Government of Western Australia
Department of Mines and Petroleum

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 4493/3
Permit type: Purpose

1.2. Proponent details

Proponent's name: **Onslow Resources Ltd**

1.3. Property details

Property: Mining Lease 08/458
Mining Lease 08/461
Miscellaneous Licence 08/51
Local Government Area: Shire of Ashburton
Colloquial name: Ashburton River Sand and Shingle Project

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 14 August 2014

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. One Beard vegetation association has been mapped within the application area (GIS Database):

589 - Mosaic: Short bunch grassland - savanna / grass plain (Pilbara) / Hummock grasslands, grass steppe; soft Spinifex.

A level 2 flora and vegetation survey was conducted by staff from Pilbara Flora (2010) in early spring 2009 and autumn 2010. This survey identified three vegetation associations within the application area:

- *Eucalyptus victrix* low open woodland on plains;

- *Eucalyptus camaldulensis* var. *obtusa* with occasional *Melaleuca argentea* open forest on the Ashburton River banks; and

- Scattered herbs and sedges in the Ashburton River bed.

Clearing Description Ashburton River Sand and Shingle Project.
Onslow Resources Ltd proposes to clear up to 47.61 hectares of native vegetation within a boundary of 47.61 hectares for the purpose of mineral production. The project comprises two separate areas located approximately 28.7 and 35.5 kilometres south-west of Onslow respectively.

Vegetation Condition Pristine: No obvious signs of disturbance (Keighery, 1994);

To

Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994).

Comment The application area comprises two separate areas (approximately 6 kilometres apart) adjacent to the Ashburton River. The proposed clearing is for the stockpiling of material and road access.

Clearing permit CPS 4493/1 was granted by the Department of Mines and Petroleum on 15 September 2011. This permit allowed for the clearing of 33 hectares of native vegetation within a 33 hectare boundary. CPS 4493/1 was amended of 6 September 2012 to increase the amount of clearing authorised and the permit boundary to 40.38 hectares. Onslow Resources Ltd has applied to amend CPS 4493/2 to increase the amount of clearing authorised and permit boundary by a further 7.23

hectares.

3. Assessment of application against clearing principles

Comments

Onslow Resources Ltd has applied to amend CPS 4493/3 to increase the area authorised to clear and clearing permit boundary to 47.61 hectares. This is an increase of 7.23 hectares. The increase is to allow a larger area to stockpile material and create additional access points into the Ashburton River.

The vegetation mapped within the additional area is similar to vegetation within the previous permit boundary (Pilbara Flora, 2010). The majority of the additional area is mapped as the '*Eucalyptus victrix* low open woodland on plains' vegetation association (Pilbara Flora, 2010). There are no Threatened or Priority Ecological Communities recorded within the additional areas.

There are no records of any Threatened or Priority Flora species within the additional areas (Pilbara Flora, 2010; GIS Database). The additional areas are likely to contain high levels of Buffel Grass (*Cenchrus cilliaris*) and Birdwood Grass (*Cenchrus setiger*) (Pilbara Flora, 2010).

The fauna habitat within the additional area is similar to that within the previous permit boundary (Pilbara Flora, 2010). Given the habitat present was generally in a degraded condition the additional clearing is not likely to be at variance to Principle (b).

The additional areas include further clearing of riparian vegetation associated with the Ashburton River (Pilbara Flora, 2010). The Department of Water (DoW) recommends that a 30 metre buffer is maintained for the protection of waterways foreshore areas (DoW, 2012). The buffer for the additional areas ranges from 15 to 30 metres with an average of 20 metres (DoW, 2014). The additional area avoids the majority of riparian vegetation of the Ashburton River and is consistent with the buffer provided by previous versions of this permit. Advice from DoW (2014) is that in this case the buffer provided may be considered acceptable. Given the additional areas included clearing riparian vegetation of the Ashburton River the proposed clearing is at variance to Principle (f).

At areas of bends and meanders in a river, areas of flow are concentrated and the potential for erosion is highest (DoW, 2014). Disturbance to the river banks, in particular on the outer bend of the river creates a greater risk of erosion (DoW, 2014). Access to the river has already been cleared on Mining Lease 08/458. Observations from these access points is that there are not any obvious signs of significant erosion, however, looking at available data that section of the river has not been subject to major flow events. The Department of Water (2014) has made the following recommendations to minimise the risk of impacts to the Ashburton River:

- Clearing and tracks crossing the riverbank be no wider than 10m.
- No excavation into any part of the riverbanks (ie. access ramps should be built up to the top of bank level rather than being cut down through the banks to the river channel level).
- With the exception of the access into the riverbed, activities are not permitted to encroach on riparian vegetation or riverbanks (ie. no excavated materials stockpiled on the riverbanks or riparian area and no additional unauthorised access locations to the riverbed).
- Photo points are established in the riverbed and on the banks and photos taken to record the bank and vegetation condition before clearing and access ramp construction, after a major flood event or annually, and at the cessation of mining activities.
- If significant erosion occurs as a result of clearing or mining activities, appropriate restoration (e.g. bank stabilisation) should be undertaken by the proponent, with advice from the Department of Water. This may include a period when repairs to the restored area may be required, if damage occurs after major flows, until vegetation is established (5 years is a reasonable time period).

Implementation of these measures is most appropriately managed through approvals under the *Mining Act 1978.*

The proposed amendment has been assessed against the clearing principles and the proposed clearing is at variance to Principle (f), may be at variance to Principles (g) and (i), is not likely to be at variance to Principles (a), (b), (c), (d) and (j) and is not at variance to Principle (e).

Methodology

DoW (2012)
DoW (2014)
Pilbara Flora (2010)
GIS Database:
- Threatened and Priority Flora

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

Comments

The application was advertised on 26 May 2014 by the Department of Mines and Petroleum inviting submissions

from the public. There was one submission received raising concerns about impacts to riparian vegetation, erosion in the Ashburton River and forfeiture actions against Miscellaneous Licence 08/51. Impacts to riparian vegetation and the Ashburton River are addressed above. No changes are proposed to the boundary of the clearing permit on Miscellaneous Licence 08/51. Should it be forfeited the clearing permit will no longer be valid over that tenement.

There is one Native Title Claim (WC1999/045) over the area under application (GIS Database). This claim has been determined by the Federal Court of Australia. 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 and Regulation, Department of Parks and Wildlife 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 - Determined by the Federal Court

4. References

DoW (2012) Operational Policy 4.3: Identifying and Establishing Waterways Foreshore Areas. Department of Water, Perth, September 2012.

DoW (2014) Advice to assessing officer for clearing permit amendment CPS 4493/3, 4 August 2014.

Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.

Pilbara Flora (2010) Flora and Vegetation Survey for the Onslow Tenement Project. Prepared for Onslow Resources Ltd. Unpublished Report dated March 2010.

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.