



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 6203/2
Permit type: Purpose

1.2. Proponent details

Proponent's name: Limestone Building Blocks Co Pty Ltd

1.3. Property details

Property: Mining Lease 70/13
Local Government Area: City of Wanneroo
Colloquial name:

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
5.1		Mechanical Removal	Mineral Production

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 13 July 2017

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. Two Beard vegetation associations have been mapped within the application area (GIS Database):

Beard vegetation association 6: Medium woodland; tuart & jarrah; and

Beard vegetation association 949: Low woodland; banksia (GIS Database).

A Level 2 flora and vegetation survey by Coffey Environments (2011) was undertaken on 11 November 2010 covering an area of approximately 14 hectares which included the application area and surrounding vegetation east of the application area (referred to as the survey area). Two vegetation communities were identified within the application area (Coffey Environments, 2011);

EmBa – Open Woodland to Woodland of *Eucalyptus marginata* over Low Woodland of *Banksia attenuata* and Low Open Woodland to Low Woodland of *Allocasuarina fraseriana* over Open Shrubland to Shrubland of *Xanthorrhoea preissii* and *Macrozamia riedlei* over Low Shrubland to Open Low Heath of *Hibbertia hypericoides* over Very Open Sedgeland of *Mesomelaena pseudostygia* and Very Open Herbland of *Desmocladius flexuosus* with scattered trees or patches of *Banksia menziesii* and *B. grandis*; and

BsXp – Closed Tall Scrub of *Banksia sessilis* over Open Shrubland to Tall Shrubland of *Xanthorrhoea preissii* with Tall Open Shrubland to Tall Shrubland of *Acacia rostellifera* and scattered shrubs of *Melaleuca systema*, *Melaleuca huegelii* and *Hakea trifurcata* over Low Shrubland of *Jacksonia sericea* and *Hibbertia hypericoides* over Very Open Sedgeland of *Mesomelaena pseudostygia* and *Lepidosperma pubisquamum* over Very Open Herbland of *Conostylis candicans* and *Desmocladius flexuosus* with scattered tall trees of *Eucalyptus gomphocephala*.

The survey area included an old disused limestone quarry, which was in a degraded to completely degraded condition according to the Keighery (1994) scale (Coffey Environments, 2011).

Clearing Description Limestone Building Blocks Company Pty Ltd applied to clear up to 10.99 hectares of native vegetation within a total boundary of approximately 11 hectares, for the purpose of mineral production. However only 5.1 hectares has been approved to clear. The project is located approximately 15 kilometres south-east of Yancheep, in the City of Wanneroo.

Vegetation Condition Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994);

To:

Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994).

Comment The vegetation condition was assessed during a survey undertaken by a botanist from Coffey Environments (2011).

Clearing permit CPS 6203/1 was granted by the Department of Mines and Petroleum (now Department of Mines,

Industry Regulation and Safety) on 9 July 2015 and authorised the clearing of 5.1 hectares. The Department of Mines, Industry Regulation and Safety has initiated an amendment to update the conditions of the permit to reflect the current offset that will be implemented.

3. Assessment of application against clearing principles

Comments

The assessment of clearing permit CPS 6203/1 determined that the permit was granted subject to a condition requiring that Limestone Buildings Blocks Company Pty Ltd develop an offset to mitigate residual impacts from clearing on Carnaby's Cockatoo (*Calyptorhynchus latirostris* – Endangered).

Limestone Buildings Blocks Company Pty Ltd are proposing to provide funding to purchase an area of 16 hectares of Carnaby's Cockatoo feeding habitat on the Swan Coastal Plain. The funds are proposed to be placed into a pool to maximise the amount of return for offset funds. The proposed offset also includes the revegetation of all cleared areas to return to pre-clearing communities.

This amendment is to amend the offset condition to reflect the offset being implemented. The amendment will not result in a change to the assessment of the clearing principles as outlined in decision report CPS 6203/1.

Methodology

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

Comments

The permit area is within the South West Native Title Settlement area (Department of Planning, Lands and Heritage, 2017). This settlement resolves Native Title rights and interests over an area of approximately 200,000 square kilometres within the south west of Western Australia. 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 (Department of Planning, Lands and Heritage, 2017). 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.

Mining Lease 70/13 is located within a 'Priority Resource Location Area', as identified within State Planning Policy 2.4: Basic Raw Materials (SPP 2.4). Priority Resource Locations are considered regionally significant resources which should be recognised for future basic raw materials extraction and not be constrained by incompatible land uses or development (Western Australian Planning Commission, 2000a). SPP 2.4 is designed to facilitate the extraction of basic raw materials close to major markets in the metropolitan region. The policy recognises the importance of ensuring the extraction of basic raw materials occurs with minimal detriment to the environment, including regionally significant bushland and in a manner that allows for the future use and development consistent with the long-term planning intentions for the area (Western Australian Planning Commission, 2000a). SPP 2.4 does not remove obligations to identify environmental constraints that may determine the extent and/or manner in which a proposal can be implemented (Western Australian Planning Commission, 2000a). SPP 2.4 specifically states that the development of land for the extraction of basic raw materials should not adversely affect the environment. It is for this reason that key legislation for the protection of the environment, including the clearing provisions of the *Environmental Protection Act 1986*, applies to limestone extraction.

State Planning Policy 2.8 Bushland Policy for the Perth Metropolitan Region (SPP 2.8) provides a policy and implementation framework for the management and protection of bushland in the Perth Metropolitan Region (Western Australian Planning Commission, 2000b). The policy does not prevent development provided that it is consistent with the policy and other planning and environmental considerations (Western Australian Planning Commission, 2010). The policy contains a specific policy measure identified under sections 5.1.2.2 relating to 'Bush Forever Areas – Urban, Industrial or Resource Development' where land includes significant bushland identified as a priority resource location, key extraction area or extraction area, as identified in SPP 2.4 (Western Australian Planning Commission, 2000b). Section 5.1.2.2 allows decision makers to recognise regionally significant bushland as constrained by existing commitments and approvals, including existing mining operations, which may continue to operate in accordance with their existing levels of extraction approvals (Western Australian Planning Commission, 2000b).

DMP (now DMIRS) has considered SPP 2.4 and SPP 2.8 during the assessment of this clearing permit application, and has also considered information provided by the proponent and the Geological Survey of Western Australia highlighting the importance of the Wanneroo high grade limestone resource to the continued development of housing and infrastructure in the Perth northern corridor. Planning publications for the city of Wanneroo and Perth were also considered in this assessment (Western Australian Planning Commission, 2000a; 2007).

It is noted that the proposed clearing may impact on a protected matter under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). The proponent may be required to refer the project to the (Federal) Department of the Environment and Energy for environmental impact assessment under the EPBC

Act. The proponent is advised to contact the Department of the Environment and Energy for further information regarding notification and referral responsibilities under the EPBC Act.

The application area is located within an area subject to the *Environmental Protection (Gnangara Mound Crown Land) Policy 1992*. As such, advice was sought from the Environmental Protection Authority (EPA). The EPA determined not to assess this proposal under Part IV of the *Environmental Protection Act 1986* and recommended that the proposal be dealt with under Part V Division 2 of the *Environmental Protection Act 1986* (clearing of native vegetation).

The proponent has applied to clear 10.99 hectares of native vegetation, however given the high environmental values associated with the area applied to be cleared, only 5.1 hectares of the application area has been approved to be cleared, subject to conditions including the requirement for an offset proposal. The approved area is located in the northwest section of the application area which includes regrowth within the old limestone pit in a degraded to completely degraded condition, avoids 569 individuals of the recorded Priority 4 Flora *Jacksonia sericea*, minimises the impact on the potential PEC and avoids the preferred habitat for the Threatened Flora species *Eucalyptus argutifolia*. The approved area still allows for ecological linkages between the south, east and western bushland, and conserves fauna habitat and Carnaby's Cockatoo foraging habitat with the highest environmental values.

Methodology Department of Planning, Lands and Heritage (2017)
Western Australian Planning Commission (2000a)
Western Australian Planning Commission (2000b)
Western Australian Planning Commission (2007)

4. References

Coffey Environments (2011) Flora and Vegetation Assessment M70/013 Hopkins Road, Nowergup. Prepared for Limestone Building Blocks Co Pty Ltd, March 2011.
Department of Planning, Lands and Heritage (2017) Aboriginal Heritage Enquiry System. Government of Western Australia, <http://maps.dia.wa.gov.au/AHIS2/>. (Accessed 7 July 2017).
Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
Western Australian Planning Commission (2000a) Statement of Planning Policy No. 2.4 Basic Raw Materials, Perth, WA.
Western Australian Planning Commission (2000b) Statement of Planning Policy No. 2.8 Bushland Policy for the Perth Metropolitan Region, Perth, WA.
Western Australian Planning Commission (2007) The future of east Wanneroo - Land use and water management in the context of Network City, Perth WA.

5. Glossary

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)
DEE	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 DEE)
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 DEE)
DWER	Department of Water and Environmental Regulation, Western Australia
EPA	Environmental Protection Authority, Western Australia (now DWER)
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:

{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.

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.

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.