



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 6835/2
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Neil Francis Smith and Robert Neil Hebiton

1.3. Property details

Property: Mining Lease 70/613
Local Government Area: Shire of Irwin
Colloquial name: Cliff Head Gypsum Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
9.52		Mechanical Removal	Gypsum Mining

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 15 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 association: 255: Shrubland; mallee scrub, *Eucalyptus dongarraensis* (GIS Database).

A site visit over the original permit area was undertaken by the assessing officer on 14 January 2016. It was observed that the application had been previously impacted by fire and the vegetation was dominated by young Eucalypts.

A flora and vegetation survey was conducted over the amendment application area by Donald Williams on 19 January 2017, 14 June 2017, 29 November 2017 and 30 March 2018. The vegetation is not typical for the general coastal area. The vegetation is best described as Eucalyptus (*Eucalyptus obtusiflora* subsp. *dongarraensis*) to height of 3 meters. In some areas *Acacia cyclops* is also a dominant species (Williams, 2018).

Clearing Description Cliff Head Gypsum Project.
N F Smith and R N Hebiton propose to clear up to 9.52 hectares of native vegetation within a boundary of approximately 45.61 hectares, for the purpose of gypsum mining. The project is located approximately 30 kilometres south of Dongara, within the Shire of Irwin.

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

To:

Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).

Comment Clearing permit CPS 6835/1 was granted by the Department of Mines and Petroleum (now the Department of Mines, Industry Regulation and Safety) on 4 February 2016 and was valid from 27 February 2016 to 28 February 2021. The permit authorised the clearing of up to 0.5 hectares of native vegetation within a boundary of approximately 0.5 hectares, for the purpose of gypsum mining.

On 3 November 2016, the Permit Holder applied to amend CPS 6835/1 to increase the area authorised to clear to 9.52 hectares, and to increase the permit boundary to 45.61 hectares.

3. Assessment of application against Clearing Principles

Comments

N F Smith and R N Hebiton has applied to increase the area permitted to clear from 0.5 hectares to 9.52 hectares, and to increase the permit boundary from 0.5 hectares to approximately 45.61 hectares.

A flora and vegetation survey was undertaken over the amendment area by Williams (2018) who indicated that the vegetation is not typical for the general coastal area. The vegetation of the amendment area is best described as Eucalyptus (*Eucalyptus obtusiflora* subsp. *dongarraensis*), and in some areas *Acacia cyclops* is

also a dominant species (Williams, 2018). The vegetation condition within the amendment area ranges from 'very good' to 'excellent' (Keighery, 1994). There are no known Threatened or Priority Ecological Communities within the amendment boundary (Williams, 2018; GIS Database). Williams (2018) searched for 33 Priority Flora species and four Threatened Flora species that were known to occur within the local area. There were no Threatened or Priority Flora species identified within the amendment boundary (Williams, 2018).

There were very low levels of Barley Grass (*Hordeum leporinum*) identified within the amendment boundary (Williams, 2018). The amendment boundary is also located within a dieback risk zone, however there was no evidence of dieback (Williams, 2018) (GIS Database). Weeds and dieback have the potential to significantly change the dynamics of a natural ecosystem and lower the biodiversity of an area. Potential impacts to biodiversity as a result of the proposed clearing may be minimised by the implementation of a weed and dieback management condition.

The application area lies within the Geraldton Sandplains Interim Biogeographical Regionalisation of Australia bioregion in which approximately 44.8% of the pre-European vegetation remains (Government of Western Australia, 2018; GIS Database). The vegetation of the application area has been broadly mapped as Beard vegetation association 255 (GIS Database). This vegetation association has not been extensively cleared as over 90% remains at both a State and bioregional level (Government of Western Australia, 2018). The application area is not a remnant nor does it form part of any remnants within the local area (GIS Database).

There was no fauna survey undertaken over the amendment area. During the flora and vegetation survey by Williams (2018), observations were made in relation to fauna, however no tracks or droppings of native mammal or reptile fauna were evident. Given recent fire events, the amendment area is not likely to provide significant habitat for Malleefowl as Malleefowl prefer habitat that has not been burnt for 40 to 60 years and the impact of fire on Malleefowl is severe with breeding in extensively burnt areas usually reduced for at least 30 years (DotEE, 2018).

There are no conservation areas within the application area. The nearest DBCA (formerly DPaW) managed land is the Beekeepers Nature Reserve, located approximately 40 metres east of the application area (GIS Database). The application area is separated from Beekeepers Nature Reserve by Indian Ocean Drive. The proposed clearing will not impact on any linkages to the area and is not likely to impact on the environmental values of the Nature Reserve. Care needs to be taken to ensure that the proposed clearing does not facilitate the spread of weeds or dieback into the Beekeepers Nature Reserve. Potential impacts from weeds may be minimised by the implementation of a weed and dieback management condition.

There are no watercourses within the amendment boundary, and the proposed increase in clearing is unlikely to significantly impact surface water or groundwater. The application area is not located within a Public Drinking Water Source Area (GIS Database).

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 report CPS 6835/1.

Methodology DotEE (2018)
Government of Western Australia (2018)
Keighery (1994)
Williams (2018)

GIS Database:

- Hydrography, Lakes
- Hydrography, Linear
- IBRA Australia
- Imagery
- Pre-European Vegetation
- Public Drinking Water Source Areas
- 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 over the area under application (DPLH, 2018). 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, 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 21 November 2016 by the Department of Mines and Petroleum (now the Department of Mines, Industry Regulation and Safety) inviting submissions from the public. No submissions were received in relation to this application.

Methodology DPLH (2018)

4. References

- DPLH (2018) Aboriginal Heritage Enquiry System. Department of Planning, Lands and Heritage. <http://maps.daa.wa.gov.au/AHIS/> (Accessed 3 October 2018).
- DotEE (2018) Australian Threatened Species – Malleefowl *Leipoa ocellata*. Department of the Energy and Environment. <<https://www.environment.gov.au/system/files/resources/eed39fb9-0a63-4aac-bc84-785330d8b9fb/files/tsd06malleefowl.pdf>> Accessed on 3 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.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Williams (2018) Proposed extension to Tenement M70 / 613. N & L Hebiton. Cliff Head operations, west of Indian Ocean Drive. Cliff Head - Flora vegetation and fauna habitat survey. Report prepared for N & L Hebiton by Donald Williams, Williams & Son, 2018.

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)
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
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 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.