



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 8358/1

Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Australian Garnet Pty Ltd

1.3. Property details

Property: Miscellaneous Licence 70/178

Local Government Area: Shire of Northampton

Colloquial name: Balline Garnet Windfarm Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
1.4		Mechanical Removal	Wind Farm

1.5. Decision on application

Decision on Permit Application: Grant

Decision Date: 23 May 2019

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:
17: Shrublands; *Acacia rostellifera* thicket (GIS Database).

A flora and vegetation survey of the broader Balline Garnet project area, including the current clearing permit application area, was conducted by Onshore Environmental Consultants Pty Ltd (Onshore Environmental) from 5 to 11 October 2013. A total of 19 vegetation associations were recorded within the broader survey area, only two of which were recorded within the current clearing permit application area (Australian Garnet, 2019; Onshore Environmental, 2013):

Acacia High Shrubland on sandy hillslopes (6a): High Shrubland to Open Scrub *Acacia rostellifera* over Open Annual Tussock Grassland of *Avena barbata*, *Bromus rubens* and *Ehrharta longiflora* with Open Shrubland of *Rhagodia latifolia* var. *latifolia*, *Pimelea microcephala* and *Olearia* sp. *indet.*; and

Acacia High Shrubland on parkland cleared sandy hillslopes (6b): High Shrubland of *Acacia rostellifera* and *Alyogyne hakeifolia* over Open Annual Tussock Grassland of *Avena barbata*, and *Bromus rubens* over Open Herbland of *Brassica tournefortii* and *Medicago truncata*.

* Denotes weed species

Clearing Description

Balline Garnet Windfarm Project.
Australian Garnet Pty Ltd proposes to clear up to 1.4 hectares of native vegetation within a boundary of approximately 1.9 hectares, for the purpose of a wind farm. The project is located approximately 32 kilometres south of Kalbarri, within the Shire of Northampton.

Vegetation Condition

Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994).

Comment

The vegetation condition was derived from a vegetation survey conducted by Onshore Environmental (Onshore Environmental, 2013).

The proposed clearing is to establish a windfarm to generate power for the nearby Balline Garnet mineral sands mining operation. Vegetation clearing will be required for the construction of 12 wind turbines, service pads, access tracks, and the laying of cabling (Australian Garnet, 2019).

Access tracks will be approximately 5 metres wide, existing tracks will be utilised where possible, and new tracks will be located to avoid larger trees (Australian Garnet, 2019).

3. Assessment of application against Clearing Principles

Comments

The clearing permit application area is located within the Geraldton Hills subregion of the Geraldton Sandplains Interim Biogeographic Regionalisation of Australia (IBRA) bioregion (GIS Database). The vegetation of the subregion is characterised by scrub heaths, rich in endemics, on extensive undulating sandplains and lateritic uplands. The sand heaths are characterised by emergent *Banksia* and *Actinostrobos*, York Gum woodlands on alluvial plains, proteaceous heath and *Acacia* scrubs over coastal limestones (CALM, 2002).

A flora and vegetation survey was conducted by Onshore Environmental (2013) over the application area and surrounding areas from 5 to 11 October 2013. The survey recorded 151 flora taxa, from 116 genera, and 54 families within the broader survey area (Onshore Environmental, 2013). Two vegetation associations were recorded within the application area (Australian Garnet, 2019; Onshore Environmental, 2013).

The clearing permit application area has suffered previous disturbance from historical grazing activities and substantial weed invasion (Australian Garnet, 2019; Onshore Environmental, 2013). Part of the application area has been described as "parkland cleared", lacking much of the original vegetation understorey, with the overall vegetation condition of the application area classified as "Good" on the Keighery scale (Australian Garnet, 2019; Onshore Environmental, 2013). The vegetation proposed to be cleared is not considered to represent an area of high biodiversity.

Twenty four weed species were recorded within the broader survey area, eleven of which were recorded within the current clearing permit application area, however none are listed as Declared Pests under the *Biosecurity and Agriculture Management Act 2007* (Australian Garnet, 2019; Onshore Environmental, 2013). Weeds have the potential to out-compete native flora, and may significantly reduce biodiversity. The implementation of a weed management condition may minimise the risk of the further introduction or spread of weeds.

No Threatened flora, Threatened Ecological Communities or Priority Ecological Communities have been recorded within or in close proximity to the application area (GIS Database), and none were found during the flora and vegetation survey (Australian Garnet, 2019; Onshore Environmental, 2013). Four Priority flora taxa were recorded within the broader survey area, however none were found within the current clearing permit application area (Australian Garnet, 2019; Onshore Environmental, 2013).

A fauna reconnaissance survey was conducted over the application area and adjacent areas by Ecoscape Australia Pty Ltd (Ecoscape) on 27 September 2008. The fauna and fauna habitats occurring within the application area were considered to be typical of the region, and are well represented in surrounding areas (Australian Garnet, 2019; Ecoscape, 2009; GIS Database). A desktop search identified several fauna species of conservation significance with the potential to occur within the application area, based on known distributions (Ecoscape, 2009; GIS Database). However, none were recorded during the on-site fauna survey, and Ecoscape (2009) concluded that the habitats of the application area were unlikely to support any conservation significant fauna. Considering the small scale of the proposed clearing, and that the habitats extend outside of the application area, the vegetation proposed to be cleared is not likely to represent significant habitat for fauna in either a local or regional context.

The application area is broadly mapped as Beard vegetation association 17: Shrublands; *Acacia rostellifera* thicket (GIS Database). Over 83% of the pre-European extent of this vegetation association remains uncleared at the state, bioregional, and subregional level (Government of Western Australia, 2019). Although the Northampton Shire includes substantial areas of cleared agricultural land (GIS Database), the Shire overall retains approximately 73% of its pre-European native vegetation, including approximately 84% of the pre-European extent of Beard vegetation association 17 (Government of Western Australia, 2019). The area proposed to be cleared, falls within a much larger remnant of native vegetation. The clearing of 1.4 hectares will have minimal impact on the overall function of the remnant. Hence, the vegetation proposed to be cleared does not represent a significant remnant of native vegetation in an area that has been extensively cleared.

There are no conservation areas within or in close proximity to the application area (GIS Database). The nearest DBCA (formerly DPaW) managed land is the Utcha Well Nature Reserve, located approximately 2.6 kilometres south of the application area, at its nearest point (GIS Database). The proposed clearing is unlikely to have any impact on any conservation areas.

The landform of the application area is described as sandy hillslopes (Australian Garnet, 2019; Onshore Environmental, 2013). While the sandy soils may be at risk of wind erosion if vegetation cover is removed, the small area of proposed clearing (1.4 hectares), largely linear in nature, is unlikely to result in appreciable land degradation.

There are no watercourses, wetlands or Public Drinking Water Source Areas, within or in close proximity to the application area (GIS Database). The groundwater at the site is at a depth of approximately 10 to 20 metres below the surface (Australian Garnet, 2019). The small area of proposed clearing (1.4 hectares), is unlikely to have any significant impact on surface or groundwater quality, or on the incidence or intensity of flooding.

The vegetation associations, fauna habitats, and landform types occurring within the application area are well represented in the region (Australian Garnet, 2019; Onshore Environmental, 2013; GIS Database).

The application has been assessed against the clearing principles, planning instruments and other matters in accordance with s.51O of the *Environmental Protection Act 1986*, and the proposed clearing is not likely to be at variance to Principles (a), (b), (c), (d), (g), (h), (i) and (j) and is not at variance to Principles (e) and (f).

Methodology Australian Garnet (2019)
CALM (2002)
Ecoscape (2009)
Government of Western Australia (2019)
Onshore Environmental (2013)

GIS Database:
- DPaW Tenure
- 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 (WC2000/001) over the area under application (DPLH, 2019). 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, 2019). 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 clearing permit application was advertised on 1 April 2019 by the Department of Mines, Industry Regulation and Safety inviting submissions from the public. One submission was received in relation to this application, raising no objection to the proposed clearing.

Methodology DPLH (2019)

4. References

- Australian Garnet (2019) Balline Garnet Project: Windfarm L70/178 Clearing Permit Application. Australian Garnet Pty Ltd, January 2019.
- CALM (2002) A Biodiversity Audit of Western Australia's 53 Biogeographic Subregions in 2002. Department of Conservation and Land Management, Western Australia.
- DPLH (2019) Aboriginal Heritage Enquiry System. Department of Planning, Lands and Heritage.
<http://maps.daa.wa.gov.au/AHIS/> (Accessed 21 May 2019).
- Ecoscape (2009) Haddington Resources Balline - Level 1 Flora and Fauna Assessment. Report prepared for Australian Garnet Pty Ltd, by Ecoscape Australia Pty Ltd, April 2009.
- Government of Western Australia (2019) 2018 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of March 2019. WA Department of Biodiversity, Conservation and Attractions, Perth.
<https://catalogue.data.wa.gov.au/dataset/dbca-statewide-vegetation-statistics>
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Onshore Environmental (2013) Balline Garnet Project Level 2 Flora and Vegetation Survey. Report prepared for Australian Garnet Pty Ltd, by Onshore Environmental Consultants Pty Ltd, November 2013.

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:

{DBCA (2019) Conservation Codes for Western Australian Flora and Fauna. Department of Biodiversity, Conservation and Attractions, Western Australia}:-

T **Threatened species:**

Listed by order of the Minister as Threatened in the category of critically endangered, endangered or vulnerable under section 19(1), or is a rediscovered species to be regarded as threatened species under section 26(2) of the *Biodiversity Conservation Act 2016* (BC Act).

Threatened fauna is that subset of 'Specially Protected Fauna' listed under schedules 1 to 3 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for Threatened Fauna.

Threatened flora is that subset of 'Rare Flora' listed under schedules 1 to 3 of the *Wildlife Conservation (Rare Flora) Notice 2018* for Threatened Flora.

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 in the immediate future, as determined in accordance with criteria set out in the ministerial guidelines*".

Listed as critically endangered under section 19(1)(a) of the BC Act in accordance with the criteria set out in section 20 and the ministerial guidelines. Published under schedule 1 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for critically endangered fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for critically endangered flora.

EN **Endangered species**

Threatened species considered to be "*facing a very high risk of extinction in the wild in the near future, as determined in accordance with criteria set out in the ministerial guidelines*".

Listed as endangered under section 19(1)(b) of the BC Act in accordance with the criteria set out in section 21 and the ministerial guidelines. Published under schedule 2 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for endangered fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for endangered flora.

VU **Vulnerable species**
Threatened species considered to be “*facing a high risk of extinction in the wild in the medium-term future, as determined in accordance with criteria set out in the ministerial guidelines*”.

Listed as vulnerable under section 19(1)(c) of the BC Act in accordance with the criteria set out in section 22 and the ministerial guidelines. Published under schedule 3 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for vulnerable fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for vulnerable flora.

Extinct Species:

EX **Extinct species**
Species where “*there is no reasonable doubt that the last member of the species has died*”, and listing is otherwise in accordance with the ministerial guidelines (section 24 of the BC Act).

Published as presumed extinct under schedule 4 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for extinct fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for extinct flora.

EW **Extinct in the wild species**
Species that “*is known only to survive in cultivation, in captivity or as a naturalised population well outside its past range; and it has not been recorded in its known habitat or expected habitat, at appropriate seasons, anywhere in its past range, despite surveys over a time frame appropriate to its life cycle and form*”, and listing is otherwise in accordance with the ministerial guidelines (section 25 of the BC Act).

Currently there are no threatened fauna or threatened flora species listed as extinct in the wild. If listing of a species as extinct in the wild occurs, then a schedule will be added to the applicable notice.

Specially protected species:

Listed by order of the Minister as specially protected under section 13(1) of the BC Act. Meeting one or more of the following categories: species of special conservation interest; migratory species; cetaceans; species subject to international agreement; or species otherwise in need of special protection.

Species that are listed as threatened species (critically endangered, endangered or vulnerable) or extinct species under the BC Act cannot also be listed as Specially Protected species.

MI **Migratory species**
Fauna that periodically or occasionally visit Australia or an external Territory or the exclusive economic zone; or the species is subject of an international agreement that relates to the protection of migratory species and that binds the Commonwealth; and listing is otherwise in accordance with the ministerial guidelines (section 15 of the BC Act).

Includes 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 fauna subject to the *Convention on the Conservation of Migratory Species of Wild Animals* (Bonn Convention), an environmental treaty under the United Nations Environment Program. Migratory species listed under the BC Act are a subset of the migratory animals, that are known to visit Western Australia, protected under the international agreements or treaties, excluding species that are listed as Threatened species.

Published as migratory birds protected under an international agreement under schedule 5 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

CD **Species of special conservation interest (conservation dependent fauna)**
Fauna of special conservation need being species dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened, and listing is otherwise in accordance with the ministerial guidelines (section 14 of the BC Act).

Published as conservation dependent fauna under schedule 6 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

OS **Other specially protected species**
Fauna otherwise in need of special protection to ensure their conservation, and listing is otherwise in accordance with the ministerial guidelines (section 18 of the BC Act).

Published as other specially protected fauna under schedule 7 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

P **Priority species:**

Possibly threatened species that do not meet survey criteria, or are otherwise data deficient, are added to the Priority Fauna or Priority Flora Lists under Priorities 1, 2 or 3. These three categories

are ranked in order of priority for survey and evaluation of conservation status so that consideration can be given to their declaration as threatened fauna or flora.

Species that are adequately known, are rare but not threatened, or meet criteria for near threatened, or that have been recently removed from the threatened species or other specially protected fauna lists for other than taxonomic reasons, are placed in Priority 4. These species 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.