



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 4034/4  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: **Dumpna Pty Ltd**

### 1.3. Property details

Property: Mining Lease 45/1193  
Miscellaneous Licence 45/234  
Miscellaneous Licence 45/256  
Local Government Area: Town of Port Hedland  
Colloquial name: Turner River Sand Project

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
31.9		Mechanical Removal	Sand Extraction, Borrow Pits and Associated Activities

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 13 September 2012

## 2. Background

### 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. Three Beard vegetation associations are located within the application area (GIS Database):

Beard vegetation association 619: Medium woodland; river gum (*Eucalyptus camaldulensis*).

Beard vegetation association 589: Short bunch grassland - savannah / grass plain (Pilbara) / Hummock grasslands, grass steppe; soft Spinifex.

Beard Vegetation Association 647: Hummock grasslands, dwarf-shrub steppe; *Acacia translucens* over soft spinifex.

A flora and vegetation survey covering the vast majority of the application area was conducted in February 2012 by botanists from Animal Plant Mineral. The vegetation of Miscellaneous Licences 45/234 and 45/256 that was not surveyed was extrapolated from the nearby mapped vegetation types. In July 2010 Astron undertook a flora and vegetation survey over part of the application and the results from this survey were also incorporated into the vegetation mapping. Six vegetation communities were identified within the application area (Animal Plant Mineral, 2012).

#### Jaroo Land System

MaAtTe: *Melaleuca argentea* low woodland over *Acacia tumida* var. *Pilbarensis* scattered tall shrubs over *Triodia epactia* very open hummock grassland.

AsTe: *Acacia stellaticeps* low shrubland over *Triodia epactia* hummock grassland.

Te: *Triodia epactia* open hummock grassland.

#### River Land System

MgTe – *Melaleuca glomerata* scattered shrubs over *Triodia epactia* open hummock grassland.

AtCpTe- *Acacia tumida*, *Acacia trachycarpa* tall shrubland over mixed *Cajanus pubescens*, *Triumfetta ramosa*, *Corchorus incanus* subsp. *incanus* low open shrubland over *Triodia epactia* open hummock grassland.

MaAc- *Melaleuca argentea* open low woodland over *Acacia trachycarpa*, *Melaleuca glomerata* shrubland over *Triodia* sp. sterile open hummock grasses.

#### **Clearing Description**

Dumpna Pty Ltd is proposing to clear up to 31.9 hectares of native vegetation within an application area of approximately 127 hectares. The proposed clearing is for the purpose of sand extraction, borrow pits and associated activities. The sand extraction is from the Turner River and the clearing includes an access road, stockpile area and access ramps to the riverbed.

<b>Vegetation Condition</b>	<p>Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994);</p> <p style="text-align: center;">to</p> <p>Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994).</p>
<b>Comment</b>	<p>The application area is located in the Pilbara region, approximately 25 kilometres south west of Port Hedland (GIS Database). The vegetation condition was derived from vegetation surveys conducted by Astron Environmental Services (2010) and Animal Plant Mineral (2012).</p> <p>An application for an amendment to clearing permit CPS 4034/1 was submitted by Dumpna Pty Ltd on 16 January 2012. This application (CPS 4034/2) was withdrawn on 2 February 2012 due to a lack of appropriate tenure over the proposed amended application area. A further application for an amendment to clearing permit CPS 4034/1 was submitted by Dumpna Pty Ltd on 9 March 2012 (CPS 4034/3). The proponent requested a change to the clearing permit boundary and the amendment CPS 4034/3 was granted on 10 May 2012. An application to amend clearing permit CPS 4034/3 was submitted on 20 June 2012 to increase the amount of clearing authorised by 11.9 hectares, increase the clearing permit boundary and change the purpose of the permit to include borrow pits.</p>

### 3. Assessment of application against Clearing Principles

**Comments** Dumpna Pty Ltd has applied to increase the amount of clearing approved from 20 hectares to 31.9 hectares, increase the clearing permit boundary and change the purpose of the permit to include borrow pits.

A flora and vegetation survey was undertaken over Mining Lease 45/1193 in February 2012 by Animal Plant Mineral to cover the additional areas requested in the amendment. The survey defined a total of six vegetation associations, comprising four identified from their current survey and a further two associations described during a previous survey conducted by Astron Environmental Services (Animal Plant Mineral, 2012). The vegetation of the application area is typical of the region (Animal Plant Mineral, 2012). No vegetation associations recorded are considered to be Threatened or Priority Ecological Communities and no Threatened Flora were recorded within the additional area (Animal Plant Mineral, 2012). Therefore, the proposed clearing is not likely to be at variance to Principles (c) and (d) and is not at variance to Principle (e).

The Priority 1 flora species *Abutilon pritzelianum* was recorded in two locations during the flora survey (Animal Plant Mineral, 2012). This species is known only from the floodplains of the Turner and Yule Rivers and from disjunct populations that occur in the Carnarvon district (Animal Plant Mineral, 2012). One individual plant was recorded on the verge of an old vehicle track and another two individuals were recorded in the interzone between vegetation communities AsTe and MgTe on the bank of the Turner River (Animal Plant Mineral, 2012). Potential impacts to *Abutilon pritzelianum* as a result of the proposed clearing may be minimised by the implementation of a flora management condition. The proposed clearing may be at variance to Principle (a).

Fauna habitats and the assemblages of species that occupy them are expected to be consistent with other riverine areas in the region (Animal Plant Mineral, 2012) and are described in further detail in Clearing Permit Decision Report CPS 4034/3. Therefore, the proposed clearing is not likely to be at variance to Principle (b).

The Turner River Water Reserve is now no longer gazetted under the *Country Areas Water Supply Act 1947* (CAWS). The assessment of Principle (i) in Clearing Permit Decision Report CPS 4034/3 is still relevant and the proposed clearing may be at variance to this Principle.

Current environmental information has been reviewed and the assessment of clearing principles (f), (g), (h), and (j) is consistent with the assessment in Clearing Permit Decision Report CPS 4034/3 (GIS Database).

**Methodology** Animal Plant Mineral (2012)  
 GIS Database:  
 - DEC Tenure  
 - Hydrography, Linear  
 - IBRA WA (Regions – Subregions)  
 - Pre-European Vegetation  
 - Public Drinking Water Source Areas (PDWSAs)  
 - Rangeland Land System Mapping  
 - Threatened and Priority Flora  
 - Threatened Ecological Sites Buffered  
 - Threatened Fauna

## Planning instrument, Native Title, RIWI Act Licence, EP Act Licence, Works Approval, Previous EPA decision or other matter.

### Comments

There is one Native Title Claim (WC99/3) 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 is one registered Aboriginal Site 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.

The clearing permit amendment application was advertised on 16 July 2012 by the Department of Mines and Petroleum inviting submissions from the public. No submissions were received to the proposed clearing.

### Methodology GIS Database:

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

## 4. References

- Astron Environmental Services (2010) Turner River M45/1193 Level 1 Vegetation and Flora Survey. Report Prepared by Astron Environmental Services for Dumpna Pty Ltd, August 2010.
- Animal Plant Mineral (2012) Level One Biological Survey Mining Lease M45/1193 Pilbara Western Australia. Report Prepared by Animal Plant Mineral for Dumpna Pty Ltd, May 2012.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, 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
<b>DMP</b>	Department of Mines and Petroleum, Western Australia
<b>DoE</b>	Department of Environment (now DEC), Western Australia
<b>DoIR</b>	Department of Industry and Resources (now DMP), Western Australia
<b>DOLA</b>	Department of Land Administration, Western Australia
<b>DoW</b>	Department of Water
<b>EP Act</b>	Environmental Protection Act 1986, Western Australia
<b>EPBC Act</b>	Environment Protection and Biodiversity Conservation Act 1999 (Federal Act)
<b>GIS</b>	Geographical Information System
<b>ha</b>	Hectare (10,000 square metres)
<b>IBRA</b>	Interim Biogeographic Regionalisation for Australia
<b>IUCN</b>	International Union for the Conservation of Nature and Natural Resources – commonly known as the World Conservation Union
<b>RIWI Act</b>	Rights in Water and Irrigation Act 1914, Western Australia
<b>s.17</b>	Section 17 of the Environment Protection Act 1986, Western Australia
<b>TEC</b>	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.