



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 2669/2
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Pilbara Manganese Pty Ltd

1.3. Property details

Property: Mining Lease 45/432
Local Government Area: Shire Of East Pilbara
Colloquial name: Woodie Woodie Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
50		Mechanical Removal	Mineral Production

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 4 July 2013

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description Beard vegetation associations have been mapped for the whole of Western Australia and are useful to look at vegetation in a regional context. The following Beard vegetation association is located within the application area (GIS Database):

173: Hummock grasslands, shrub steppe, Kanji over soft Spinifex and *Triodia wiseana* on basalt.

Mattiske Consulting (2008) undertook a flora and vegetation survey for the mining tenement (Mining Lease 45/432) within which the application area is located as well as for two other tenements that lie adjacent to the application area. The survey was conducted in April 2008 and consisted of surveying 17 sampling sites that were chosen to represent the different plant communities within the survey area (Mattiske Consulting, 2008).

Nine vegetation units were recorded within the survey area with the following eight occurring within the application area:

- 1) Woodland of *Eucalyptus victrix* over *Acacia arida*, *Petalostylis labicheoides*, *Acacia trachycarpa* and *Acacia pyrifolia* var. *morrisonii* over *Cenchrus ciliaris* on major watercourses.
- 2) Scrub or Thicket of *Carissa lanceolata*, *Petalostylis labicheoides*, *Acacia bivenosa* and *Acacia ancistrocarpa* over *Triodia pungens*, *Triodia basedowii*, *Cenchrus ciliaris* and *Chrysopogon fallax* along minor watercourses.
- 3) Scrub or Low Shrubland of *Acacia ancistrocarpa*, *Acacia arida*, *Acacia acradenia*, *Petalostylis labicheoides*, *Gossypium australe*, *Acacia synchronicia* and *Acacia inaequilatera* over *Triodia longiceps* and *Triodia wiseana* with patches of *Cenchrus ciliaris* on flats, often associated with major watercourses.
- 4) Open Low Shrubland of *Acacia arida* and *Acacia hilliana* over *Triodia wiseana* and *Dampiera candidans* on slopes and hilltops.
- 5) Hummock grassland of *Triodia longiceps* with scattered *Acacia bivenosa*, *Acacia synchronicia* and *Acacia ptychophylla* on flats and lower slopes.
- 6) Hummock Grassland of *Triodia longiceps* and *Triodia wiseana* with occasional *Grevillea wickhamii* subsp. *hispidula* on flats and lower slopes.
- 7) Hummock Grassland of *Triodia basedowii*, *Triodia pungens* and *Triodia wiseana* with *Acacia bivenosa*, *Acacia pyrifolia* var. *morrisonii*, *Acacia synchronicia*, *Hakea lorea* subsp. *lorea* and emergent *Corymbia hamersleyana* and *Corymbia aspera* on undulating plains and slopes.
- 8) Open Low Woodland of *Atalaya hemiglauca* with *Corymbia hamersleyana* over *Corchorus lasiocarpus* subsp. *lasiocarpus*, *Aerva javanica*, *Eriachne mucronata* and *Triodia epactia* on minor watercourses.

Clearing Description

This clearing permit application is for a purpose permit to clear up to 50 hectares of native vegetation within an area of approximately 243 hectares (GIS Database). The proposed clearing area is located on Mining Lease 45/432, approximately 100 kilometres east of Nullagine and 400 kilometres south-east of Port Hedland (GIS Database).

The purpose of the proposed clearing is for the expansion of an existing workshop and associated facilities and development of the Area 1 mining area (Pilbara Manganese, 2008). Pilbara Manganese (2008) propose to clear approximately 15 hectares for the expansion of the workshop and associated facilities, and 35 hectares for the development of the Area 1 mining area which will consist of the Area 1 pit, waste rock stockpile and run of mine (ROM) pad. Existing roads and infrastructure will be used where possible to minimise the disturbance footprint (MBS Environmental, 2008). Vegetation clearing will be undertaken via mechanical means using a bulldozer and vegetation and topsoil will be stockpiled for rehabilitation purposes (Pilbara Manganese, 2008)

Vegetation Condition

Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).

Comment

The vegetation condition rating was based on the results from the flora and vegetation survey of the proposed clearing area which was conducted by Mattiske Consulting in April 2008. Apart from localised disturbances around roads and drill sites, mainly weed and fire has impacted the condition of the tenement vegetation (MBS Environmental, 2008).

Clearing permit CPS 2669/1 was granted by the Department of Mines and Petroleum on 30 October 2008 and was valid from 29 November 2008 to 31 July 2013. An application to amend this permit was received by the Department of Mines and Petroleum on 29 May 2013. The application requested an extension to the duration of the permit to 31 July 2018. The amount of native vegetation authorised to clear and the clearing permit boundary that was approved to clear under CPS 2669/1 will remain unchanged.

3. Assessment of application against clearing principles**Comments**

Pilbara Manganese Pty Ltd has applied to extend the duration of the clearing permit to 31 July 2018. There are no additional environmental impacts associated with this amendment. Therefore, the assessment against the clearing principles is consistent with the assessment in Clearing Permit Decision Report CPS 2669/1.

Planning instrument, Native Title, Previous EPA decision or other matter.**Comments**

There is one native title claim over the area under application: WC99/8 (GIS Database). 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*.

According to available databases, there are no registered Aboriginal Sites of Significance within the application area (GIS Database). 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 Environment and Conservation and the Department of Water to determine whether a Works Approval, Water Licence, Bed and Banks Permit, or any other licences or approvals are required for the proposed works.

Methodology

GIS Database:
 - Aboriginal Sites of Significance
 - Native Title Claims – Registered with the NNTT

4. References

- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Mattiske Consulting (2008) Flora and Vegetation Survey of Tenements M45/432, M45/517 and M45/637 (Including Area 1 Prospect). Mattiske Consulting Pty Ltd, Western Australia.
- MBS Environmental (2008) Purpose Permit Application, Woodie Woodie Operations Workshop Expansion and Area 1 Mining Area: Native Vegetation Management Plan and Assessment of Clearing Principle. Martinick Bosch Sell Pty Ltd, Western Australia.
- Pilbara Manganese (2008) EP Act - Pilbara Manganese Pty Ltd - Clearing Permit 2669/1. Pilbara Manganese Pty Ltd, Western Australia.

5. Glossary**Acronyms:**

BoM	Bureau of Meteorology, Australian Government
CALM	Department of Conservation and Land Management (now DEC), Western Australia
DAFWA	Department of Agriculture and Food, Western Australia
DEC	Department of Environment and Conservation, Western Australia
DEH	Department of Environment and Heritage (federal based in Canberra) previously Environment Australia

DEP	Department of Environment Protection (now DEC), Western Australia
DIA	Department of Indigenous Affairs
DLI	Department of Land Information, Western Australia
DMP	Department of Mines and Petroleum, Western Australia
DoE	Department of Environment (now DEC), Western Australia
DoIR	Department of Industry and Resources (now DMP), Western Australia
DOLA	Department of Land Administration, Western Australia
DoW	Department of Water
EP Act	Environmental Protection Act 1986, Western Australia
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999 (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
RIWI Act	Rights in Water and Irrigation Act 1914, Western Australia
s.17	Section 17 of the Environment Protection Act 1986, Western Australia
TEC	Threatened Ecological Community

Definitions:

{Atkins, K (2005). *Declared rare and priority flora list for Western Australia, 22 February 2005. Department of Conservation and Land Management, Como, Western Australia*} :-

- P1** **Priority One - Poorly Known taxa:** taxa which are known from one or a few (generally <5) populations which are under threat, either due to small population size, or being on lands under immediate threat, e.g. road verges, urban areas, farmland, active mineral leases, etc., or the plants are under threat, e.g. from disease, grazing by feral animals, etc. May include taxa with threatened populations on protected lands. Such taxa are under consideration for declaration as 'rare flora', but are in urgent need of further survey.
- P2** **Priority Two - Poorly Known taxa:** taxa which are known from one or a few (generally <5) populations, at least some of which are not believed to be under immediate threat (i.e. not currently endangered). Such taxa are under consideration for declaration as 'rare flora', but are in urgent need of further survey.
- P3** **Priority Three - Poorly Known taxa:** taxa which are known from several populations, at least some of which are not believed to be under immediate threat (i.e. not currently endangered). Such taxa are under consideration for declaration as 'rare flora', but are in need of further survey.
- P4** **Priority Four – Rare taxa:** taxa which are considered to have been adequately surveyed and which, whilst being rare (in Australia), are not currently threatened by any identifiable factors. These taxa require monitoring every 5–10 years.
- R** **Declared Rare Flora – Extant taxa (= Threatened Flora = Endangered + Vulnerable):** taxa which have been adequately searched for, and are deemed to be in the wild either rare, in danger of extinction, or otherwise in need of special protection, and have been gazetted as such, following approval by the Minister for the Environment, after recommendation by the State's Endangered Flora Consultative Committee.
- X** **Declared Rare Flora - Presumed Extinct taxa:** taxa which have not been collected, or otherwise verified, over the past 50 years despite thorough searching, or of which all known wild populations have been destroyed more recently, and have been gazetted as such, following approval by the Minister for the Environment, after recommendation by the State's Endangered Flora Consultative Committee.

{Wildlife Conservation (Specially Protected Fauna) Notice 2005} [Wildlife Conservation Act 1950] :-

- Schedule 1** **Schedule 1 – Fauna that is rare or likely to become extinct:** being fauna that is rare or likely to become extinct, are declared to be fauna that is need of special protection.
- Schedule 2** **Schedule 2 – Fauna that is presumed to be extinct:** being fauna that is presumed to be extinct, are declared to be fauna that is need of special protection.
- Schedule 3** **Schedule 3 – Birds protected under an international agreement:** being birds that are subject to an agreement between the governments of Australia and Japan relating to the protection of migratory birds and birds in danger of extinction, are declared to be fauna that is need of special protection.
- Schedule 4** **Schedule 4 – Other specially protected fauna:** being fauna that is declared to be fauna that is in need of special protection, otherwise than for the reasons mentioned in Schedules 1, 2 or 3.

{CALM (2005). *Priority Codes for Fauna. Department of Conservation and Land Management, Como, Western Australia*} :-

- P1** **Priority One: Taxa with few, poorly known populations on threatened lands:** Taxa which are known from few specimens or sight records from one or a few localities on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, active mineral leases. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P2** **Priority Two: Taxa with few, poorly known populations on conservation lands:** Taxa which are known from few specimens or sight records from one or a few localities on lands not under immediate threat of habitat destruction or degradation, e.g. national parks, conservation parks, nature reserves, State forest, vacant Crown land, water reserves, etc. The taxon needs urgent survey and evaluation of conservation

status before consideration can be given to declaration as threatened fauna.

- P3 Priority Three: Taxa with several, poorly known populations, some on conservation lands:** Taxa which are known from few specimens or sight records from several localities, some of which are on lands not under immediate threat of habitat destruction or degradation. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P4 Priority Four: Taxa in need of monitoring:** Taxa which are considered to have been adequately surveyed, or for which sufficient knowledge is available, and which are considered not currently threatened or in need of special protection, but could be if present circumstances change. These taxa are usually represented on conservation lands.
- P5 Priority Five: Taxa in need of monitoring:** Taxa which are not considered threatened but are subject to a specific conservation program, the cessation of which would result in the species becoming threatened within five years.

Categories of threatened species (*Environment Protection and Biodiversity Conservation Act 1999*)

- EX Extinct:** A native species for which there is no reasonable doubt that the last member of the species has died.
- EX(W) Extinct in the wild:** A native species which:
- (a) is known only to survive in cultivation, in captivity or as a naturalised population well outside its past range; or
 - (b) has not been recorded in its known and/or expected habitat, at appropriate seasons, anywhere in its past range, despite exhaustive surveys over a time frame appropriate to its life cycle and form.
- CR Critically Endangered:** A native species which is facing an extremely high risk of extinction in the wild in the immediate future, as determined in accordance with the prescribed criteria.
- EN Endangered:** A native species which:
- (a) is not critically endangered; and
 - (b) is facing a very high risk of extinction in the wild in the near future, as determined in accordance with the prescribed criteria.
- VU Vulnerable:** A native species which:
- (a) is not critically endangered or endangered; and
 - (b) is facing a high risk of extinction in the wild in the medium-term future, as determined in accordance with the prescribed criteria.
- CD Conservation Dependent:** A native species which is the focus of a specific conservation program, the cessation of which would result in the species becoming vulnerable, endangered or critically endangered within a period of 5 years.

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.