



## Surrender 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
Clearing 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 to surrender

The application is to surrender clearing permit CPS 9061/1, granted on 23 February 2021, for the proposed clearing of 6.03 hectares of native vegetation on Lot 102 on Deposited Plan 40393, Karramindie, for the purpose of a borrow pit.

The application is to surrender clearing permit CPS 9061/1 due to FMR Investments Pty Ltd's application to amend the clearing permit application 9319/2 to include an additional 30 hectares native vegetation within Lot 102 on Deposited Plan 40393, Karramindie, which entirely overlaps CPS 9061/1. A decision has not yet been finalised about the proposed application to amend 9319/2.

#### 1.3. Decision on application

Decision:	Surrendered
Decision date:	22 December 2022
Decision area:	6.03 hectares of native vegetation, as depicted in Section 1.5, below.

#### 1.4. Reasons for decision

The application to surrender clearing permit CPS 9061/1 was made in accordance with section 51MA of the *Environmental Protection Act 1986* (EP Act) and was received by the Department of Water and Environmental Regulation (DWER) on 19 October 2022.

In undertaking the assessment, the Delegated Officer had regard for compliance with the permit conditions and ensuring that the clearing permit CPS 9061/1 covers the areas approved to be cleared under CPS 8963/1. It was also noted that the applicant had cleared only 2.35 hectares of native vegetation from the six hectares approved under CPS 9061/1. After consideration of the supplied information, the Delegated Officer decided to revoke clearing permit CPS 9061/1.

1.5. Site map – Figure 1

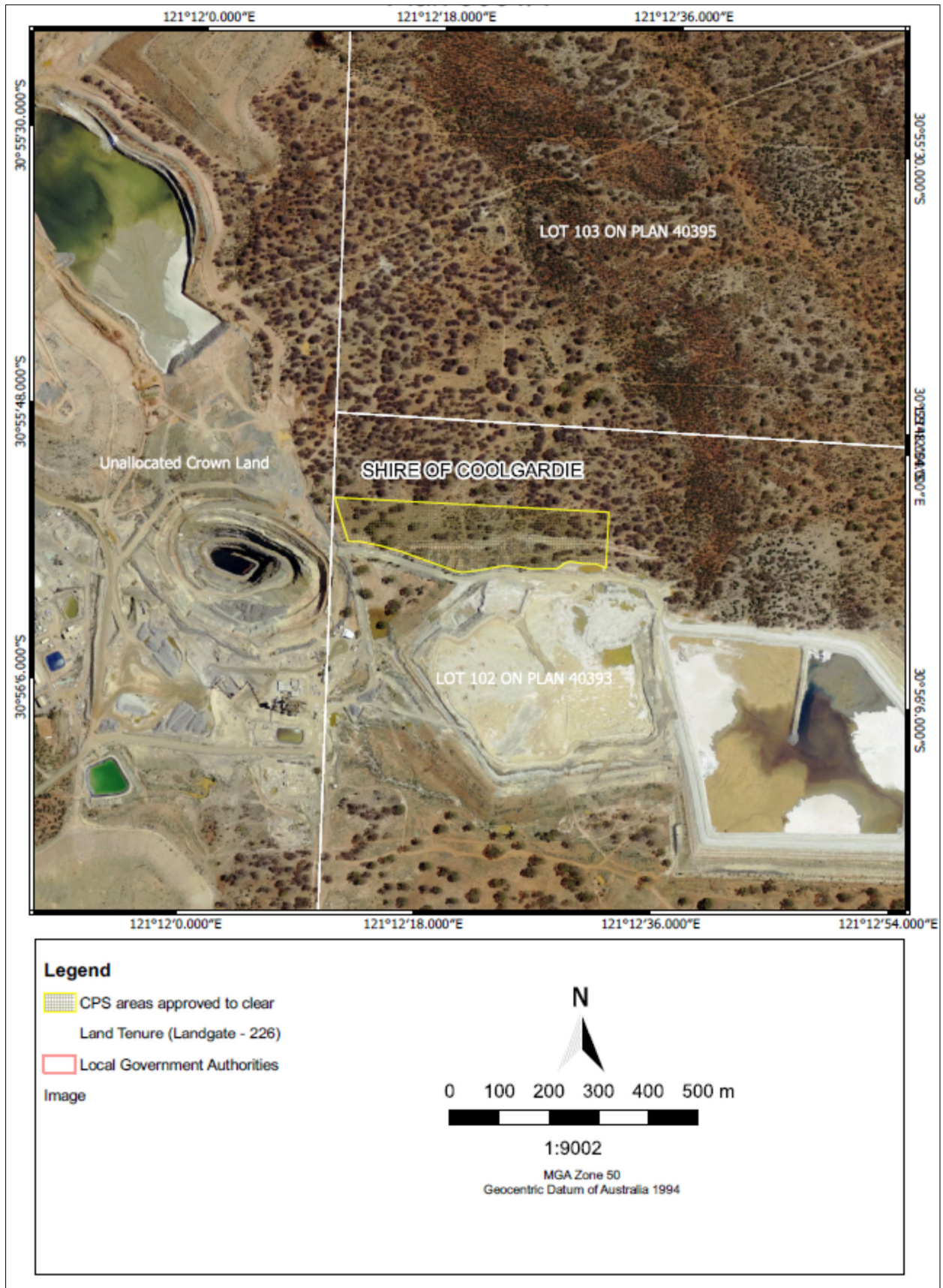


Figure 1 Map of the application area.

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

## 2 Assessment of surrender

### 2.1. Assessment

The surrender application was assessed by reviewing the compliance report submitted by the proponent to DWER on 19 October 2022 (Botanica Consulting, 2022).

A desktop review was undertaken to verify that the conditions under CPS 9061/1 have been correctly complied with as shown below (Table 1).

No.	Relevant Matter	Specifications	Assessment	DWER comments
1.	In relation to the authorised clearing activities generally	(a) the species composition, structure, and density of the cleared area	<b>Upper storey:</b> Eucalypt Woodland <i>Eucalyptus torquata</i> ; Tree <10m; 5-10% cover <b>Mid Storey:</b> Open Shrubland <i>Eremophila interstans</i> var. <i>virgata</i> / <i>Scaevola spinescens</i> ; Shrub 1-2m; 5-10% cover <b>Understorey:</b> Low Chenopod Shrubland <i>Atriplex vesicaria</i> / <i>Atriplex nummularia</i> subsp. <i>spatulata</i> ;	Complied. The area cleared under the clearing permit was reduced and confirmed to be 2.35 hectares. As noted through the information available, the clearing was carried out adjacent to the already cleared area. Coordinates of the clearing boundary were plotted on QGIS to confirm the boundary of the clearing is within the approved six hectares
		(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;	Coordinates of the clearing boundary provided in GDA94, expressed in Eastings and Northings are provided in Attachment 1.	
		(c) the date that the area was cleared;	21 March 2021	
		(d) the size of the area cleared (in hectares);	2.35 hectares	
		(e) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 6; and	The area of clearing was minimised by clearing within an area of historic disturbance adjacent to existing clearing to reduce the area of clearing required. Of the six hectares permit area, only 2.35 ha of clearing was conducted.	
		(f) actions taken to minimise the risk of the introduction and spread of weeds in accordance with condition 7.	Clearing machinery was cleaned of soil and vegetation prior entering the clearing area and all movement of machinery was restricted to the clearing area	
2.	In relation to the revegetation and rehabilitation of areas pursuant to the condition 8	(a) the size of the area revegetated and rehabilitated; (b) the date(s) on which the revegetation and rehabilitation was undertaken; and (c) the boundaries of the area revegetated and rehabilitated (recorded digitally as a shapefile).	Not applicable. The area is currently active as a borrow pit and pending grant of CPS 9319/2 will be superseded for expansion of the site tailings dam, which will be a permanent structure and as such doesn't require revegetation as a result of temporary clearing.	A decision has yet to be made on the proposed application CPS 9319/2 (which overlaps CPS 9061/1). However, noting the purpose of CPS 9319/2, the department has agreed to item 2. not being applicable under CPS 9061/1.

### 2.2. Relevant planning instruments and other matters

On 3 November 2022, the Department accepted the permit holder's application to surrender Clearing Permit CPS 9061/1 and in accordance with section 51M(5)(a) of the EP Act, invited the permit holder to provide comments on its proposed decision to revoke the permit.

On 21 December 2022, the permit holder advised they had no comments on the Department's proposed decision (FMR Investments Pty Ltd, 2022b).

**End**

## D.1. References

- Botanica Consulting (2022) *Compliance against permit conditions, CPS 9061/1* received 19 October 2022 (DWER Ref: DWERDT673715).
- FMR Investments Pty Ltd (2021a) *Clearing permit application CPS 9061/1*, granted 23 February 2021 (DWER Ref: A1970940).
- FMR Investments Pty Ltd (2022b) *Confirmation – waiving comment period, CPS 9061/1*, received 21 December 2022 (DWER Ref: DWERDT703420).
- FMR Investments Pty Ltd (2022b) *Clearing permit application CPS 9319/2*, received 27 October 2022 (DWER Ref: DWERDT677356).