



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 7140/1
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Hanson Construction Materials Pty Ltd

1.3. Property details

Property: Mining Lease 70/776
Local Government Area: City of Swan
Colloquial name: Tick Road Sand Mine

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 11 August 2016

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. One Beard vegetation association is located within the application area (GIS Database):

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

One Heddle vegetation complex is also mapped over the application area:

Bassendean Complex - North: Consists of a Low Open Forest of Banksia spp., *Eucalyptus tottiana* to Low Woodland of *Melaleuca* spp. and Sedgelands which occupy the moister sites.

A site visit was conducted over the application area on 2 September 2014 by RPS consulting. One vegetation community was identified within the application area. The community was described as being comprised of opportunistic native regrowth including areas of *Xanthorrhoea preissii*, *Stirlingia latifolia*, *Jacksonia densiflora* and *Anigozanthos humilis*. Mature trees and regrowth of *Pinus pinaster* were also scattered throughout the application area (RPS, 2014).

Clearing Description Tick Road Sand Mine
Hanson Construction Materials Pty Ltd proposes to clear up to 93.78 hectares of native vegetation within a total boundary of approximately 93.78 hectares, for the purpose of sand mining. The project is located approximately 21 kilometres north of Perth, in the City of Swan.

Vegetation Condition Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994);
To:

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

Comment A clearing permit was previously granted over the application area. CPS 6362/1 was granted in 2014 and approved the clearing of 136.93 hectares of native vegetation. The current clearing permit application replaces CPS 6362/1 but only includes areas that were not cleared under the previous permit. A new clearing permit is required as the permit holder name is proposed to be changed. Purpose permits cannot be amended to change the permit holder's name.

Given that the application area is the same as for CPS 6362/1, advice obtained from the Department of Parks and Wildlife (DPaW) and the Department of Water (DoW) in 2014 during the assessment for CPS 6362/1, has been used within the assessment for CPS 7140/1. Advice obtained from these Departments in 2009 for an adjacent application (CPS 2857/1) has also been used within the assessment.

The condition of the vegetation under application was determined via flora information provided by RPS (2014).

3. Assessment of application against Clearing Principles

Comments

The vegetation that occurs within the application area is regrowth from a Pine (*Pinus pinaster*) plantation that had been cleared progressively from 2010 to 2014. The original native vegetation was cleared over 50 years ago to establish the Gnangara Pine Plantation. A walk over of the application area was undertaken by RPS (2014) on 2 September 2014. No vegetation units within the application area were considered to be of high conservation significance and habitat diversity was very low within the application area despite being within the Gnangara-Moore River State Forest (RPS, 2014; GIS Database). The condition of the vegetation under application ranges from 'degraded' to 'completely degraded' (Keighery, 1994; GIS Database).

A site visit was also conducted by DMP Environmental Officers in 2014 and significant disturbance was noted throughout the application area including large amounts of dumped litter, weed infestation and evidence of dieback (*Phytophthora cinnamomi*). Despite the values of the application area already being compromised, it is important to ensure that weeds and dieback are not spread to uninfected areas. Potential impacts from the spreading of weeds and dieback as a result of the proposed clearing may be minimised by the implementation of a weed and dieback management condition.

According to available datasets, no Threatened Ecological Communities or Priority Ecological Communities are known to occur within the application area.

Five species of Threatened flora have been recorded within the local area (10 kilometre radius): *Grevillea maccutcheonii*, *Grevillea curviloba* subsp. *curviloba*, *Trithuria occidentalis*, *Dasymalla axillaris* and *Caladenia huegelii*. Preferred habitat is not present within the application area for all but two of these species. *Caladenia huegelii* is found within a variety of sandy habitats and has been recorded close to flats and swamps, whilst *Dasymalla axillaris* is common to yellow sand (Western Australian Herbarium, 1998). In addition to the five Threatened flora species, seven Priority 1 species and five Priority 2 flora species have been recorded within the local area (DPaW, 2016). The Department of Parks and Wildlife reviewed the previous clearing permit (CPS 6362/1) and did not identify any specific flora concerns associated with the proposed clearing (DPaW, 2014). A Level 1 flora survey of adjacent areas, which included large parts of the application area, did not record the presence of any Threatened or Priority flora species (RPS, 2009). Given that the application area has been subject to existing disturbance and there are no known occurrences of Threatened or Priority flora in the vicinity, the vegetation to be cleared is not likely to be necessary for the continued existence of the above mentioned Threatened flora species.

Thirty three fauna species of conservation significance have been recorded within the local area, the majority of which are migratory species (DPaW, 2016). Faunal habitat for the remaining species is limited due to the lack of vegetative cover, landform features and the existing level of disturbance (RPS, 2014; GIS Database). The Department of Parks and Wildlife reviewed the previous clearing permit (CPS 6362/1) and did not identify any specific fauna concerns associated with the proposed clearing (DPaW, 2014). Impacts to local fauna species, including species of conservation significance, are likely to be negligible.

Beard vegetation association 949 is well represented within the local area and region, retaining approximately 56% of pre-European vegetation within the state and bioregion (Government of Western Australia, 2014). This is above the 30% threshold level recommended in the National Objectives Targets for Biodiversity Conservation below which, species loss appears to accelerate exponentially at an ecosystem level (Commonwealth of Australia, 2001). While aerial imagery shows the local area to be extensively cleared, given the poor condition and limited habitat value of the vegetation under application, the application is unlikely to provide important linkage within the local area.

There are no watercourses or wetlands mapped within the application area, therefore there are no foreseeable impacts to the quality of surface water. While the application area is located within a Priority One Public Drinking Water Source Area (the Gnangara Underground water Pollution Control Area), the Department of Water (DoW) did not raise any concerns with the proposed clearing (DoW, 2014). The proposed clearing is not likely to result in measurable adverse impacts to the quality of groundwater.

Given that the soils of the application are chiefly composed of sand soils, land degradation, in the form of wind erosion, is likely to occur if areas are left open for extended periods. Potential land degradation impacts as a result of the proposed clearing may be minimised by the implementation of a staged clearing condition.

The application area was previously assessed under clearing permit CPS 6362/1. The assessment found the proposed clearing may be at variance to Principle (g), is not likely to be at variance to Principles (a), (b), (c), (d), (e), (h), (i), and (j), and is not at variance to Principle (f). Given that the areas proposed to be cleared have not been altered, and the only change involves the application area being reduced to exclude already cleared areas, no additional environmental impacts are anticipated to result.

The assessment against the clearing principles remains consistent with the assessment contained in decision report CPS 6362/1.

Methodology Commonwealth of Australia (2001)
DoW (2014)
DPaW (2014)
DPaW (2016)
Government of Western Australia (2014)

Keighery (1994)
RPS (2009)
RPS (2014)

GIS Database:
- DPaW Tenure
- Groundwater Salinity
- Hydrographic Catchments – Catchments
- Hydrography, linear
- IBRA Australia
- Imagery
- Pre-European Vegetation
- Public Drinking Water Source Areas (PDWSAs)
- Soils, statewide
- Threatened and Priority Flora List
- Threatened and Priority Ecological Communities Buffers
- Threatened and Priority Ecological Communities Boundaries

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

Comments

There are three native title claims over the application area (WC2011/009, WC2011/002 and WC2003/006) (DAA, 2016). 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*.

According to available datasets, there are no Sites of Aboriginal Significance located in the area applied to clear (DAA, 2016). It is the proponent's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no Sites of Aboriginal Significance are damaged through the clearing process

It is the proponent's responsibility to liaise with the Department of Environment Regulation, the Department of Parks and Wildlife 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 18 July 2016 by the Department of Mines and Petroleum inviting submissions from the public. No submissions were received.

Methodology DAA (2016)

4. References

- Commonwealth of Australia (2001) National objectives and targets for biodiversity conservation 2001-2005. Commonwealth of Australia, Canberra, ACT.
- DAA (2016) Aboriginal Heritage Inquiry System, Department of Aboriginal Affairs, Perth, Western Australia <<http://maps.dia.wa.gov.au>> Accessed August 2016.
- DoW (2009) Advice in relation to Clearing Permit Application CPS 2857/1. Department of Water, Western Australia, January 2009.
- DoW (2014) Advice in relation to Clearing Permit Application CPS 6362/1. Department of Water, Western Australia, December 2014.
- DPaW (2016) NatureMap, Department of Parks and Wildlife <<http://naturemap.dec.wa.gov.au>> (Accessed August 2016).
- DPaW (2014) Advice received in relation to Clearing Permit Application CPS 6362/1. Species and Communities Branch, Department of Parks and Wildlife, Western Australia, November 2014.
- Government of Western Australia (2014) 2014 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of June 2014. 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.
- RPS (2009) Level 1 Spring flora survey of proposed sand extraction areas, Tick Road, Melaleuca. Prepared for Rocla Quarry Products by RPS Consulting, January 2009.
- RPS (2014) Tick Road Sand Mine (Tenement M70/776). Native Vegetation Clearing Application Supporting Document. Report prepared for Rocla Quarry Products Limited, by RPS Consulting, November 2014.

5. Glossary

Acronyms:

BoM	Bureau of Meteorology, Australian Government
DAA	Department of Aboriginal Affairs, Western Australia
DAFWA	Department of Agriculture and Food, Western Australia
DEC	Department of Environment and Conservation, Western Australia (now DPaW and DER)
DER	Department of Environment Regulation, Western Australia

DMP	Department of Mines and Petroleum, Western Australia
DRF	Declared Rare Flora
DotE	Department of the Environment, Australian Government
DoW	Department of Water, Western Australia
DPaW	Department of Parks and Wildlife, Western Australia
DSEWPac	Department of Sustainability, Environment, Water, Population and Communities (now DotE)
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 (2015) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia}:-

T	<p>Threatened species: Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, 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).</p> <p>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.</p> <p>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.</p> <p>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.</p>
CR	<p>Critically endangered species Threatened species considered to be facing an extremely high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.</p>
EN	<p>Endangered species Threatened species considered to be facing a very high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.</p>
VU	<p>Vulnerable species Threatened species considered to be facing a high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.</p>
EX	<p>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 <i>Wildlife Conservation Act 1950</i>, 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.</p>
IA	<p>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 <i>Wildlife Conservation Act 1950</i>, in Schedule 5 of the Wildlife Conservation (Specially Protected Fauna) Notice.</p>

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.