



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 7795/1
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Regan Scott Grant and Melita Grant

1.3. Property details

Property: M70/1367
Local Government Area: Shire of Lake Grace
Colloquial name: N/A

1.4. Application

| Clearing Area (ha) | No. Trees | Method of Clearing | For the purpose of: |
|--------------------|-----------|--------------------|---|
| 23.25 | | Mechanical Removal | Gypsum Mining and Associated Activities |

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 30 November 2017

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 | The vegetation of the application area is broadly mapped as the following Beard vegetation associations: 125: Bare areas; salt lakes; and 511: Medium woodland; salmon gum & morrel (GIS Database). |
| Clearing Description | Regan Scott Grant and Melita Grant proposes to clear up to 23.25 hectares of native vegetation within a boundary of approximately 47.38 hectares, for the purpose of gypsum mining and associated activities. The project is located approximately six kilometres south-east of Newdegate in the Shire of Lake Grace. |
| Vegetation Condition | Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994). To: Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994). |
| Comment | The vegetation condition was derived from aerial imagery of the area (GIS Database). |

3. Assessment of application against Clearing Principles

Comments

The application area occurs within the Western Mallee subregion of the Mallee Interim Biogeographic Regionalisation of Australia (IBRA) bioregion (GIS Database). The Mallee bioregion is the south-eastern part of the Yilgarn Craton. The Western Mallee subregion's main surface-types comprise clays and silts underlain by Kankar, exposed granite, sandplains and laterite pavements and salt lake systems on a granite basement. Mallee communities occur on a variety of surfaces; Eucalyptus woodlands occur mainly on fine textured soils, with scrub-heath on sands and laterite (CALM, 2002).

Beard vegetation association 125: Bare areas; salt lakes; and Beard vegetation association 511: Medium woodland; salmon gum and morel, were found to occur within the application area (GIS Database). Approximately 90% of vegetation association 125 remains across the State and approximately 67% remains within the bioregion (Government of Western Australia, 2015). For vegetation association 511, approximately 74% remains across the State and 48% remains within the bioregion; which is more than 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). Based off aerial imagery of the area, it is likely that the majority of the application area is made up of vegetation association 125 due to the proposal occurring within the salt lake where limited vegetation is present (GIS Database). The proposed clearing of 23.25 hectares will be rehabilitated to lake bed vegetation, and the taking of gypsum will therefore not lead to any significant decrease in the total area of vegetation associations 125 and 511 in the longer term. Given the above, it is unlikely the proposed clearing of 23.25 hectares represents a significant remnant of native vegetation.

No flora or vegetation surveys have been undertaken over the application area, however a search of the *Environment Protection and Biodiversity Conservation Act 1999* Protected Matters search tool has been undertaken and a survey of an area one kilometre north of the application area has been provided to support the clearing permit application. According to available databases and the above searches, no Threatened or Priority flora species have been recorded within the application area (DPaW, 2017; GIS Database). Several Priority flora species have been recorded within a ten kilometre radius of the application area, with the following 11 species being identified as potentially occurring within the application area (GIS Database):

- *Acacia repanda* (Priority 3);
- *Cryptandra dielsii* (Priority 3);
- *Cryptandra polyclada* subsp. *polyclada* (Priority 3);
- *Daviesia elongate* subsp. *implexa* (Priority 3);
- *Frankenia dummondii* (Priority 3);
- *Gnephosis multiflora* (Priority 3);
- *Microseris scapigera* (Priority 3);
- *Calamphoreus inflatus* (Priority 4);
- *Eremophila biserrata* (Priority 4);
- *Eremophila serpens* (Priority 4);
- *Haegiela tatei* (Priority 4).

None of the above species have been recorded within the immediate vicinity of the application area, and given the majority of the proposed clearing is to occur within a water body, it is unlikely any of these species will be significantly impacted by the proposed works (GIS Database).

The majority of the application area is devoid of vegetation and unlikely to provide habitat or a food source specific for any conservation significant fauna (Keighery, 1994; GIS Database). Aerial imagery identified nearby vegetation in the local area that is in significantly healthier condition in which fauna species are more likely to inhabit (GIS Database). Fauna habitat within the application area is limited due to the sparse nature of the understorey and degraded nature of the vegetation (GIS Database). The ecological values of the potential fauna habitats are therefore considered to be low. The proposed clearing of 23.25 hectares of native vegetation is not likely to impact critical feeding or breeding habitat for any conservation significant fauna species as the application area does not appear to contain significant faunal habitats.

There are no known Threatened Ecological Communities (TECs) or Priority Ecological Communities (PECs), mapped within the application area (GIS Database). The nearest Threatened or Priority Ecological Community is the TEC 'Eucalypt Woodlands of the Western Australian Wheatbelt', which is located approximately two kilometres north of the application area and is unlikely to be impacted by the proposed clearing (GIS Database).

The proposed vegetation clearing has the potential to introduce weed species into the local area should adequate hygiene practices not be put in place. Weeds can affect biodiversity in a number of ways, including out competing native species for resources and increasing the fire risk. The potential spread of introduced species as a result of the proposed clearing may be minimised by the implementation of a weed management condition.

The groundwater salinity within the application area is approximately 14,000 - 35,000 milligrams/Litre Total Dissolved Solids (TDS) (GIS Database). This is considered to be hyper saline. Given the size of the area to be cleared (23.25 hectares) and the nature of the clearing, the proposed clearing is not likely to cause salinity levels within the application area to alter significantly.

Wind erosion of the non-perennial lake margins may be exacerbated by loss of stabilising perennial shrubs given the amount of clearing (23.25 hectares) (GIS Database). It is recommended a staged clearing condition be implemented to minimise the risk of erosion.

Based on the above, the proposed clearing is at variance to Principle (f), may be at variance to Principle (g) is not likely to be at variance to Principles (a), (b), (c), (d), (h), (i) and (j) and is not at variance to Principle (e).

Methodology CALM (2002)
Commonwealth of Australia (2001)
DPaW (2017)
Government of Western Australia
Keighery

GIS Database:

- DPaW Tenure
- Hydrography, Lakes
- Hydrography, Linear
- IBRA Australia
- Imagery
- Landsystem Rangelands
- Pre-European Vegetation
- Public Drinking Water Source Areas
- Soils, Statewide
- Threatened and Priority Flora
- Threatened and Priority Ecological Communities boundaries
- Threatened and Priority Ecological Communities buffered
- Threatened Fauna

Planning Instrument, Native Title, previous EPA decision or other matter.

Comments

There are two native title claims over the application area (WC2003/006 and WC2000/007) (DPLH, 2017). 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 (DPLH, 2017). 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 Biodiversity Conservation and Attractions and the Department of Water and Environmental Regulation, 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 30 October 2017 by the Department of Mines, Industry Regulation and Safety inviting submissions from the public. No submissions were received in relation to this application.

Methodology DPLH (2017)

4. References

- CALM (2002) A Biodiversity Audit of Western Australia's 53 Biogeographical Subregions. Department of Conservation and Land Management, Western Australia.
- Commonwealth of Australia (2001) National objectives and targets for biodiversity conservation 2001-2005. Commonwealth of Australia, Canberra, ACT.
- DPaW (2017) NatureMap - Mapping Western Australia Biodiversity, Department of Parks and Wildlife, <<http://naturemap.dpaw.wa.gov.au/default.aspx>> (Accessed 27 November 2017).
- DPLH (2017) Aboriginal Heritage Enquiry System. Department of Planning, Lands and Heritage. <http://maps.daa.wa.gov.au/AHIS/> (Accessed 27 November 2017).
- Government of Western Australia (2015) 2015 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 |
| DAA | Department of Aboriginal Affairs, Western Australia (now DPLH) |

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|-----------------|---|
| 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}:-

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| 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 <i>Wildlife Conservation Act 1950</i>.</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 <i>Wildlife Conservation Act 1950</i>.</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</p> |

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.