

## **CLEARING PERMIT**

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 9319/1
Permit Holder:	FMR Investments Pty Ltd
Duration of Permit:	From 23 October 2021 to 24 October 2026

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 constructing a tailings dam.

#### 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 18 hectares of native vegetation within the area cross-hatched yellow in Figure 1 of Schedule 1.

#### PART II – MANAGEMENT CONDITIONS

#### 4. 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.

#### 5. 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.

#### PART III - RECORD KEEPING AND REPORTING

#### 6. 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
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No.	Relevant matter	Spec	ifications
1.	In relation to the authorised clearing	(a)	the species composition, structure, and density of the cleared area;
	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); and
		(e)	actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 4; and
		(f)	actions taken to minimise the risk of the introduction and spread of weeds in accordance with condition 5.

#### 7. Reporting

The permit holder must provide to the *CEO* the records required under condition 6 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.	
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)	
native vegetation	has the meaning given under section 3(1) and section 51A of the EP Act.	
weeds	<ul> <li>means any plant – <ul> <li>(a) that is a declared pest under section 22 of the <i>Biosecurity and Agriculture Management Act 2007</i>; or</li> <li>(b) published in a Department of Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking summary, regardless of ranking; or</li> <li>(c) not indigenous to the area concerned.</li> </ul> </li> </ul>	

## **END OF CONDITIONS**

**Meenu Vitarana** A/Manager NATIVE VEGETATION REGULATION

*Officer delegated under Section 20 of the Environmental Protection Act 1986* 

30 September 2021

# Schedule 1

The boundary of the area authorised to be cleared is shown in the map below (Figure 1).



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	on details	
Permit number:	CPS 9319/1	
Permit type:	Purpose permit	
Applicant name:	FMR Investments Pty Ltd	
Application received:	10 June 2021	
Application area:	18 hectares of native vegetation	
Purpose of clearing:	Expansion of tailings storage facility	
Method of clearing:	Mechanical	
Property:	Lot 102 on Deposited Plan 40393	
Location (LGA area/s):	Shire of Coolgardie	
Localities (suburb/s):	Karramindie	

#### 1.2. Description of clearing activities

The vegetation proposed to be cleared is contained within a single contiguous area (see Figure 1, Section 1.5) to facilitate the expansion of a tailings storage facility.

1.3. Decision on application		
Decision:	Granted	
Decision date:	30 September 2021	
Decision area:	18 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 21 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 E.1), the findings of a flora, fauna and vegetation survey (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 lead to appreciable land

degradation or have long-term adverse impacts on environmental values, and can be minimised and managed to be unlikely to lead to an unacceptable risk to environmental values.

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

- avoid, minimise to reduce the impacts and extent of clearing
- take hygiene steps to minimise the risk of the introduction and spread of weeds





The area crosshatched 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.

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)
- Technical guidance Flora and Vegetation Surveys for Environmental Impact Assessment (EPA, 2016)
- Technical guidance Terrestrial Fauna Surveys for Environmental Impact Assessment (EPA, 2016)

#### **B** 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.

#### 3.2. Assessment of impacts on environmental values

In assessing the application, the Delegated Officer has had regard for the site characteristics (see Appendix A) 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 to be environmentally acceptable with standard avoid and minimise and hygiene management conditions.

#### 3.3. Relevant planning instruments and other matters

Other relevant authorisations required for the proposed land use include a works approval issued under Part V Division 3 of the EP Act, which has been granted (W65647/2021/1).

The Shire of Coolgardie advised DWER that local government approvals are not required, and that the proposed clearing is consistent with the Shire's Local Planning Scheme No. 5. The Shire did not have any objections to the proposed clearing and noted that approvals within the Lot included expansion of a borrow pit, expansion of a tailings storage facility and a new tailings storage facility.

No Aboriginal sites of significance have been mapped within the application area. 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

## Appendix A. Site characteristics

A.1. 3	bite characteristics
Characteristic	Details
Local context	The area proposed to be cleared is part of an expansive tract of native vegetation in the extensive land use zone of Western Australia. It is adjacent to existing tailings storage facilities on one side and remnant vegetation on the other side.
	Aerial imagery indicates the local area (20-kilometre radius from the centre of the area proposed to be cleared) retains approximately 85 per cent of the original native vegetation cover.
Ecological linkage	Extensive remnant vegetation remains surrounding the application area. It is unlikely that the application contains any significant ecological linkage values.
Conservation areas	According to available databases, the nearest conservation area is located approximately 7.5 kilometres to the southwest of the application area. The conservation area is known as Kangaroo Hills Timber Reserve.
Vegetation description	<ul> <li>Vegetation survey (Botanica, 2021) indicate the vegetation within the proposed clearing area consists of the following vegetation types:</li> <li>Mallee Woodlands and Shrublands (MVG 14) within an open depression - Sparse mallee shrubland of <i>E. griffithsii</i> over mid open shrubland of <i>Eremophila scoparia</i> and low open chenopod shrubland of <i>Atriplex vesicaria</i> in open depressions</li> <li>Mallee Woodlands and Shrublands (MVG 14) within a clay-loam plain -open mallee shrubland of <i>E. griffithsii</i> over mid open shrubland of <i>Dodonaea lobulata/ Eremophila scoparia</i> and low open chenopod scrub of <i>Atriplex nummularia/ A. vesicaria</i> in clay-loam plain</li> <li>Eucalypt Woodlands (MVG 5) within a hillslope - Low woodland of <i>Eucalyptus torquata</i> over mid open shrubland of <i>Eremophila interstans</i> subsp. <i>virgata</i> and low open chenopod shrubland of <i>Atriplex vesicaria</i> on hillslope</li> <li>Representative photos and the full survey descriptions and maps are available in Appendix D.</li> <li>This is consistent with the mapped vegetation type(s):</li> <li>Coolgardie (Beard 9), which is described as Wheatbelt; York gum, salmon gum etc. <i>Eucalyptus loxophleba, E. salmonophloia</i>. Goldfields; gimlet, redwood etc. <i>E. salubris, E. oleosa</i>. Riverine; rivergum E. camaldulensis. Tropical; messmate, woolybutt (Shepherd et al, 2001).</li> <li>The mapped vegetation type retains approximately 98 per cent of the original extent (Government of Western Australia, 2019).</li> </ul>
Vegetation condition	<ul> <li>Vegetation survey (Botanica Consulting, 2021) indicate the vegetation within the proposed clearing area is in good (Keighery, 1994 and Trudgen) condition, described as:</li> <li>Good which is described as Vegetation structure significantly altered by very obvious signs of multiple disturbances. Retains basic vegetation structure or ability to regenerate it.</li> <li>The full Keighery (1994) and Trudgen (1991) condition rating scale is provided in Appendix C. Representative photos and the full survey descriptions and mapping are available in Appendix D.</li> </ul>
Climate and landform	The application area is mapped within elevations of 400-420 meters AHD. The annual average rainfall (Coolgardie) is 269.6 millimetres.
Soil description	The soil is mapped as the BB5 which is described as: rocky ranges and hills of greenstones-basic igneous rocks.

Characteristic	Details
Land degradation risk	The mapped soil type has low risk of land degradation.
Waterbodies	The desktop assessment and aerial imagery indicated that there is one minor nonperennial watercourse is mapped within the application area.
Hydrogeography	The application area is not within any legislated surface or groundwater areas. The mapped groundwater salinity is 14000-35000 milligrams per litre which is described as highly saline.
Flora	According to available databases, 25 conservation significant flora species have been recorded within the local area. One of these is a threatened species, <i>Gastrolobium graniticum</i> . The closest conservation significant flora species to the application area is <i>Chrysocephalum apiculatum</i> subsp. <i>norsemanense</i> , a Priority 3 species.
Ecological communities	There are no mapped Priority or Threatened Ecological Communities within the local area. The closest ecological community is Mount Belches Acacia quadrimarginea/Ptilotus obovatus (banded ironstone formation) which is located more than 90 kilometres from the application area.
Fauna	According to available databases, four conservation significant fauna species have been recorded within the local area. The most frequently recorded species is Leipoa ocellata (malleefowl).

## A.2. Land degradation risk table

Land Qualities summary - % Map Unit (column 1 most limiting, 4 least) (DPIRD, 2019)

0	С	C1	C2	C3	C4
1	рН				
1	0-10 acidity	very strongly acid: 0 %	strongly acid: 0 %		
1	0-10 alkalinity	strongly alkaline: 0 %	alkaline: 90 %		
1	50-80 acidity	very strongly acid: 0 %	strongly acid: 0 %		
1	50-80 alkalinity	strongly alkaline: 55 %	alkaline: 45 %		
1	acidification risk	presently acid: 0 %	high: 0 %	moderate: 0 %	low: 100 %
2	SALINITY				
2	surface salinity	extreme: 0 %	high: 0 %	moderate: 0 %	slight to nil: 100 %
3	SOME PLANT LIMITS				
3	rooting depth	very shallow: 0 %	shallow: 0 %	moderately shallow: 55 %	v deep to moderate: 45 %
3	sub surface compact	high: 0 %	moderate: 95 %	low: 5 %	
3	water repel	high: 0 %	moderate: 0 %	low: 0 %	nil: 100 %
3	water storage	extremely low: 0 %	very low: 0 %	low: 0 %	high to moderate: 100 %

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." <u>Assessment:</u> The area proposed to be cleared does not contain locally or regionally significant flora, fauna, habitats, assemblages of plants. The survey provided (Botanica Consulting, 2021) noted that no conservation significant flora or fauna were identified within the application area.	Not likely to be at variance	No
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." <u>Assessment:</u> The area proposed to be cleared does not contain significant habitat for conservation significant fauna. The survey provided (Botanica Consulting, 2021) noted that while the application area may provide habitat for malleefowl, no evidence of individuals, nest mounds, tracks or feathers were found during the survey.	Not likely to be at variance	No
<u>Principle (c):</u> "Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened flora." <u>Assessment:</u> The area proposed to be cleared is unlikely to contain habitat for flora species listed under the BC Act. The survey provided (Botanica Consulting, 2021) noted that no conservation significant flora were identified within the application area.	Not likely to be at variance	No
<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." <u>Assessment:</u> The area proposed to be cleared does not contains species that can indicate a threatened ecological community.	Not likely to be at variance	No
Environmental value: significant remnant vegetation and conservation a	reas	
<u>Principle (e):</u> "Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared." <u>Assessment:</u> The extent of the mapped vegetation type and the native vegetation in the local area is consistent with the national objectives and targets for biodiversity conservation in Australia. The vegetation proposed to be cleared is not considered to be part of a significant ecological linkage in the local area.	Not at variance	No
<u>Principle (h):</u> "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." <u>Assessment:</u> Given the distance to the nearest conservation area, the proposed clearing is not likely to have an impact on the environmental values of nearby conservation areas.	Not likely to be at variance	No
Environmental value: land and water resources		
Principle (f): "Native vegetation should not be cleared if it is growing in, or in	May be at	No

Assessment against the clearing principles	Variance level	Is further consideration required?
<u>Assessment:</u> While it is noted that a minor nonperennial watercourse intersects the application area, it is considered that the low rainfall and high evaporation rate indicate the proposed clearing is unlikely to impact on-or-off-site hydrology and water quality.		
There are no wetlands mapped within the application area but the presence of a mapped watercourse indicates some vegetation may be growing in association with a watercourse.		
<u>Principle (g):</u> "Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation."	Not likely to be at variance	No
Assessment: The mapped soils are not susceptible to forms of land degradation. Noting the extent of the proposed clearing within a highly vegetated landscape, the proposed clearing is not likely to result in appreciable land degradation.		
<u>Principle (i):</u> "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."	May be at variance	No
<u>Assessment:</u> Given a minor non-perennial water course is recorded the application area, the proposed clearing may impact surface water if the watercourse is in flow. The proposed clearing is not likely to impact ground water quality.		
<u>Principle (j):</u> "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 and topographic contours in the surrounding area do not indicate the proposed clearing is likely to contribute to increased incidence or intensity of flooding.		
Given the sandy soil types and low rainfall recorded within the application area, 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.

As noted in the survey provided (Botanica, 2021) scales below were used to measure the condition of the vegetation proposed to be cleared. This scale has been extracted from Keighery, B.J. (1994) *Bushland Plant Survey: A Guide to Plant Community Survey for the Community*. Wildflower Society of WA (Inc). Nedlands, Western Australia.

#### Measuring vegetation condition for the South West and Interzone Botanical Province (Keighery, 1994)

Condition	Description
Pristine	Pristine or nearly so, no obvious signs of disturbance.
Excellent	Vegetation structure intact, with disturbance affecting individual species; weeds are non-aggressive species.

Condition	Description
Very good	Vegetation structure altered, with obvious signs of disturbance. For example, disturbance to vegetation structure caused by repeated fires, the presence of some more aggressive weeds, dieback, logging and/or grazing.
Good	Vegetation structure significantly altered by very obvious signs of multiple disturbances. Retains basic vegetation structure or ability to regenerate it. For example, disturbance to vegetation structure caused by very frequent fires, the presence of some very aggressive weeds at high density, partial clearing, dieback and/or grazing.
Degraded	Basic vegetation structure severely impacted by disturbance. Scope for regeneration but not to a state approaching good condition without intensive management. For example, disturbance to vegetation structure caused by very frequent fires, the presence of very aggressive weeds, partial clearing, dieback and/or grazing.
Completely degraded	The structure of the vegetation is no longer intact and the area is completely or almost completely without native species. These areas are often described as 'parkland cleared' with the flora comprising weed or crop species with isolated native trees or shrubs.

This scale has been extracted from: 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.

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.

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Major Landform Vegetation Group		Vegetation Code	Vegetation Type	Area (ha)	Area (%)
Open Depression	Mailee Woodlands and Shrublands (MVG 14)	OD-MWS1	OD-MWS1 Sparse mallee shrubland of <i>E. griffithsii</i> over mid open shrubland of <i>Eremophila scoparia</i> and low open chenopod shrubland of <i>Atriplex vesicaria</i> in open depression		
Clay-Loam Plain	Mailee Woodlands and Shrublands (MVG 14)	CLP-MWS1	Open mallee shrubland of <i>E. griffithsii</i> over mid open shrubland of <i>Dodonaea lobulata/ Eremophila scoparia</i> and low open chenopod scrub of <i>Atriplex nummularia/</i> <i>A. vesicaria</i> in clay-loam plain	8	24
Hillslope	slope Eucalypt Woodlands (MVG 5) HS-EW1 Low woodla shrubland of low open ch		Low woodland of Eucalyptus torquata over mid open shrubland of Eremophila interstans subsp. virgata and low open chenopod shrubland of Atriplex vesicaria on hillslope	8	24
N/A	N/A	CV	Cleared Vegetation	15	45
Total					100

#### Appendix E. Sources of information

#### E.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 Mapping Best Available
- Soil Landscape Mapping Systems
- Wheatbelt Wetlands Stage 1 (DBCA-021)

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)

#### E.2. References

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- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.

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Western Australian Herbarium (1998-). *FloraBase - the Western Australian Flora*. Department of Biodiversity, Conservation and Attractions, Western Australia. https://florabase.dpaw.wa.gov.au/ (Accessed August 2021)