

CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number: CPS 9061/1

Permit Holder: FMR Investments Pty Ltd

Duration of Permit: From 18 March 2021 to 18 March 2027

The permit holder is authorised to clear native vegetation subject to the following conditions of this permit.

PART I - CLEARING AUTHORISED

1. Clearing authorised (purpose)

The permit holder is authorised to clear native vegetation for the purpose of a borrow pit.

2. Land on which clearing is to be done

Lot 102 on Deposited Plan 40393, Karramindie

3. Clearing authorised

The permit holder must not clear more than 6.03 hectares of native vegetation within the area cross-hatched yellow in Figure 1 of Schedule 1.

4. Period during which clearing is authorised

The permit holder must not clear any native vegetation after 18 March 2026.

5. Application of liability to agents of the permit holder

Without limiting or transferring the liability of the permit holder to comply with the conditions of this permit, the permit holder may authorise (in writing) additional persons, including employees, contractors, and agents of the permit holder, to clear native vegetation for the purpose specified in condition 1.

PART II - MANAGEMENT CONDITIONS

6. Avoid, minimise, and reduce impacts and extent of clearing

In determining the native vegetation authorised to be cleared under this permit, the permit holder must apply the following principles, set out in descending order of preference:

- (a) avoid the clearing of native vegetation;
- (b) minimise the amount of native vegetation to be cleared; and
- (c) reduce the impact of clearing on any environmental value.

7. Weed management

When undertaking any clearing authorised under this permit, the permit holder must take the following measures to minimise the risk of introduction and spread of *weeds*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (b) ensure that no known weed-affected soil, *mulch*, *fill*, or other material is brought into the area to be cleared; and
- (c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

8. Revegetation and rehabilitation – retention of vegetative material and topsoil

The permit holder must:

- (a) retain the vegetative material and topsoil removed by clearing authorised under this permit and stockpile the vegetative material and topsoil in an area that has already been cleared;
- (b) by no later than 30 April 2026, *revegetate* and *rehabilitate* the areas cleared under this Permit by:
 - (i) ripping the ground on the contour to remove soil compaction;
 - (ii) ripping the pit floor and contour batters within the extraction site;
 - (iii) laying the vegetative material and topsoil retained under condition 8(a) on the cleared areas; and
 - (iv) undertake weed control activities on an 'as needed' basis to reduce weed cover within the cleared areas to no greater than the weed cover within the surrounding five metres of uncleared land.

PART III - RECORD KEEPING AND REPORTING

9. Records that must be kept

The permit holder must maintain records relating to the listed relevant matters in accordance with the specifications detailed in Table 1.

Table 1: Records that must be kept

No.	Relevant matter	Specifications		
1.	In relation to the authorised clearing	(a) the species composition, structure, and density of the cleared area;		

No.	Relevant matter	Spec	eifications
	activities generally	(b)	the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings;
		(c)	the date that the area was cleared;
		(d)	the size of the area cleared (in hectares);
		(e)	actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 6; and
		(f)	actions taken to minimise the risk of the introduction and spread of weeds in accordance with condition 7.
2.	In relation to the revegetation and	(a)	the size of the area revegetated and rehabilitated;
	rehabilitation of areas pursuant to the condition 8	(b)	the date(s) on which the <i>revegetation</i> and <i>rehabilitation</i> was undertaken; and
		(c)	the boundaries of the area <i>revegetated</i> and <i>rehabilitated</i> (recorded digitally as a shapefile).

10. Reporting

The permit holder must provide to the *CEO* the records required under condition 9 of this permit when requested by the *CEO*.

DEFINITIONS

In this permit, the terms in Table have the meanings defined.

Table 2: Definitions

Term	Definition	
CEO	Chief Executive Officer of the department responsible for the administration of the clearing provisions under the <i>Environmental Protection Act 1986</i> .	
clearing	has the meaning given under section 3(1) of the EP Act.	
condition	a condition to which this clearing permit is subject under section 51H of the EP Act.	
fill	means material used to increase the ground level, or to fill a depression.	
department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> (WA) and designated as responsible for the administration of the EP Act, which includes Part V Division 3.	
EP Act	Environmental Protection Act 1986 (WA)	
mulch	means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation.	
native vegetation	has the meaning given under section 3(1) and section 51A of the EP Act.	

Term	Definition		
rehabilitate	Means actively managing an area containing native vegetation in order to improve the ecological function of that area.		
revegetate	Means the re-establishment of a cover of local provenance native vegetation in an area using methods such as natural regeneration, direct seeding and/or		
weeds	means any plant — (a) that is a declared pest under section 22 of the <i>Biosecurity and Agriculture Management Act 2007</i> ; or (b) published in a Department of Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking summary, regardless of ranking; or (c) not indigenous to the area concerned.		

END OF CONDITIONS



Ryan Mincham MANAGER NATIVE VEGETATION REGULATION

Officer delegated under Section 20 of the Environmental Protection Act 1986

23 February 2021

Schedule 1

The boundary of the area authorised to be cleared is shown in the map below

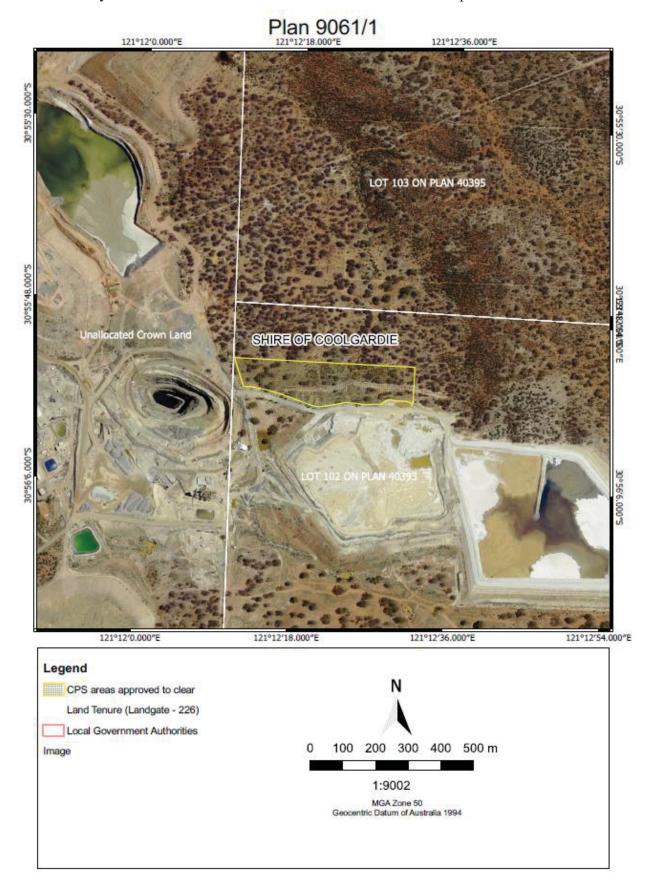


Figure 1: Map of the boundary of the area within which clearing may occur



Clearing Permit Decision Report

1 Application details and outcome

1.1. Permit application details

Permit number: CPS 9061/1

Permit type: Purpose permit

Applicant name: FMR Investments Pty Ltd

Application received: 22 September 2020

Application area: 6.03 hectares of native vegetation

Purpose of clearing: Borrow pit

Method of clearing: Mechanical

Property: Lot 102 on Deposited Plan 40393, Karramindie

Location (LGA area/s): Shire of Coolgardie

Localities (suburb/s): Karramindie

1.2. Description of clearing activities

Clearing is proposed to occur within a 6.03 hectare application footprint. Assessment of aerial photography indicates a portion of the application area has been previously cleared as a result of exploration and/or mining related activities. The area proposed to be cleared is a strip of vegetation on the northern perimeter of an existing mine site

Vegetation will be cleared mechanically for the purpose of extracting clay to be used for mining related activities at the adjacent mine. The vegetation proposed to be cleared is contained within a single contiguous area (see Figure 1, Section 1.5).

1.3. Decision on application

Decision: Granted

Decision date: 23 February 2021

Decision area: 6.03 hectares of native vegetation, as depicted in Section 1.5, below.

1.4. Reasons for decision

This clearing permit application was submitted, accepted, assessed and determined in accordance with sections 51E and 51O of the *Environmental Protection Act 1986* (EP Act). The Department of Water and Environmental Regulation (DWER) advertised the application for 14 days and no submissions were received.

In making this decision, the Delegated Officer had regard for the site characteristics (see Appendix A), relevant datasets (see Appendix D), the clearing principles set out in Schedule 5 of the EP Act (see Appendix B), relevant planning instruments and any other matters considered relevant to the assessment (see Section 3).

The assessment identified that the proposed clearing will result in:

• the potential introduction and spread of weeds into adjacent vegetation, which could impact on the quality of the adjacent vegetation and its habitat values.

After consideration of the available information, as well as the applicant's minimisation and mitigation measures (see Section 3.1), the Delegated Officer determined the proposed clearing is unlikely to have long-term adverse impacts on environmental values.

The Delegated Officer decided to grant a clearing permit subject to conditions to:

- avoid, minimise and reduce the impacts and extent of clearing;
- implement hygiene measures to minimise the risk of the introduction and spread of weeds; and
- retain cleared vegetation and topsoil and respread this on cleared areas.

1.5. Site map – Figure 1

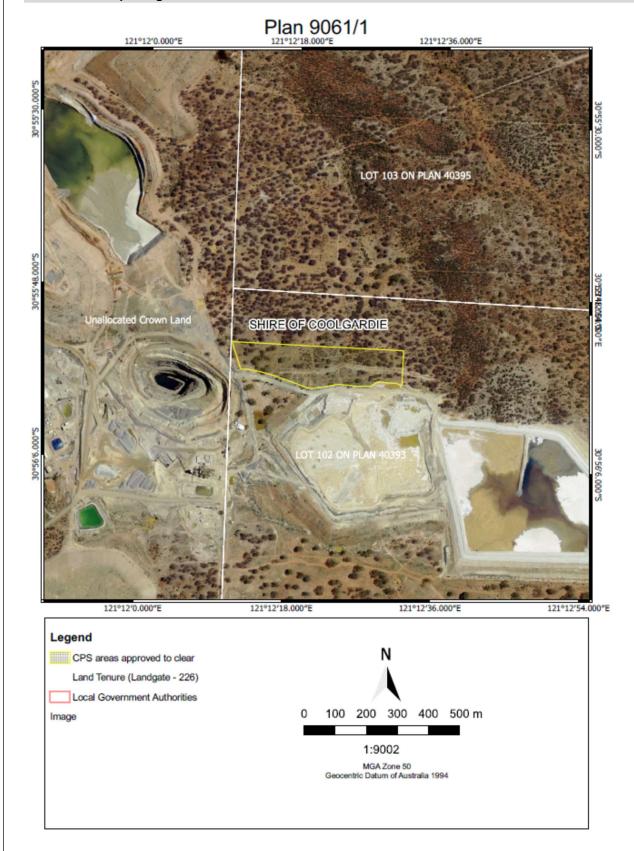


Figure 1 Map of the application area.

The area cross-hatched yellow indicates the area authorised to be cleared under the granted clearing permit.

2 Legislative context

The clearing of native vegetation in Western Australia is regulated under the EP Act and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (Clearing Regulations).

In addition to the matters considered in accordance with section 510 of the EP Act (see Section 1.4), the Delegated Officer has also had regard to the objects and principles under section 4A of the EP Act, particularly:

- the precautionary principle
- · the principle of intergenerational equity
- · the principle of the conservation of biological diversity and ecological integrity.

Other legislation of relevance for this assessment include:

- Biodiversity Conservation Act 2016 (WA) (BC Act)
- Conservation and Land Management Act 1984 (WA) (CALM Act)
- Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act)

The key guidance documents which inform this assessment are:

- A guide to the assessment of applications to clear native vegetation (DER, December 2013)
- Procedure: Native vegetation clearing permits (DWER, October 2019)

3 Detailed assessment of application

3.1. Avoidance and mitigation measures

The Delegated Officer was satisfied that the applicant has made a reasonable effort to avoid and minimise potential impacts of the proposed clearing on environmental values by preferentially selecting land that includes areas that are already cleared and disturbed from historic mining activities.

3.1.1. Assessment of environmental impacts

In assessing the application in accordance with section 510 of the EP Act, the Delegated Officer has given regard to the site characteristics (see Appendix A for details) and the extent to which the impacts of the proposed clearing present a risk to biological, conservation, or land and water resource values.

The assessment against the clearing principles (see Appendix B) identified the impacts of the proposed clearing are limited and able to be managed so as to be environmentally acceptable with standard avoid and minimise, rehabilitation, and weed management conditions.

Conditions

To address the above impacts, the following management measures will be required as conditions on the clearing permit:

- Avoid, minimise and reduce impacts and extent of clearing;
- Weed management;
- Revegetation and rehabilitation;

3.2. Relevant planning instruments and other matters

The Shire of Coolgardie advised DWER that further local government approvals are not required, and that the proposed clearing is consistent with the Shire's Local Planning Scheme. The Shire did not have any objections to the proposed clearing.

It is the permit holder's responsibility to comply with the *Aboriginal Heritage Act 1972* (WA) and ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

End

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Characteristic	Details
Local context	The area proposed to be cleared is located within the goldfields region of Western Australia. It is adjacent to an existing mining operation and is on the edge of a large tract of remnant vegetation.
	Aerial imagery and spatial data indicates the local area (a 20 kilometres radius from the area proposed to be cleared) retains over 90 per cent of the Pre-European vegetation remaining within the bioregion.
Ecological linkage	The area proposed to be cleared is not part of an ecological linkage.
Conservation areas	The nearest conservation areas are: • Kangaroo Hills Timber Reserve (6.75 kilometres south-west) • Kurrawang Nature Reserve (15.81 kilometres north-east) • Yallari Timber Reserve (17.09 kilometres south south-east) • Scahill Timber Reserve (17.23 kilometres south) • Karamindie Forest (18.03 kilometres south-east)
Vegetation description	The vegetation within the application area is classified as beard vegetation association Coolgardie 9 – Meduim woodland: coral gum mapped vegetation type(s): Medium woodland, coral gum (Eucalyptus microtheca) (Shepherd et al, 2001) The mapped vegetation type retains over 90 percent of the original extent (Government of Western Australia, 2019).
Vegetation condition	Aerial photography and spatial data indicate the vegetation within the proposed clearing area is in a condition, described as: • Poor - Still retains basic vegetation structure or ability to regenerate it after very obvious impacts of human activities since European settlement, such as grazing, partial clearing, frequent fires or aggressive weeds. To • Completely Degraded - Areas that are completely or almost completely without native species in the structure of their vegetation; i.e. areas that are cleared or 'parkland cleared' with their flora comprising weed or crop species with isolated native trees or shrubs. The full Trudgen (1991) condition rating scale is provided in Appendix C.
Climate and landform	Rainfall: 300 ml per annum Evapotranspiration: 300 ml per annum Landform: Rocky ranges and hills of greenstones-basic igneous rocks. Geology: Metamorphosed basic and ultrabasic volcanic and intrusive rocks.
Soil description	Rocky ranges and hills of greenstones basic igneous rocks: chief soils seem to be shallow calcareous loamy soils (Um5.11) and similar soils such as (Um5.41) and (Um1.43) in Sheet 10 areas, with shallow brown and grey-brown calcareous earths (Gc1.12) and (Gc1.22) below which weathered rock occurs at shallow depths. Associated soils are not described but may include alkaline red earths (Gn2.13) and narrow valleys with (Ug5.38) soils in Sheet 10 areas. Occurs on sheet(s): 5,10.
Land degradation risk	Mapped contours lines and aerial photography show that the application area has no significant topographical aspect. Soil degradation risk data shows that the risks are extremely low across the board except for a moderate risk of soil alkalinity (DPIRD, 2019).
Waterbodies	The desktop assessment and aerial imagery indicated that no waterbodies transect the area proposed to be cleared, however, there is a small non-perennial watercourse that

Characteristic	Details
	originates within the application area and terminates 634 metres to the north. The closest waterbody is 6.16 kilometres away.
Hydrogeography	Water degradation from salinity, water degradation risk is considered to be low.
	Groundwater Salinity (Total Dissolved Solids): 14000-35000 mg/L.
Flora	There are 25 records of conservation significant flora within the local area, none of which have been previously recorded within the application area. These include one Threatened species, ten Priority 1 species, five Priority 2 species, seven Priority 3 species and two Priority 4 species.
Ecological communities	No Threatened Ecological Communities or Priority Ecological Communities are recorded within the local area
Fauna	There 5 records of conservation significant fauna within the local area, none of which have been previously recorded within the application area. These include one Critically Endangered species, two Migratory species, one Priority 1 species and one Vulnerable species.

Appendix B. Assessment against the clearing principles

Assessment against the clearing principles	Variance level	Is further consideration required?
Environmental value: biological values		
Principle (a): "Native vegetation should not be cleared if it comprises a high level of biodiversity."	Not likely to be at	No
Assessment:	variance	
Previous disturbance and fringe effects from the adjacent mining activities have resulted in a Poor to Completely Degraded vegetation condition within the area proposed to be cleared. There are no conservation significant flora, fauna or TEC's or PEC's which have been previously recorded withing the application area. It is unlikely that the application area represents an area of high biodiversity value or comprises significant habitat for flora, fauna, habitats or assemblages of plants.		
Principle (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."	Not likely to be at variance	No
Assessment:		
The vegetation proposed to be cleared comprises habitat values which are broadly represented across the local area. The application area does not contain unique vegetation necessary for the maintenance of significant habitat for native fauna.		
Principle (c): "Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened flora."	Not likely to be at	No
Assessment:	variance	
The vegetation within the application area is broadly represented across the local area and is unlikely to contain significant habitat for threatened flora species listed under the BC Act. The local area contains large tracts of undisturbed remnant vegetation in better condition than the vegetation within		

Assessment against the clearing principles	Variance level	Is further consideration required?
the application area and the nearest recorded threatened flora species (<i>Gastrolobium graniticum</i>) is located 4.68 kilometres away. G. <i>graniticum</i> has a recorded range of 240 kilometres east to west and 140 kilometres north to south. Habitat associated with this species is not unique within the local area or region and although the application area is within the range of the species, due to the presence of large tracts of the same habitat within the local area, it is not likely that the proposed clearing will compromise the continued existence of this species.		
<u>Principle (d):</u> "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."	Not likely to be at variance	No
Assessment:		
The area proposed to be cleared does not contain species representative of a threatened ecological community. No state listed TEC's are recorded within the local area.		
Environmental value: significant remnant vegetation and conservation are	eas	
Principle (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."	Not likely to be at	No
Assessment:	variance	
The extent of the mapped vegetation type and remnant native vegetation in the local area is consistent with the national objectives and targets for biodiversity conservation in Australia which includes a target that prevents the clearance of ecological communities with an extent below 30 percent of that present Pre-European settlement (Commonwealth of Australia, 2001).		
The vegetation proposed to be cleared is not considered to be part of a significant ecological linkage in the local area.		
Principle (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."	Not likely to be at variance	No
Assessment:		
Given the distance to the nearest conservation area, Kangaroo Hills Timber Reserve, which is 6.75 kilometres south-west of the application area, the proposed clearing is not likely to have an impact on the environmental values of conservation areas.		
Environmental value: land and water resources		
Principle (f): "Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland."	Not likely to be at	No
Assessment:	variance	
The closest mapped waterbody is 6.16 kilometres east of the application area. There is a small, non-perennial watercourse that originates within the application area and terminates 634 metres to the north, however, due to the non-perennial nature of the watercourse, historical disturbance to the area and the lack of obvious vegetative density and cover following this watercourse, the flora species within the application area are not likely to be riparian species dependent on the presence of water.		

Assessment against the clearing principles	Variance level	Is further consideration required?
Principle (g): "Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation."	Not likely to be at	No
Assessment:	variance	
The mapped soils are not susceptible to wind or water erosion, nutrient export or salinity. Noting the extent and location of the application area and the condition of the vegetation, the proposed clearing is not likely to have an appreciable impact on land degradation.		
Principle (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."	Not likely to be at variance	No
Assessment:		
Given the nearest water body is recorded 6.16 kilometres from the application area and that the topography is relatively flat, the proposed clearing is unlikely to impact on or off-site hydrology and water quality. There is a non-perennial watercourse that transects part of the application area terminating 634 metres to the north of the application area.		
Principle (j): "Native vegetation should not be cleared if the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding."	Not likely to be at variance	No
Assessment:		
The mapped soils have an extremely low risk of water repellence and topographic contours which are very moderate in the surrounding area do not indicate the proposed clearing is likely to contribute to an increased incidence or intensity of flooding.		
Given no significant or perennial watercourses or wetlands are recorded within the application area, and the water storage potential is considered extremely low, the proposed clearing is unlikely to contribute to waterlogging.		

Appendix C. Vegetation condition rating scale

Vegetation condition is a rating given to a defined area of vegetation to categorise and rank disturbance related to human activities. The rating refers to the degree of change in the vegetation structure, density and species present in relation to undisturbed vegetation of the same type. The degree of disturbance impacts upon the vegetation's ability to regenerate. Disturbance at a site can be a cumulative effect from a number of interacting disturbance types.

Considering its location, the scale below was used to measure the condition of the vegetation proposed to be cleared. This scale has been extracted from [

Measuring vegetation condition for the Eremaean and Northern Botanical Provinces (Trudgen, 1991)

Condition	Description
Excellent	Pristine or nearly so, no obvious signs of damage caused by human activities since European settlement.
Very good	Some relatively slight signs of damage caused by human activities since European settlement. For example, some signs of damage to tree trunks caused by repeated fire, the presence of some relatively non-aggressive weeds, or occasional vehicle tracks.
Good	More obvious signs of damage caused by human activity since European settlement, including some obvious impact on the vegetation structure such as that caused by low levels of grazing or slightly aggressive weeds.
Poor	Still retains basic vegetation structure or ability to regenerate it after very obvious impacts of human activities since European settlement, such as grazing, partial clearing, frequent fires or aggressive weeds.
Very poor	Severely impacted by grazing, very frequent fires, clearing or a combination of these activities. Scope for some regeneration but not to a state approaching good condition without intensive management. Usually with a number of weed species present including very aggressive species.
Completely degraded	Areas that are completely or almost completely without native species in the structure of their vegetation; i.e. areas that are cleared or 'parkland cleared' with their flora comprising weed or crop species with isolated native trees or shrubs.

Appendix D. Sources of information

D.1. GIS databases

Publicly available GIS Databases used (sourced from www.data.wa.gov.au):

- 10 Metre Contours (DPIRD-073)
- Aboriginal Heritage Places (DPLH-001)
- Aboriginal Heritage Places (DPLH-001)
- Cadastre (LGATE-218)
- Cadastre Address (LGATE-002)
- Contours (DPIRD-073)
- DBCA Lands of Interest (DBCA-012)
- DBCA Legislated Lands and Waters (DBCA-011)
- Directory of Important Wetlands in Australia Western Australia (DBCA-045)
- Environmentally Sensitive Areas (DWER-046)
- Flood Risk (DPIRD-007)
- Groundwater Salinity Statewide (DWER-026)
- Hydrography Inland Waters Waterlines
- Hydrological Zones of Western Australia (DPIRD-069)
- IBRA Vegetation Statistics

- Imagery
- Local Planning Scheme Zones and Reserves (DPLH-071)
- Native Title (ILUA) (LGATE-067)
- Offsets Register Offsets (DWER-078)
- Pre-European Vegetation Statistics
- Public Drinking Water Source Areas (DWER-033)
- Ramsar Sites (DBCA-010)
- Regional Parks (DBCA-026)
- Remnant Vegetation, All Areas
- RIWI Act, Groundwater Areas (DWER-034)
- RIWI Act, Surface Water Areas and Irrigation Districts (DWER-037)
- Soil Landscape Land Quality Flood Risk (DPIRD-007)
- Soil Landscape Land Quality Phosphorus Export Risk (DPIRD-010)
- Soil Landscape Land Quality Subsurface Acidification Risk (DPIRD-011)
- Soil Landscape Land Quality Water Erosion Risk (DPIRD-013)
- Soil Landscape Land Quality Water Repellence Risk (DPIRD-014)
- Soil Landscape Land Quality Waterlogging Risk (DPIRD-015)
- Soil Landscape Land Quality Wind Erosion Risk (DPIRD-016)
- Soil Landscape Mapping Best Available
- Soil Landscape Mapping Systems

Restricted GIS Databases used:

- ICMS (Incident Complaints Management System) Points and Polygons
- Threatened Flora (TPFL)
- Threatened Flora (WAHerb)
- Threatened Fauna
- Threatened Ecological Communities and Priority Ecological Communities
- Threatened Ecological Communities and Priority Ecological Communities (Buffers)

D.2. References

- Commonwealth of Australia (2001) *National Objectives and Targets for Biodiversity Conservation 2001-2005*, Canberra.
- Department of Environment Regulation (DER) (2013). A guide to the assessment of applications to clear native vegetation. Perth. Available from: https://www.der.wa.gov.au/images/documents/your-environment/native-vegetation/Guidelines/Guide2 assessment native veg.pdf.
- Department of Primary Industries and Regional Development (DPIRD) (2019). NRInfo Digital Mapping. Department of Primary Industries and Regional Development. Government of Western Australia. URL: https://maps.agric.wa.gov.au/nrm-info/ (accessed 20 December 2020).
- Department of Water and Environmental Regulation (DWER) (2019). *Procedure: Native vegetation clearing permits*. Joondalup. Available from: https://dwer.wa.gov.au/sites/default/files/Procedure Native vegetation clearing permits v1.PDF.
- Shire of Coolgardie (2020) Advice for clearing permit application CPS 9061/1, received 20 October 2020 (DWER Ref: A1945159).
- Trudgen, M.E. (1991) *Vegetation condition scale* in National Trust (WA) 1993 Urban Bushland Policy. National Trust of Australia (WA), Wildflower Society of WA (Inc.), and the Tree Society (Inc.), Perth.
- Western Australian Herbarium (1998-). FloraBase the Western Australian Flora. Department of Biodiversity, Conservation and Attractions, Western Australia. https://florabase.dpaw.wa.gov.au/ (Accessed xx May 2020)