



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 5725/1
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Australian Gem Resources Pty Ltd

1.3. Property details

Property: Mining Lease 59/727
Local Government Area: Shire of Yalgoo
Colloquial name:

1.4. Application

| Clearing Area (ha) | No. Trees | Method of Clearing | For the purpose of: |
|--------------------|-----------|--------------------|---------------------------------------|
| 0.1 | | Mechanical Removal | Rock Quarry and Associated Activities |

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 10 October 2013

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

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|-------------------------------|--|
| Vegetation Description | Beard vegetation associations have been mapped for the whole of Western Australia and are useful to look at vegetation in a regional context. The following Beard vegetation association is located within the application area (GIS Database): 202: Shrublands; mulga & <i>Acacia quadrimarginea</i> scrub |
| Clearing Description | Australian Gem Resources Pty Ltd. The proposal is to clear 0.1 hectares of native vegetation within a total boundary of approximately 1 hectare, for the purpose of a rock quarry and associated activities. The project is located approximately 55 kilometres west of Paynes Find, in the Shire of Yalgoo. |
| Vegetation Condition | Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994); to Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994). |
| Comment | The native vegetation within the application area has been the subject of disturbance associated with previous exploration activities. |

3. Assessment of application against Clearing Principles

Comments

The application to clear up to 0.1 hectares of native vegetation for the purpose of a rock quarry and associated activities is unlikely to have any significant environmental impacts. The vegetation within the application area ranges from completely degraded to good condition (Keighery, 1994). The quality of the native vegetation within the application area has been negatively impacted by recent and historical exploration activities.

The native vegetation within the application area is broadly mapped as Beard vegetation association 202 of which 99% remains at a state and bioregional level (Government of Western Australia, 2011).

No Threatened Flora species pursuant to subsection (2) of section 23F of the *Wildlife Conservation Act 1950* or Priority Flora have been recorded within the application area, however, one (P1) and six (P3) Priority Flora species have been recorded in the local area (10 Kilometre radius) (GIS, Database; DEC, 2013). Several of these species including the P1 species *Rhodanthe collina* occur in habitat types similar to those found within the application area (Rocky Hills). However, given the size of the proposed clearing (0.1 hectares) it is unlikely

that the clearing will impact upon significant habitat for these flora species.

No Threatened Ecological Communities are recorded within the local area (GIS, Database), however, the application lies within the indicative boundary of the P1 Priority Ecological Community (PEC) 'Warriedar Hill / Pinyalling vegetation complexes (Banded Ironstone Formation)' (DPaW, 2013). The application area also lies on the former pastoral lease Thundelarra, which is currently managed under s33(2) of the *Conservation and Land Management Act 1984* and is subject to ongoing discussions / negotiations between relevant government departments toward reservation as a conservation park (DPaW, 2013). Given the size of the proposed clearing (0.1 hectares) it is unlikely that the proposed clearing represents a significant risk to the conservation area or to the PEC. DPaW (2013) have identified that there may be a low risk of detrimental impacts to conservation significant species and values from the proposal.

As the proposed clearing is within the Thundelarra proposed conservation park care must be taken to ensure that the proposed clearing activities do not spread or introduce weed species to non-infested areas. Potential impacts to the proposed conservation park as a result of the proposed clearing may be minimised by the implementation of a weed management condition.

Australian Gem Resources Pty Ltd (2013) have identified that clearing will predominantly involve the crushing of native vegetation as large rocks are removed by an excavator. The vegetation within the application area is well represented outside of the application area, retaining 98% of its pre-European extent. Given that the area has been previously disturbed by exploration activities and considering the size of the proposed clearing (0.1 hectares) the application area is not likely to represent a significant habitat for fauna.

There are no mapped watercourses or wetlands (GIS Database) within the application area. The proposed clearing is not likely to cause or exacerbate land degradation, water quality or flooding. The assessment of the application found that the clearing is not at variance to Principles (e) and (f) and is not likely to be at variance to any of the remaining clearing principles.

Methodology Australian Gem Resources Pty Ltd (2013)
DEC (2013)
DPaW (2013)
Government of Western Australia (2011)
Keighery (1994)
GIS Database
- DEC Tenure
- Hydrography, linear
- IBRA WA (Regions - Sub Regions)
- Pre-European Vegetation
- Public Drinking Water Source Areas (PDWSAs)
- Rangeland Land System Mapping
- Threatened Ecological Sites Buffered
- Threatened and Priority Flora

Planning instrument, Native Title, RIWI Act Licence, EP Act Licence, Works Approval, Previous EPA decision or other matter.

Comments There are no native title claims over the application area (GIS Database). 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 (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 Aboriginal Sites 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 Environmental Regulation (formerly the Department of Environment and Conservation) 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 9 September 2013 by the Department of Mines and Petroleum inviting submissions from the public. No submissions were received in relation to this application.

Methodology GIS Database
- Aboriginal Sites of Significance
- Native Title NNTT

Officer James Best

4. References

- Australian Gem Resources Pty Ltd (2013) Information provided in support of Clearing Permit application CPS 5725/1 – August 2013.
- DEC (2013) NatureMap - Mapping Western Australia Biodiversity, Department of Environment and Conservation, viewed September 2013, <<http://naturemap.dec.wa.gov.au>>.
- DPAW (2013) Advice for CPS 5725/1 provided by the Environmental Management Branch, Department of Parks and Wildlife - 3 October 2013.
- Government of Western Australia (2011) 2011 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). 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.

5. Glossary

Acronyms:

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|-----------------|---|
| BoM | Bureau of Meteorology, Australian Government |
| CALM | Department of Conservation and Land Management (now DEC), Western Australia |
| DAFWA | Department of Agriculture and Food, Western Australia |
| DEC | Department of Environment and Conservation, Western Australia |
| DEH | Department of Environment and Heritage (federal based in Canberra) previously Environment Australia |
| DEP | Department of Environment Protection (now DEC), Western Australia |
| DIA | Department of Indigenous Affairs |
| DLI | Department of Land Information, Western Australia |
| DMP | Department of Mines and Petroleum, Western Australia |
| DoE | Department of Environment (now DEC), Western Australia |
| DoIR | Department of Industry and Resources (now DMP), Western Australia |
| DOLA | Department of Land Administration, Western Australia |
| DoW | Department of Water |
| 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 |
| RIWI Act | Rights in Water and Irrigation Act 1914, Western Australia |
| s.17 | Section 17 of the Environment Protection Act 1986, Western Australia |
| TEC | Threatened Ecological Community |

Definitions:

{Atkins, K (2005). *Declared rare and priority flora list for Western Australia, 22 February 2005*. Department of Conservation and Land Management, Como, Western Australia} :-

- P1** **Priority One - Poorly Known taxa:** taxa which are known from one or a few (generally <5) populations which are under threat, either due to small population size, or being on lands under immediate threat, e.g. road verges, urban areas, farmland, active mineral leases, etc., or the plants are under threat, e.g. from disease, grazing by feral animals, etc. May include taxa with threatened populations on protected lands. Such taxa are under consideration for declaration as 'rare flora', but are in urgent need of further survey.
- P2** **Priority Two - Poorly Known taxa:** taxa which are known from one or a few (generally <5) populations, at least some of which are not believed to be under immediate threat (i.e. not currently endangered). Such taxa are under consideration for declaration as 'rare flora', but are in urgent need of further survey.
- P3** **Priority Three - Poorly Known taxa:** taxa which are known from several populations, at least some of which are not believed to be under immediate threat (i.e. not currently endangered). Such taxa are under consideration for declaration as 'rare flora', but are in need of further survey.
- P4** **Priority Four – Rare taxa:** taxa which are considered to have been adequately surveyed and which, whilst being rare (in Australia), are not currently threatened by any identifiable factors. These taxa require monitoring every 5–10 years.
- R** **Declared Rare Flora – Extant taxa (= Threatened Flora = Endangered + Vulnerable):** taxa which have been adequately searched for, and are deemed to be in the wild either rare, in danger of extinction, or otherwise in need of special protection, and have been gazetted as such, following approval by the Minister for the Environment, after recommendation by the State's Endangered Flora Consultative Committee.

X **Declared Rare Flora - Presumed Extinct taxa:** taxa which have not been collected, or otherwise verified, over the past 50 years despite thorough searching, or of which all known wild populations have been destroyed more recently, and have been gazetted as such, following approval by the Minister for the Environment, after recommendation by the State's Endangered Flora Consultative Committee.

{Wildlife Conservation (Specially Protected Fauna) Notice 2005} [Wildlife Conservation Act 1950] :-

- Schedule 1** **Schedule 1 – Fauna that is rare or likely to become extinct:** being fauna that is rare or likely to become extinct, are declared to be fauna that is need of special protection.
- Schedule 2** **Schedule 2 – Fauna that is presumed to be extinct:** being fauna that is presumed to be extinct, are declared to be fauna that is need of special protection.
- Schedule 3** **Schedule 3 – Birds protected under an international agreement:** being birds that are subject to an agreement between the governments of Australia and Japan relating to the protection of migratory birds and birds in danger of extinction, are declared to be fauna that is need of special protection.
- Schedule 4** **Schedule 4 – Other specially protected fauna:** being fauna that is declared to be fauna that is in need of special protection, otherwise than for the reasons mentioned in Schedules 1, 2 or 3.

{CALM (2005). *Priority Codes for Fauna*. Department of Conservation and Land Management, Como, Western Australia} :-

- P1** **Priority One: Taxa with few, poorly known populations on threatened lands:** Taxa which are known from few specimens or sight records from one or a few localities on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, active mineral leases. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P2** **Priority Two: Taxa with few, poorly known populations on conservation lands:** Taxa which are known from few specimens or sight records from one or a few localities on lands not under immediate threat of habitat destruction or degradation, e.g. national parks, conservation parks, nature reserves, State forest, vacant Crown land, water reserves, etc. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P3** **Priority Three: Taxa with several, poorly known populations, some on conservation lands:** Taxa which are known from few specimens or sight records from several localities, some of which are on lands not under immediate threat of habitat destruction or degradation. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P4** **Priority Four: Taxa in need of monitoring:** Taxa which are considered to have been adequately surveyed, or for which sufficient knowledge is available, and which are considered not currently threatened or in need of special protection, but could be if present circumstances change. These taxa are usually represented on conservation lands.
- P5** **Priority Five: Taxa in need of monitoring:** Taxa which are not considered threatened but are subject to a specific conservation program, the cessation of which would result in the species becoming threatened within five years.

Categories of threatened species (*Environment Protection and Biodiversity Conservation Act 1999*)

- EX** **Extinct:** A native species for which there is no reasonable doubt that the last member of the species has died.
- EX(W)** **Extinct in the wild:** A native species which:
(a) is known only to survive in cultivation, in captivity or as a naturalised population well outside its past range; or
(b) has not been recorded in its known and/or expected habitat, at appropriate seasons, anywhere in its past range, despite exhaustive surveys over a time frame appropriate to its life cycle and form.
- CR** **Critically Endangered:** A native species which is facing an extremely high risk of extinction in the wild in the immediate future, as determined in accordance with the prescribed criteria.
- EN** **Endangered:** A native species which:
(a) is not critically endangered; and
(b) is facing a very high risk of extinction in the wild in the near future, as determined in accordance with the prescribed criteria.
- VU** **Vulnerable:** A native species which:
(a) is not critically endangered or endangered; and
(b) is facing a high risk of extinction in the wild in the medium term future, as determined in accordance with the prescribed criteria.
- CD** **Conservation Dependent:** A native species which is the focus of a specific conservation program, the cessation of which would result in the species becoming vulnerable, endangered or critically endangered within a period of 5 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.

