



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 6104/1
File Number: DER2014/001613
Duration of Permit: From 3 January 2015 to 3 January 2017

PERMIT HOLDER

Hidden Garden Sustainable Farms Ltd

LAND ON WHICH CLEARING IS TO BE DONE

Lot 3100 on Deposited Plan 403030, Christmas Island

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 13.4 hectares of native vegetation within the area hatched yellow on attached Plan 6104/1.

CONDITIONS

1. Weed control

When undertaking any clearing or other activity authorised under this Permit, the Permit Holder must take the following steps to minimise the risk of the introduction and spread of *weeds*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (b) ensure that no *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
- (c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

DEFINITIONS

The following meanings are given to terms used in this Permit:

fill means material used to increase the ground level, or fill a hollow;

mulch means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation; and

weed/s means any plant -

- (a) that is a declared pest under section 22 of the *Biosecurity and Agriculture Management Act 2007*; or
- (b) published in a Department of Parks and Wildlife Regional Weed Rankings Summary, regardless of ranking; or
- (c) not indigenous to the area concerned.

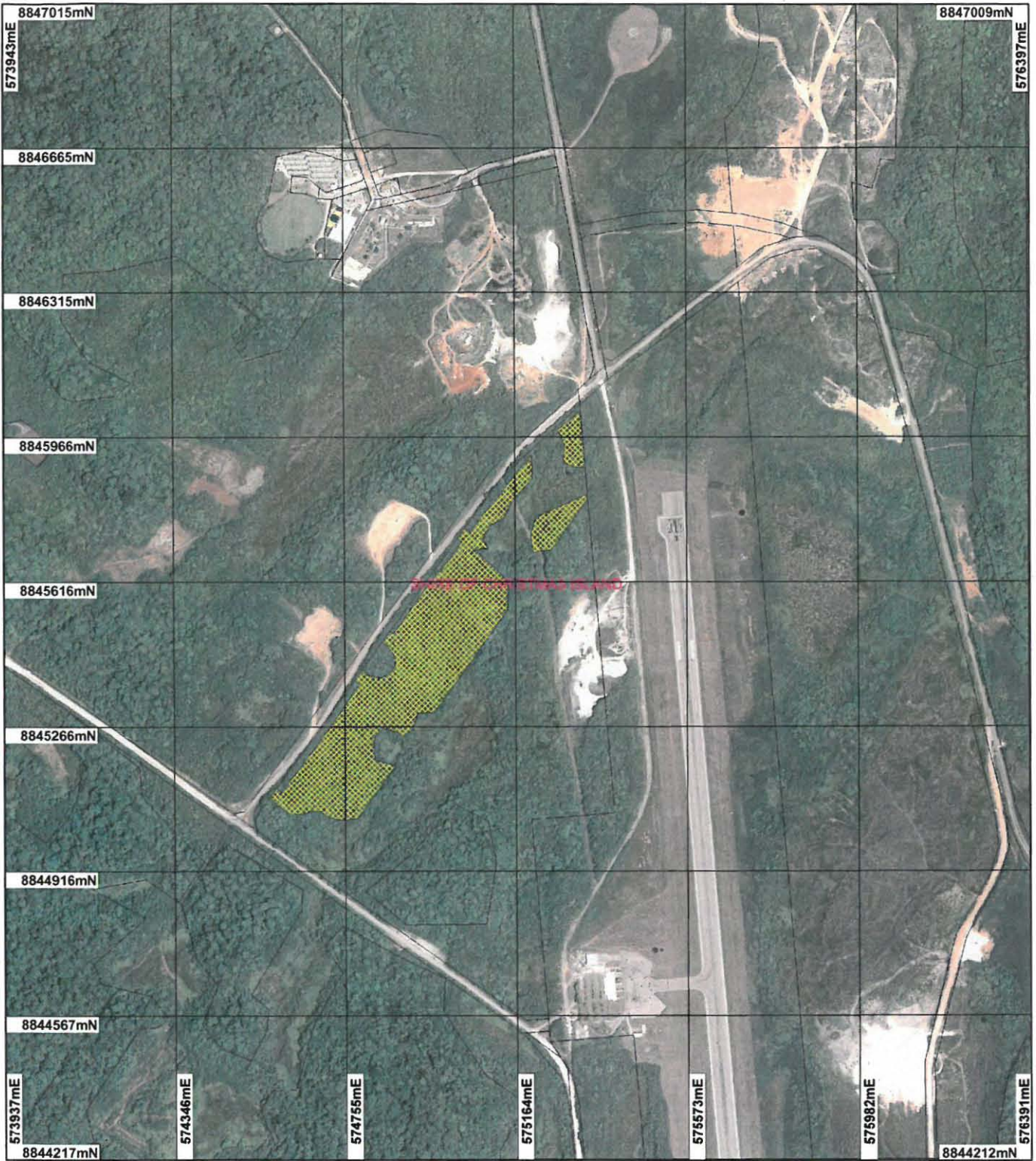
A handwritten signature in black ink, appearing to read "Karly Pidgeon", written over a horizontal line.

Karly Pidgeon
General Manager
Jervis Bay and Indian Ocean Territories Branch

Officer delegated by the Christmas Island, Cocos (Keeling) Islands and Jervis Bay Territory Delegation Instrument 2012 (No 2)

12 December 2014

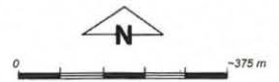
Plan 6104/1



LEGEND

- Road Centrelines
- Cadastral
- Local Government Authorities
- Clearing Instruments
- Areas Approved to Clear

Christmas Island 60cm
Orthomosaic - Landgate
2006



Scale 1:13138

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

 Date 12/12/2014

Officer delegated by the Christmas Island, Cocos (Keeling) Islands and Jarvis Bay Territory Delegation

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 6104/1
Permit type: Area Permit

1.2. Proponent details

Proponent's name: Hidden Garden Sustainable Farm Ltd

1.3. Property details

Property: UNALLOCATED CROWN LAND (CHRISTMAS ISLAND 6798)
Local Government Area: Shire of Christmas Island

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
13.4		Mechanical Removal	Horticulture

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 12 December 2014

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description	Clearing Description	Vegetation Condition	Comment
The vegetation within the application area is secondary regrowth. The majority of the area is a mix of common native trees (such as <i>Macaranga tanarius</i>) and weeds (such as <i>Cordia curassavica</i>) (Parks Australia, 2014).	The application proposes to clear 13.4 hectares of vegetation within Lot 3100 on Deposited Plan 403030, Christmas Island for the purpose of a horticultural project and ancillary services.	Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994) To Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery 1994)	The condition of the vegetation was determined via aerial imagery and from a vegetation survey (Hidden Garden Sustainable Farms Ltd, 2014).

3. Assessment of application against clearing principles

(a) Native vegetation should not be cleared if it comprises a high level of biological diversity.

Comments

Proposal is not likely to be at variance to this Principle

The application proposes to clear 13.4 hectares of vegetation within Lot 3100 on Deposited Plan 403030, Christmas Island for the purpose of a horticultural project and ancillary services.

The vegetation within the application area has previously been disturbed through mining activities. Mining within the application area occurred from the mid-1970s to mid-1980s and the average age of the vegetation is approximately 30-35 years (Hidden Garden Sustainable Farms, 2014)

The vegetation within the application area is secondary regrowth. The majority of the area is a mix of common native trees (such as *Macaranga tanarius*) and weeds (such as *Cordia curassavica*) (Parks Australia, 2014).

The application area has been designed to avoid areas of high quality vegetation and pinnacle fields.

Three bird species (Christmas Island Thrush, Christmas Island Emerald Dove and Christmas Island Goshawk) and the Christmas Island Red Crab have been observed within the application area (Parks Australia, 2014 and Hidden Garden Sustainable Farms, 2014). Given the high mobility of the birds and the low numbers of Red Crabs, the application is not likely to constitute significant habitat for these species.

No flora species listed under the Environment Protection Biodiversity Conservation Act 1999 were observed in the application area (Parks Australia, 2014 and Hidden Garden Sustainable Farms, 2014).

The disturbance caused by the proposed clearing will increase the likelihood of weeds spreading into adjacent areas of remnant vegetation. Appropriate weed management practices will assist in mitigating this risk.

Given the past disturbances, the area under application is not likely to contain a high level of biodiversity. Therefore the proposed clearing is not likely to be at variance to this principle.

Methodology References:
Hidden Garden Sustainable Farms (2014)
Parks Australia (2014)

(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.

Comments Proposal is not likely to be at variance to this Principle

The geographical isolation of Christmas Island has led to a high frequency of endemic species and the development of unique natural history features of the native fauna. Thirty-one native vertebrate species occur on the island and of these, 20 species are endemic (GHD, 2007).

Three bird species endemic to Christmas Island (Christmas Island Thrush, Christmas Island Emerald Dove and Christmas Island Goshawk) were observed within the application area (Parks Australia, 2014). Recent nocturnal surveys for the Christmas Island Goshawk picked up calls of this species coming from the application area (Parks Australia, 2014). The three bird species observed and heard within the application area are highly mobile and are likely to move on once disturbance starts if clearing is permitted, therefore the proposed clearing is not likely to have a significant impact on habitat for these species.

Christmas Island Red Crab is known to inhabit the area under application however, the applicant has advised that Red Crab density is low (0.4/100 square metres) and the site is not recognised as a migration pathway for the Red Crab.

Given the above, the area under application is not likely to contain significant fauna habitat and therefore the proposed clearing is not likely to be at variance to this principle.

Methodology References:
GHD (2007)
Parks Australia (2014)

(c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.

Comments Proposal is not likely to be at variance to this Principle

No flora declared as rare under the Wildlife Conservation Act 1950 was identified during a flora survey of the application area (Hidden Garden Sustainable Farms, 2014), nor was any observed during a site inspection conducted by Parks Australia (2014).

Therefore, the proposed clearing is not likely to be at variance this principle.

Methodology References:
Hidden Garden Sustainable Farms (2014)
Parks Australia (2014)

(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.

Comments Proposal is not at variance to this Principle

No threatened ecological communities have been recorded on Christmas Island.

Therefore, the propose clearing is not at variance to this principle

Methodology

(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.

Comments Proposal is not at variance to this Principle

Christmas Island retains approximately 75 per cent native vegetation, of which 84 per cent (63 per cent of total island area) is protected as National Park.

The area under application has previously been cleared for mining activities and is now classed as disturbed emergent forest (Hidden Garden Sustainable Farms Ltd, 2014).

Given the above, the area under application is not considered to be a significant remnant in an area that has been extensively cleared.

The proposed clearing is not at variance to this principle.

Methodology Reference:
Hidden Garden Sustainable Farms (2014)

(f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.

Comments **Proposal is not likely to be at variance to this Principle**
No watercourses or wetlands have been mapped in close proximity to the application area.

The proposed clearing is not likely to be at variance to this principle.

Methodology

(g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.

Comments **Proposal is not likely to be at variance to this Principle**
Christmas Island has a high annual rainfall of approximately 2000 millimetres per annum. Despite this, the island has very little in the way of natural running water (GHD, 2007). Approximately 70 per cent of the rainfall is taken up by the island's plants and the remaining infiltrates through the soil to recharge the groundwater. The soil and underlying limestone rock is very porous and there is very little runoff except during torrential wet season downpours (GHD,2007). Therefore the proposed clearing is not likely to cause appreciable land degradation in the form of water erosion.

The drilling program associated with the adjacent airport revealed a variable subsurface profile comprising the following:

Phosphatic soils with variable cobble, gravel, sand and clay content (Czp), brown and pale brown, dry to moist. The gravel component comprises limestone fragments of low to medium rock strength. This unit ranged from 0 to 6.1 metres in thickness, and was found to overly limestone.

Limestone (Tip), comprising fine to coarse grained, white to pale grey calcirudite and calcarenite of variable inferred rock strength. This unit comprises substantial thicknesses of weathered/weakly to moderately cemented carbonate material that achieved moderate drilling rates with solid auger drilling methods. Boreholes completed in this unit commonly refused on high to very high inferred rock strength limestone at depths ranging from <1.0 to 7.5 metres.
(GHD, 2007)

Given the soils types present, appreciable land degradation in the form of wind erosion is unlikely.

Therefore, the proposed clearing is not likely to cause appreciable land degradation and is therefore not likely to be at variance to this principle.

Methodology Reference:
GHD (2007)

(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.

Comments **Proposal is not likely to be at variance to this Principle**
Christmas Island retains approximately 75 per cent native vegetation, of which 84 per cent (63 per cent of total island area) is protected as National Park.

The area under application is not located within a conservation area.

The disturbance caused by the proposed clearing will increase the likelihood of weeds spreading into nearby conservation areas. Appropriate weed management practices will assist in mitigating this risk.

The proposed clearing is not likely to be at variance to this principle.

Methodology

(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.

Comments Proposal is not likely to be at variance to this Principle

No watercourses or wetlands have been mapped in close proximity to the application area, therefore the proposed clearing is not likely to affect the quality of surface water.

Due to the large amount of vegetation remaining on Christmas Island the proposed clearing is not likely to increase groundwater salinity.

The proposed clearing is not likely to be at variance to this principle.

Methodology

(j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.

Comments Proposal is not at variance to this Principle

The proposed clearing will not increase the incidence or intensity of flooding, due to the porous nature of the soils and the underlying rock structures on Christmas Island (Hidden Garden Sustainable Farms Ltd, 2014).

The proposed clearing is not at variance to this principle.

Methodology Reference:
Hidden Garden Sustainable Farms Ltd (2014)

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

Comments

Hidden Garden Sustainable Farms Ltd hold a current lease over Lot 3100 on Deposited Plan 403030, Christmas Island.

The applicant has advised that no groundwater will be abstracted for this project, instead rain water will be used.

The proposed works will not require Works Approval for the first year of production as the farm will only be producing small amounts (less than 1000T) of compost for the sole use of the farm.

Development Approval will be required to build infrastructure within the lease area, however infrastructure will not be constructed until approximately six months after planting commences.

Methodology

4. References

- GHD (2007) Christmas Island - Airport Upgrade Environmental Impact Statement. Document Number: 31978R4
Hidden Garden Sustainable Farms (2014) Vegetation Clearing Permit Report. For the Purpose of Developing a Horticultural Project on Christmas Island. May 2014 (DER Ref: A756871).
Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
Parks Australia (2014) Site information for clearing permit application CPS 6104/1 (DER Ref: A784050).



Complying with your permit to clear native vegetation

Under Part V of the *Environmental Protection Act 1986* (EP ACT)

A clearing permit allows you to legally clear native vegetation.

As the holder of a clearing permit, you are responsible for ensuring the requirements of the clearing permit are followed. This fact sheet is to assist you to understand your clearing permit.

Keep your clearing permit in a secure place where you can access it if you need to check the details.

If there are any particulars of the clearing permit that you do not fully understand please contact the Department of Environment and Conservation (DEC) Native Vegetation Conservation Branch (NVCB) on 9219 8744. If the clearing permit is for a mining or petroleum project please contact the Department of Mines and Petroleum (DMP) Native Vegetation Assessment Branch (NVAB) on 9222 3333.

Types of clearing permits

Your clearing permit will either allow you to clear a specific area (area permit) or for a specific purpose (purpose permit).

Area permits

An area permit will inform you how and where to undertake your clearing.

Land on which clearing is to be done: describes the land covered by the clearing permit. The clearing permit plan will show where on this land you are allowed to clear.

Authorised activity: describes how the clearing is to be carried out.

Purpose permits

Conditions set within the clearing permit will describe for what purpose you are allowed to clear and the areas in which you can clear.

Clearing permits may contain conditions

Area permits and purpose permits may be subject to conditions. The types of conditions that are placed on a clearing permit depend on the outcome of the environmental impact assessment. Conditions are used to prevent, control, abate or mitigate environmental harm or to offset the loss of the cleared vegetation.

Conditions may relate to record keeping, reporting, revegetating or other actions.

- **Record keeping and submitting reports:** If your clearing permit requires you to keep records or submit reports, ensure they are submitted by the due date or notify DEC or DMP if there is some reason why this is not possible.
- **Revegetating:** Some clearing permits require land to be revegetated. A range of companies and organisations provide advice and services to achieve this.

Some clearing permits will have no conditions attached.

Definitions: of terms specific to the conditions may be included to clarify what is required. Additional terms may be defined separately in the *Environmental Protection Act 1986*.

Contact DEC or DMP if you would like more information about terms used in your clearing permit.

When can you start clearing?

Check the commencement date on the clearing permit. Generally the start date is set a month after you have received your permit.

If your clearing permit is subject to an appeal, you will be notified by the Appeals Convenor and clearing must not commence until you are provided with notice of the outcome.

Clearing permits will expire—be aware of the entire **duration of the clearing permit** and plan your clearing to be completed within this period.

If you need further time:

- seek an extension of the clearing permit before it expires; or
- apply for a new clearing permit if your clearing permit has expired.

Are clearing permits publically available?

The *Environmental Protection Act 1986* clearing provisions require that the details of clearing permits are published. Anyone can obtain a copy of your clearing permit and the decision report.

Ensuring compliance

Monitoring of compliance: a range of technologies exist to monitor changes in vegetation. This information is cross analysed with clearing permits.

Compliance inspections: may be conducted to audit your clearing permit (refer **Fact Sheet 3**).

What if you breach the requirements or conditions of your clearing permit or clear an area or in a way not permitted?

You should:

1. Correct the breach as soon as possible to minimise the level of environmental harm
2. Notify DEC / DMP
3. Review your operating procedures to ensure that the breach does not occur again.

Expeditious notification will be considered as a mitigating factor if enforcement action is taken.

Refer to DEC's Enforcement and Prosecution Policy (2008) for further information about voluntary disclosure.

Will the clearing permit be affected by a breach?

If enforcement action is taken your clearing permit may be suspended or revoked. A Vegetation Conservation Notice may be given to the responsible person (such as the permit holder or land owner). The notice may specify measures to be undertaken to rectify the breach.

Can clearing permits be amended, transferred or surrendered during the duration of the clearing permit?

Clearing permits can be amended to correct issues such as clerical mistakes, administrative changes, the size of the areas to be cleared, and dates to comply with permit conditions. Applications (Form C4) for an amendment will need to be assessed.

The clearing permit holder, or any person, may appeal to the Minister for Environment against an amendment. The appeal must be lodged within 21 days of the clearing permit holder being notified of the amendment. Information on the appeal process and how to lodge an appeal can be found on the Office of the Appeals Convenor's website at <www.appealsconvenor.wa.gov.au>.

Area permits may be transferred to a new property owner by submitting a 'Notification of Change of Land Ownership' (Form C5). The clearing permit will not be valid until this transfer is completed.

If you no longer wish to clear or have completed clearing before the end of the permitted period an 'Application to surrender a clearing permit' (Form C6) may be submitted to end the clearing permit and any conditional requirements.

On completion of clearing or expiry of the clearing permit ensure all required records have been submitted.

More information

DEC provides a range of information at <www.dec.wa.gov/nvp>

Fact sheets provide basic information to cover the most common questions DEC receives about the EP Act clearing provisions

Application forms include guidance on what information is required to complete the form

Guides provide additional detail to what is covered in the facts sheets or forms

Environmentally sensitive areas can be viewed from the Native Vegetation Map Viewer at <www.dec.wa.gov.au/nvp> in the 'Data' section

Be clear before you clear – if you require assistance please contact DEC's Native Vegetation Conservation Branch on 9219 8744 or email <nvp@dec.wa.gov.au>

If your clearing relates to **mining or petroleum project** please contact **Department of Mines and Petroleum (DMP)** Native Vegetation Assessment Branch for assistance on 9222 3333 or visit: <www.dmp.wa.gov.au/nvabinfo>

Please note.....

The above information provides a general guide to the clearing provisions of the *Environmental Protection Act 1986* (available at <www.slp.wa.gov.au>). DEC has endeavored to ensure the accuracy of the contents of this document, it accepts no responsibility for any inaccuracies and persons relying on this document do so at their own risk.