



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 5652/4
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 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: 7 November 2019

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:
129: Bare areas; dune sand;
1026: Mosaic: Shrublands; *Acacia rostellifera*, *Acacia cyclops* (in the south) and *Melaleuca cardiophylla* (in the north) thicket / Shrublands; *Acacia lasiocarpa* and *Melaleuca acerosa* heath; and
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.

CPS 5652/3 was granted on 29 November 2018, amending the permit to increase the area approved to clear from 6.75 hectares to 20 hectares, increase the permit boundary from approximately 25.7 hectares to

approximately 39.5 hectares, and to extend the duration of the permit by five years.

On 3 September 2019, the Permit Holder applied to amend CPS 5652/3 to increase the permit boundary from approximately 39.5 hectares to 50.9 hectares and to extend the duration of the permit by five years.

3. Assessment of application against Clearing Principles

Comments

The Permit Holder has applied to amend the clearing permit to extend the permit duration by five years to 10 January 2029 and increase the permit boundary from approximately 39.5 hectares to 50.9 hectares. The size of the area approved to clear (20 hectares) remains the same. The amendment is unlikely to result in any significant change to the environmental impacts of the proposed clearing (GIS Database).

The vegetation within the amendment area is generally sparse along the southern boundary, where associated with mobile sand dunes, and denser in other areas (GIS Database). Mining activities are associated with the mobile sand dunes, however tracks may dissect areas of denser vegetation. To reduce the potential impacts to the biodiversity within these more highly vegetated areas, a clearing restriction may be imposed on the permit to limit the area of clearing approved. 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.

A database search identified 28 conservation significant flora species recorded within 10 kilometres of the amendment area that have the potential to occur (NatureMap, 2019). However, the proposed clearing is unlikely to have a significant impact on the conservation status of any of these species due to the existence of the amendment area within a highly vegetated area where vegetation associations extend beyond the application boundary (GIS Database). *Beyeria cinerea* (P3) and *Stylidium maritimum* (P3) are considered highly likely to occur within the amendment area, due to the existence of records within 200 metres (GIS Database). However, both species are well represented outside of the application area and the proposed clearing is unlikely to have a significant effect on the conservation status of these species (GIS Database). *Beyeria cinerea* (P3) is known from 51 Western Australian Herbarium records, over a range of approximately 450 kilometres across two IBRA regions, indicating that it is not locally restricted (Western Australian Herbarium, 1998-). *Stylidium maritimum* (P3) is known from 43 Western Australian Herbarium records, over a range of approximately 400 kilometres across two IBRA regions, indicating that it is not locally restricted (Western Australian Herbarium, 1998-).

A database search identified 24 conservation significant fauna species recorded within 10 kilometres of the amendment area, excluding marine species (NatureMap, 2019). Of these, 18 are birds species that are either migratory or have the ability to vacate the area during clearing activities, and two are skink species which are restricted to islands off the mainland (NatureMap, 2019). The remaining six species are unlikely to be significantly impacted by the proposed clearing due to the existence of the amendment area within a highly vegetated area where habitat types extend beyond the application boundary (GIS Database).

The entire amendment area occurs within the Beekeepers Nature Reserve (GIS Database). Advice from the Department of Biodiversity, Conservation and Attractions (DBCA) highlighted the need for progressive rehabilitation and ensuring rehabilitated areas have similar floristic diversity and composition to the pre-mining environment (DBCA, 2019). Westdeen Holdings Pty Ltd have demonstrated that progressive rehabilitation has been undertaken, however there is still the need determine the success of this rehabilitation by comparison to undisturbed native vegetation (Barker, 2019). Although advice from DBCA indicated that the potential risk to conservation significant flora, fauna and vegetation is likely to be low, as no biological surveys have been conducted over the application area there remains some uncertainty and surveys are recommended should the area to be cleared be increased (DBCA, 2019).

The amendment application has been assessed against the clearing principles, planning instruments and other matters in accordance with s.51O of the *Environmental Protection Act 1986*. Environmental information has been reviewed, and the assessment of the proposed clearing against the clearing principles remains consistent with the assessment contained in decision reports CPS 5652/1, 5652/2 and 5652/3.

Methodology

Barker (2019)
DBCA (2019)
NatureMap (2019)
Western Australian Herbarium (1998-)

GIS Database:

- DPaW Tenure
- Hydrography, Lakes
- Hydrography, Linear
- IBRA Australia
- 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 is one native title claim (WC1997/071) over the area under application (DPLH, 2019). This claim has 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 are no registered Aboriginal Sites of Significance within the application area (DPLH, 2019). 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 23 September 2019 by the Department of Mines, Industry Regulation and Safety inviting submissions from the public. No submissions were received in relation to this application.

Methodology DPLH (2019)

4. References

- Barker (2019) Jurien Clearing Application CPS 5652/4 – Amendment Application Supporting Document. Report prepared by T. Barker for Westdeen Holdings Pty Ltd, October 2019.
- Biggs and Associates Consulting Services (2013) Clearing Application CPS 5652/1 – Support Document. Report prepared by Biggs and Associates Consulting Services for Westdeen Holdings Pty Ltd, July 2013.
- DBCA (2019) Advice received in relation to Clearing Permit Application CPS 5652/4. Environmental Management Branch, Department of Biodiversity, Conservation and Attractions, Western Australia, November 2019.
- DPLH (2019) Aboriginal Heritage Inquiry System. Department of Planning, Lands and Heritage. <http://maps.daa.wa.gov.au/AHIS/> (Accessed 25 October 2019).
- 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 (2019) NatureMap - Mapping Western Australia Biodiversity, Department of Biodiversity, Conservation and Attractions, viewed 3 October 2018. <http://naturemap.dbca.wa.gov.au/> (Accessed 13 September 2019).
- Western Australian Herbarium (1998-) FloraBase - the Western Australian Flora. Department of Biodiversity, Conservation and Attractions. <https://florabase.dpaw.wa.gov.au/> (Accessed 28 October 2019).

5. Glossary

Acronyms:

BoM	Bureau of Meteorology, Australian Government
DAA	Department of Aboriginal Affairs, Western Australia (now DPLH)
DAFWA	Department of Agriculture and Food, Western Australia (now DPIRD)
DBCA	Department of Biodiversity, Conservation and Attractions, Western Australia
DEC	Department of Environment and Conservation, Western Australia (now DBCA and DWER)
DoEE	Department of the Environment and Energy, Australian Government
DER	Department of Environment Regulation, Western Australia (now DWER)
DMIRS	Department of Mines, Industry Regulation and Safety, Western Australia
DMP	Department of Mines and Petroleum, Western Australia (now DMIRS)
DPIRD	Department of Primary Industries and Regional Development, Western Australia
DPLH	Department of Planning, Lands and Heritage, Western Australia
DRF	Declared Rare Flora
DoE	Department of the Environment, Australian Government (now DoEE)

DoW	Department of Water, Western Australia (now DWER)
DPaW	Department of Parks and Wildlife, Western Australia (now DBCA)
DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities (now DoEE)
DWER	Department of Water and Environmental Regulation, Western Australia
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
TEC	Threatened Ecological Community

Definitions:

{DBCA (2019) Conservation Codes for Western Australian Flora and Fauna. Department of Biodiversity, Conservation and Attractions, Western Australia}:-

T Threatened species:

Listed by order of the Minister as Threatened in the category of critically endangered, endangered or vulnerable under section 19(1), or is a rediscovered species to be regarded as threatened species under section 26(2) of the *Biodiversity Conservation Act 2016* (BC Act).

Threatened fauna is that subset of ‘Specially Protected Fauna’ listed under schedules 1 to 3 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for Threatened Fauna.

Threatened flora is that subset of ‘Rare Flora’ listed under schedules 1 to 3 of the *Wildlife Conservation (Rare Flora) Notice 2018* for Threatened Flora.

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 in the immediate future, as determined in accordance with criteria set out in the ministerial guidelines*”.

Listed as critically endangered under section 19(1)(a) of the BC Act in accordance with the criteria set out in section 20 and the ministerial guidelines. Published under schedule 1 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for critically endangered fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for critically endangered flora.

EN Endangered species

Threatened species considered to be “*facing a very high risk of extinction in the wild in the near future, as determined in accordance with criteria set out in the ministerial guidelines*”.

Listed as endangered under section 19(1)(b) of the BC Act in accordance with the criteria set out in section 21 and the ministerial guidelines. Published under schedule 2 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for endangered fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for endangered flora.

VU Vulnerable species

Threatened species considered to be “*facing a high risk of extinction in the wild in the medium-term future, as determined in accordance with criteria set out in the ministerial guidelines*”.

Listed as vulnerable under section 19(1)(c) of the BC Act in accordance with the criteria set out in section 22 and the ministerial guidelines. Published under schedule 3 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for vulnerable fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for vulnerable flora.

Extinct Species:

EX Extinct species

Species where “*there is no reasonable doubt that the last member of the species has died*”, and listing is otherwise in accordance with the ministerial guidelines (section 24 of the BC Act).

Published as presumed extinct under schedule 4 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for extinct fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for extinct flora.

EW**Extinct in the wild species**

Species that “is known only to survive in cultivation, in captivity or as a naturalised population well outside its past range; and it has not been recorded in its known habitat or expected habitat, at appropriate seasons, anywhere in its past range, despite surveys over a time frame appropriate to its life cycle and form”, and listing is otherwise in accordance with the ministerial guidelines (section 25 of the BC Act).

Currently there are no threatened fauna or threatened flora species listed as extinct in the wild. If listing of a species as extinct in the wild occurs, then a schedule will be added to the applicable notice.

Specially protected species:

Listed by order of the Minister as specially protected under section 13(1) of the BC Act. Meeting one or more of the following categories: species of special conservation interest; migratory species; cetaceans; species subject to international agreement; or species otherwise in need of special protection.

Species that are listed as threatened species (critically endangered, endangered or vulnerable) or extinct species under the BC Act cannot also be listed as Specially Protected species.

MI**Migratory species**

Fauna that periodically or occasionally visit Australia or an external Territory or the exclusive economic zone; or the species is subject of an international agreement that relates to the protection of migratory species and that binds the Commonwealth; and listing is otherwise in accordance with the ministerial guidelines (section 15 of the BC Act).

Includes 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 fauna subject to the *Convention on the Conservation of Migratory Species of Wild Animals* (Bonn Convention), an environmental treaty under the United Nations Environment Program. Migratory species listed under the BC Act are a subset of the migratory animals, that are known to visit Western Australia, protected under the international agreements or treaties, excluding species that are listed as Threatened species.

Published as migratory birds protected under an international agreement under schedule 5 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

CD**Species of special conservation interest (conservation dependent fauna)**

Fauna of special conservation need being species dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened, and listing is otherwise in accordance with the ministerial guidelines (section 14 of the BC Act).

Published as conservation dependent fauna under schedule 6 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

OS**Other specially protected species**

Fauna otherwise in need of special protection to ensure their conservation, and listing is otherwise in accordance with the ministerial guidelines (section 18 of the BC Act).

Published as other specially protected fauna under schedule 7 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

P**Priority species:**

Possibly threatened species that do not meet survey criteria, or are otherwise data deficient, are added to the Priority Fauna or Priority Flora Lists under Priorities 1, 2 or 3. These three categories are ranked in order of priority for survey and evaluation of conservation status so that consideration can be given to their declaration as threatened fauna or flora.

Species that are adequately known, are rare but not threatened, or meet criteria for near threatened, or that have been recently removed from the threatened species or other specially protected fauna lists for other than taxonomic reasons, are placed in Priority 4. These species 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.