

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 8860/1
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: GMA Garnet Pty Ltd

1.3. Property details

General Purpose Lease 70/171
Mining Lease 70/856
Local Government Area: Shire of Northampton
Colloquial name: Port Gregory Garnet Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
3.082		Mechanical Removal	Evaporation pond and light vehicle carpark

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 14 May 2020

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: 371: Low forest; <i>Acacia rostellifera</i> (GIS Database). GMA Garnet Pty Ltd (2020) describe the vegetation and flora of the application area as regrowth, mostly comprised of <i>Acacia rostellifera</i> , <i>Enchylaena</i> sp., * <i>Cynodon dactylon</i> (Couch Grass), * <i>Cyperus laevigatus</i> and * <i>Helianthus annuus</i> . (Common Sunflower). Note: * indicates introduced species.
Clearing Description	Port Gregory Garnet Project GMA Garnet Pty Ltd proposes to clear up to 3.082 hectares of native vegetation within a boundary of the same size, for the purpose of expanding evaporation ponds and expanding a light vehicle carpark. The project is located approximately six kilometres north of Port Gregory, within the Shire of Northampton.
Vegetation Condition	Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994).
Comment	The vegetation condition was determined by the assessing officer based on information provided by GMA Garnet Pty Ltd (2020), including aerial imagery and photographs of the application area.

3. Assessment of application against Clearing Principles

Comments

The application area includes limited re-growth native vegetation within the existing Port Gregory Garnet mine. A majority of the application area is devoid of vegetation, includes a number of weed species and includes mining-related infrastructure such as evaporation ponds, roads, processing plant, light vehicle car park and associated infrastructure (GMA Garnet Pty Ltd, 2020; GIS Database). The disturbed nature of the application area means the re-growth vegetation it contains is highly unlikely to be representative of high levels of biological diversity. Similarly, the area is highly unlikely to provide significant habitat for any fauna indigenous to Western Australia.

GHD (2020) has undertaken desktop flora and vegetation assessments and field surveys to support other clearing permit applications at GMA's Port Gregory Garnet mine. There has been 48 conservation significant flora species recorded within a ten kilometre radius of the mine (GHD, 2020). Based on known habitat preferences of these species and the degraded condition of the application area, it is considered very unlikely that any Threatened or Priority flora species are present.

There are no known Threatened Ecological Communities or Priority Ecological Communities in the application area or immediate vicinity (GIS Database).

The application area has been broadly mapped as Beard vegetation association 371: Low forest; *Acacia rostellifera* (GIS Database). Approximately 10% of the pre-European extent of vegetation association 371 remains uncleared at both the state, bioregional and subregional level (Government of Western Australia, 2019). This gives vegetation association 371 a conservation status of 'Vulnerable' according to the Department of Natural Resources and Environment (2002). However, GHD (2020) advises that BVA 371 is characterised by dense stands of *Acacia rostellifera* exceeding 10m high. Whilst the application area contains scattered individuals of *Acacia rostellifera*, it does not form a dense forest (GMA Garnet Pty Ltd, 2020; GIS Database) and is not representative of Beard vegetation association 371. The proposed clearing will not reduce the extent of Beard vegetation association 371.

There are no natural watercourses or wetlands in the application area (GIS Database). Four evaporation ponds associated with the Garnet mining operation are present in the application area and will be expanded as part of the proposed clearing. Whilst some native vegetation is growing on the internal and external embankments of these ponds, the vegetation is highly unlikely to be riparian or supporting any significant ecological function.

The small scale and nature of the proposed clearing is unlikely to cause appreciable land degradation.

The application area is not located within or in close proximity to any conservation area; nor does it provide an important ecological linkage to areas of uncleared vegetation.

The proposed clearing is unlikely to have any significant impact on the quality or quantity of surface or underground water, or increase the incidence or intensity of natural flood events.

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), (e), (f), (g), (h), (i) or (j).

Methodology Department of Natural Resources and Environment (2002)
GHD (2020)
GMA Garnet Pty Ltd (2020)
Government of Western Australia (2019)

GIS Database:

- DPaW Tenure
- 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, 2020). 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, 2020). 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 20 April 2020 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 (2020)

4. References

- Department of Natural Resources and Environment (2002) Biodiversity Action Planning. Action planning for native biodiversity at multiple scales; catchment bioregional, landscape, local. Department of Natural Resources and Environment, Victoria.
- DPLH (2020) Aboriginal Heritage Inquiry System. Department of Planning, Lands and Heritage. <http://maps.daa.wa.gov.au/AHIS/> (Accessed 8 May 2020).
- GHD (2020) Lynton Mine Expansion Biological Survey. Report prepared by GHD Pty Ltd for GMA Garnet Pty Ltd, February 2020.
- GMA Garnet Pty Ltd (2020) Native Vegetation Clearing Permit Application. GMA Garnet Pty Ltd, unpublished report, 1 April 2020.
- 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.

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)
DoEE	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 DoEE)
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 DoEE)
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.