rostellifera*, *A. cyclops* (in the south) & *Melaleuca cardiophylla* (in the north) thicket / Shrublands; *Acacia lasiocarpa* & *Melaleuca acerosa* heath; and

**Beard vegetation association 1029:** Shrublands; scrub-heath *Dryandra calothamnus* association with *Banksia prionotes* on limestone in the northern Swan Region.

A site visit was conducted over the original permit area (CPS 5652/1) on 18 July 2013 and the vegetation was considered to be comprised of low coastal heath, which is dominated by *Acacia lasiocarpa*, *Melaleuca acerosa* and *Leptomeria spinosa* (Biggs and Associates Consulting Services, 2013). A follow up site visit was conducted by Department of Mines and Petroleum (now the Department of Mines, Industry Regulation and Safety) environmental staff on 28 August 2013.

**Clearing Description** Jurien Lime Sand Project.  
Westdeen Holdings Pty Ltd proposes to clear up to 20 hectares of native vegetation within a boundary of approximately 41 hectares, for the purpose of limesand extraction and associated activities. The project is located approximately six kilometres north of Jurien Bay, within the Shire of Dandaragan.

**Vegetation Condition** Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994);  
To:  
Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994).

**Comment** Clearing permit CPS 5652/1 was granted by the Department of Mines and Petroleum (now the Department of Mines, Industry Regulation and Safety) on 19 December 2013 and was valid from 11 January 2014 to 11 January 2019. The permit authorised the clearing of up to 4 hectares of native vegetation within a boundary of approximately 20 hectares, for the purpose of limesand extraction and associated activities.

CPS 5652/2 was granted on 5 May 2016, amending the permit to increase the area approved to clear from 4 hectares to 6.75 and to increase the permit boundary from approximately 20 hectares to approximately 25.7 hectares.

On 3 September 2018, the Permit Holder applied to amend CPS 5652/2 to increase the amount of clearing authorised from 6.75 hectares to 20 hectares, increase the permit boundary from 20 hectares to 41 hectares, and to extend the duration of the permit by five years.

### 3. Assessment of application against Clearing Principles

#### Comments

Westdeen Holdings Pty Ltd has applied to increase the amount of clearing authorised by 13.25 hectares and to increase the permit boundary by approximately 21 hectares. The amendment also includes extending the permit duration by five years from 2019 to 2024.

The vegetation within the amendment area appears to be sparse and scattered within the centre (dune systems void of vegetation), and denser along the amendment boundary (GIS Database).

Barker (2018) surveyed the amendment area on 18 July 2018 for the presence of Priority Flora species, in particular *Beyeria cinerea* (Priority 3) and *Stylidium maritimum* (Priority 3). There were no Threatened or Priority Flora species identified during the survey.

There are no Threatened or Priority Ecological Communities (TEC/PEC) mapped within the amendment area. The closest PEC is situated approximately 18 kilometres east, north east of the amendment area (GIS Database).

According to available datasets, there are 16 fauna species of conservation significance recorded within a 5 kilometre radius of the amendment area, of which, thirteen are birds species that are either migratory or have the ability to vacate the area during clearing activities, and two skinks which are restricted to islands off the mainland (NatureMap, 2018). The Carnaby's Cockatoo (*Calyptorhynchus latirostris* - Threatened) is not likely to utilise the amendment area as the vegetation within the amendment area is not suitable for foraging, roosting or breeding. The Graceful Sunmoth (*Synemon gratiosa*) is considered highly mobile and similar vegetation is available adjacent to the amendment area, so the clearing is unlikely to significantly impact on these species.

The amendment area is located within the Beekeepers Nature Reserve. There are extensive amounts of native vegetation remaining in the surrounding area (GIS Database) and the Beard vegetation associations mapped for the amendment area (Beard vegetation associations 129 and 1026) are well represented, retaining at least 86% of pre-European vegetation within the state and bioregion (Government of Western Australia, 2018). Based on aerial imagery, the vegetation under application does not provide important linkage within the local area and significant impacts to the nature reserve are unlikely to result from the proposed clearing.

The Department of Biodiversity, Conservation and Attractions (DBCA) did not raise any specific concerns in relation to potential impacts to flora and fauna; however, DBCA advised that progressive rehabilitation should occur and that rehabilitation should progress towards the completion criteria identified within the related Mine Closure Plan (DBCA, 2018). Any future amendments to the Mine Closure Plan should be consulted with DBCA given the area is within DBCA managed land.

The amendment area occurs on a mobile dune system where wind erosion occurs naturally. While the proposed clearing will result in the loss of vegetation which is currently preventing increased wind erosion, the proposed clearing is unlikely greatly exacerbate existing wind erosion regimes.

The assessment against the clearing principles remains consistent with the assessment contained in the previous decision reports CPS 5652/1 and CPS 5652/2.

#### Methodology

Barker (2018)  
DBCA (2018)  
Government of Western Australia (2018)  
NatureMap (2018)

GIS Database:

- DPaW Tenure
- Imagery
- Pre-European Vegetation
- Public Drinking Water Source Areas
- Soils, Statewide
- Threatened and Priority Ecological Communities boundaries
- Threatened and Priority Ecological Communities buffers
- Threatened and Priority Flora
- Threatened Fauna

#### Planning Instrument, Native Title, previous EPA decision or other matter.

#### Comments

There are two Native Title claims over the area under application (DPLH, 2018). These claims have been registered with the National Native Title Tribunal on behalf of the claimant groups. 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 Aboriginal Sites of Significance within the application area (DPLH, 2018). 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 Water and Environmental Regulation and the Department of Biodiversity, Conservation and Attractions, 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 amendment application was advertised on 24 September 2018 by the Department of Mines, Industry Regulation and Safety inviting submissions from the public. One submission was received in relation to this application.

**Methodology** DPLH (2018)

#### 4. References

- Barker (2018) Jurien Clearing Application CPS 5652/3 – Amendment Application Supporting Document. Prepared by T. Barker for Westdeen Holdings Pty Ltd, August 2018.
- DBCA (2018) Advice received in relation to Clearing Permit Application CPS 5652/3. Species and Communities Branch, Department of Biodiversity, Conservation and Attractions, Western Australia, October 2018.
- DPLH (2018) Aboriginal Heritage Enquiry System. Department of Planning, Lands and Heritage.  
<http://maps.daa.wa.gov.au/AHIS/> (Accessed 22 October 2018).
- Government of Western Australia (2018) 2017 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of December 2017. WA Department of Biodiversity, Conservation and Attractions.  
<https://catalogue.data.wa.gov.au/dataset/dbca-statewide-vegetation-statistics>
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- NatureMap (2018) NatureMap - Mapping Western Australia Biodiversity, Department of Biodiversity, Conservation and Attractions, viewed 3 October 2018, <<http://naturemap.dec.wa.gov.au>>.

#### 5. Glossary

##### Acronyms:

<b>BoM</b>	Bureau of Meteorology, Australian Government
<b>DAA</b>	Department of Aboriginal Affairs, Western Australia (now DPLH)
<b>DAFWA</b>	Department of Agriculture and Food, Western Australia (now DPIRD)
<b>DBCA</b>	Department of Biodiversity Conservation and Attractions, Western Australia
<b>DEC</b>	Department of Environment and Conservation, Western Australia (now DBCA and DWER)
<b>DEE</b>	Department of the Environment and Energy, Australian Government
<b>DER</b>	Department of Environment Regulation, Western Australia (now DWER)
<b>DMIRS</b>	Department of Mines, Industry Regulation and Safety, Western Australia
<b>DMP</b>	Department of Mines and Petroleum, Western Australia (now DMIRS)
<b>DPIRD</b>	Department of Primary Industries and Regional Development, Western Australia
<b>DPLH</b>	Department of Planning, Lands and Heritage, 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 (now DWER)
<b>DPaW</b>	Department of Parks and Wildlife, Western Australia (now DBCA)
<b>DSEWPac</b>	Department of Sustainability, Environment, Water, Population and Communities (now DEE)
<b>DWER</b>	Department of Water and Environmental Regulation, Western Australia
<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 (2017) 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 1950*.

**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 1950*.

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.