



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 2810/2  
Permit type: Purpose

### 1.2. Proponent details

Proponent's name: Pilbara Manganese Pty Ltd

### 1.3. Property details

Property: Mining Lease 45/431  
Local Government Area: Shire of East Pilbara  
Colloquial name: Austin and Eat Pit Project

### 1.4. Application

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

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 31 July 2014

## 2. Site Information

### 2.1. Existing environment and information

#### 2.1.1. Description of the native vegetation under application

**Vegetation Description** One Beard vegetation association is located within the application area (Government of Western Australia, 2013; GIS Database):

- 173: Hummock grasslands, shrub steppe; kanji over soft Spinifex & *T.wiseana* on basalt

Mattiske Consulting (2007) undertook a flora and vegetation survey for the mining tenement (M45/431) within which the application area is located. The survey was conducted in October 2007 and consisted of surveying 14 sampling sites that were chosen to represent the different plant communities within the survey area (Mattiske Consulting, 2007).

MBS Environmental (2008) has provided vegetation community maps of the project area. Fourteen vegetation units were recorded within the survey area with the following seven occurring within the application area (MBS Environmental, 2008):

- 1) 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.
- 2) Tall Shrubland of *Acacia arida*, *Acacia bivenosa*, *Acacia synchronicia* over patches of *Triodia basedowii* and *Triodia pungens* with *Grevillea wickhamii* subsp. *hispidula* and emergent *Corymbia hamersleyana* on flats and lower slopes.
- 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) 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 pyriformis* var. *morrisonii*, *Acacia synchronicia*, *Hakea lorea* subsp. *lorea* and emergent *Corymbia hamersleyana* and *Corymbia aspera* on undulating plains and slopes.

#### Clearing Description

Austin and Eat Pit Project.  
Pilbara Manganese Pty Ltd (Pilbara Manganese) proposes to clear up to 53.5 hectares of native vegetation within a total boundary of approximately 170 hectares, for the purpose of mineral production. The project is located approximately 151 kilometres south-east of Marble Bar, in the Shire of East Pilbara.

<b>Vegetation Condition</b>	Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).
<b>Comment</b>	<p>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 October 2007.</p> <p>Apart from localised disturbances around roads and drill sites, mainly weed and fire has impacted the condition of the tenement vegetation (Mattiske Consulting, 2007).</p> <p>Clearing permit CPS 2810/1 was granted by the Department of Industry and Resources (now Department of Mines and Petroleum on 24 December 2008 and authorised the clearing of 53.5 hectares of native vegetation within an area of 170 hectares.</p>

### 3. Assessment of application against clearing principles

#### Comments

Pilbara Managanese has applied to amend CPS 2810/1 for the purpose of extending the permit expiry date from 31 July 2014 to 31 July 2019. The size of the area approved to clear (53.5 hectares) and the permit boundaries remain unchanged.

The proposed amendment is unlikely to result in any significant additional environmental impacts. The assessment of the proposed clearing against the clearing principles remains consistent with the assessment in Decision Report CPS 2810/1.

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

#### Comments

There is one Native Title Claim (WC1999/008) over the area under application (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*.

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 Regulation, the Department of Water, and the Department of Parks and Wildlife, 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

- Government of Western Australia (2013) 2012 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). WA Department of Environment and Conservation, Perth.
- 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 (2007) Flora and Vegetation Survey of the Eat Tenement, Woodie Woodie. 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.

### 5. Glossary

#### Acronyms:

<b>BoM</b>	Bureau of Meteorology, Australian Government
<b>CALM</b>	Department of Conservation and Land Management (now DEC), Western Australia
<b>DAFWA</b>	Department of Agriculture and Food, Western Australia
<b>DEC</b>	Department of Environment and Conservation, Western Australia
<b>DEH</b>	Department of Environment and Heritage (federal based in Canberra) previously Environment Australia
<b>DEP</b>	Department of Environment Protection (now DEC), Western Australia
<b>DIA</b>	Department of Indigenous Affairs
<b>DLI</b>	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.