



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 4537/3
Permit type: Area Permit

1.2. Proponent details

Proponent's name: T T Sands Pty Ltd

1.3. Property details

Property: Mining Lease 70/793
Local Government Area: City of Albany
Colloquial name: Mindijup Silica Sand Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
17.27		Mechanical Removal	Sand mining

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 29 January 2015

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description The vegetation of the application area is broadly mapped as Beard vegetation association 979: Mosaic: Medium forest; jarrah-marri / Low forest; jarrah & casuarina (probably *Allocasuarina fraseriana*) (GIS Database).

The area under application falls within the Albany Regional Vegetation Survey (ARVS) (Sandiford and Barrett, 2010) Unit 14: *Banksia coccinea* Shrubland/ *Eucalyptus staeril*/ Sheoak Open Woodland although no *Banksia coccinea* are present or known to occur within at least 8 kilometres of the survey area (Sandiford, 2011).

GHD Pty Ltd (2011) conducted a flora and vegetation survey over the application area and identified one vegetation type:

- Open Woodland to Low Open Woodland of *Eucalyptus staeril* over *Banksia attenuata*, *Allocasuarina fraseriana* over Tall open Shrubland to Closed Heath of *Jacksonia spinosa*, *Agonis theiformis*, *Melaleuca thymoides* over Low Shrubland to Low Closed Heath of *Leucopogon distans*, *Lysinema ciliatum*, *Andersonia caerulea*, *Xanthosia rotundifolia* over Sedgeland of *Anarthria scabra*, *Hypolaena exsulca* (GHD Pty Ltd, 2011).

Clearing Description Mindijup Silica Sand Project.
T T Sands Pty Ltd proposes to clear up to 17.27 hectares of native vegetation for the purpose of mineral production. The project is located approximately 30 kilometres north east of Albany, in the City of Albany.

Vegetation Condition Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994).

Comment The vegetation condition was derived from a flora and vegetation survey conducted by GHD Pty Ltd (2011). Clearing is proposed to be undertaken using a bulldozer with a rake on the front for the purpose of extracting silica sands (GHD Pty Ltd, 2011). The vegetation will be stockpiled on the boundary of the cleared area and will be respread over rehabilitated areas (GHD Pty Ltd, 2011).

Clearing permit CPS 4537/1 was granted on 9 February 2012, authorising the clearing of 17.27 hectares of native vegetation, and was valid from 3 March 2012 to 3 March 2014. Clearing permit CPS 4537/2 was granted on 21 June 2012 and extended the permit expiry date to 3 March 2017. On 17 December 2014, T T Sands Pty Ltd applied to amend CPS 4537/2 for the purpose of increasing the area permitted to be cleared within a 12 month period from 4 hectares to 5.27 hectares, and shortening the permit expiry to 30 April 2016.

3. Assessment of application against clearing principles

Comments

The permit holder has applied to increase the amount of clearing allowed within a 12 month period by 1.27 hectares and change the permit expiry date to 30 April 2016.

The permit area occurs over the Dempster Crest Phase of the Soil Landscape Mapping available on 'NRMInfo', and is described as sands and laterite on elongate crests, supporting Jarrah-Albany Blackbutt-Marri forest

(DAFWA, 2011). With consideration to the soil type, wind erosion is considered to be the primary land degradation risk associated with the proposed clearing (clearing permit decision report CPS 4537/1).

The application to increase the area permitted to be cleared within a 12 month period by 1.27 hectares is associated with a potential increase in soil erosion over cleared areas. The proponent has advised that wind fencing constructed with shade cloth is used around the project area to decrease the wind velocity across cleared areas (Austsand Mining, 2014). Further information provided by Austsand Mining (2015) indicates that this has been successful in mitigating land degradation via wind erosion.

Wind erosion of topsoil is further minimised by only clearing vegetation immediately prior to mining activity, and storing topsoil at a height of 1.5 - 2 metres (Austsand Mining, 2015). To minimise the area of clearing left exposed to wind erosion, the proponent has implemented progressive rehabilitation of four hectares each year (Austsand Mining, 2014). The rehabilitation approach utilised in this area stabilises the soil via topsoil and mulch spreading, and the placement of logs and branches (Austsand Mining, 2014). Supplementary information provided by Austsand Mining (2015) shows that rehabilitation activities in adjacent areas have resulted in the successful re-establishment of native vegetation, with minimal land degradation.

With consideration to the effective wind management implemented over the permit area and the progressive rehabilitation implemented to reduce open areas, the increase in clearing over a 12 month period to 5.27 hectares is not considered likely to cause appreciable land degradation. The proposed clearing is therefore not likely to be at variance to Principle (g).

The assessment of the proposed clearing against the clearing principles remains consistent with the assessment in decision reports CPS 4537/1 and CPS 4537/2.

Methodology Austsand Mining (2014)
Austsand Mining (2015)
DAFWA (2011)

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

Comments

There are two native title claims (WC96/109 and WC98/70) over the area under application (GIS Database). These claims have been registered with the National Native Title Tribunal on behalf of the claimant groups. 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 noted that the proposed clearing may impact on a protected matter under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). This project was referred to the (Federal) Department of Sustainability, Environment, Water, Populations and Communities (DSEWPaC) (now the Department of the Environment) for environmental assessment under the EPBC Act. On 20 October 2011, DSEWPaC published its referral decision that the proposed clearing was not a controlled action.

It is the proponent's responsibility to liaise with the Department of Environment 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.

The clearing permit application was advertised on 5 January 2015 by the Department of Mines and Petroleum inviting submissions from the public. There were no submissions received.

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

4. References

- Austsand Mining (2014) Supplementary information to the application to amend CPS 4537/2. Prepared by Austsand Mining.
Austsand Mining (2015) Further information provided to the assessing officer on 16 January 2015.
DAFWA (2011) Department of Agriculture and Food Western Australia NRMInfo. Accessed online at <http://maps.agric.wa.gov.au/nrminfo/framesetup.asp> on 27 September 2011.
GHD Pty Ltd (2011) Clearing Permit Application Mindijup Silica Sand Project on M70/793 - Supporting Documentation. Unpublished Report for TT Sands Pty Ltd.
Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.

Sandiford, E.M. (2011) Regional Vegetation Assessment of Proposed Clearing on Mining lease M70/793, Mindijup Rd, Manypeaks.

Sandiford, E.M. and Barrett, S. (2010) *Albany Regional Vegetation Survey, Extent Type and Status*, A project funded by the Western Australian Planning Commission (EnviroPlanning "Integrating NRM into Land Use Planning" and State NRM Program), South Coast Natural Resource Management Inc. and City of Albany for the Department of Environment and Conservation. Unpublished report. Department of Environment and Conservation, Western Australia.

5. Glossary

Acronyms:

BoM	Bureau of Meteorology, Australian Government
DAA	Department of Aboriginal Affairs, Western Australia
DAFWA	Department of Agriculture and Food, Western Australia
DEC	Department of Environment and Conservation, Western Australia (now DPaW and DER)
DER	Department of Environment Regulation, Western Australia
DMP	Department of Mines and Petroleum, Western Australia
DRF	Declared Rare Flora
DotE	Department of the Environment, Australian Government
DoW	Department of Water, Western Australia
DPaW	Department of Parks and Wildlife, Western Australia
DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities (now DotE)
EPA	Environmental Protection Authority, Western Australia
EP Act	<i>Environmental Protection Act 1986</i> , Western Australia
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (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
PEC	Priority Ecological Community, Western Australia
RIWI Act	<i>Rights in Water and Irrigation Act 1914</i> , Western Australia
s.17	Section 17 of the <i>Environment Protection Act 1986</i> , Western Australia
TEC	Threatened Ecological Community

Definitions:

{DPaW (2013) *Conservation Codes for Western Australian Flora and Fauna*. Department of Parks and Wildlife, Western Australia}:-

T	Threatened species: Specially protected under the <i>Wildlife Conservation Act 1950</i> , listed under Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna or the Wildlife Conservation (Rare Flora) Notice for Threatened Flora (which may also be referred to as Declared Rare Flora). Threatened Fauna and Flora are further recognised by the Department according to their level of threat using IUCN Red List criteria. For example Carnaby's Cockatoo <i>Calyptorhynchus latirostris</i> is specially protected under the <i>Wildlife Conservation Act 1950</i> as a threatened species with a ranking of Endangered. <u>Rankings:</u> CR: Critically Endangered - considered to be facing an extremely high risk of extinction in the wild. EN: Endangered - considered to be facing a very high risk of extinction in the wild. VU: Vulnerable - considered to be facing a high risk of extinction in the wild.
X	Presumed Extinct species: Specially protected under the <i>Wildlife Conservation Act 1950</i> , listed under Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Presumed Extinct Fauna and Wildlife Conservation (Rare Flora) Notice for Presumed Extinct Flora (which may also be referred to as Declared Rare Flora).
IA	Migratory birds protected under an international agreement: Specially protected under the <i>Wildlife Conservation Act 1950</i> , listed under Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice. Birds that are subject to an agreement between governments of Australia and Japan, China and The Republic of Korea relating to the protection of migratory birds and birds in danger of extinction.
S	Other specially protected fauna: Specially protected under the <i>Wildlife Conservation Act 1950</i> , listed under Schedule 4 of the Wildlife Conservation (Specially Protected Fauna) Notice.
P1	Priority One - Poorly-known species: Species that are known from one or a few collections or sight records (generally less than five), all on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, Shire, rail reserves and Main Roads WA road, gravel and soil reserves, and active mineral leases and under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes.

- P2 Priority Two - Poorly-known species:**
Species that are known from one or a few collections or sight records, some of which are on lands not under imminent threat of habitat destruction or degradation, e.g. national parks, conservation parks, nature reserves, State forest, unallocated Crown land, water reserves, etc. Species may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes.
- P3 Priority Three - Poorly-known species:**
Species that are known from collections or sight records from several localities not under imminent threat, or from few but widespread localities with either large population size or significant remaining areas of apparently suitable habitat, much of it not under imminent threat. Species may be included if they are comparatively well known from several localities but do not meet adequacy of survey requirements and known threatening processes exist that could affect them.
- P4 Priority Four - Rare, Near Threatened and other species in need of monitoring:**
- (a) Rare. Species that are considered to have been adequately surveyed, or for which sufficient knowledge is available, and that are considered not currently threatened or in need of special protection, but could be if present circumstances change. These species are usually represented on conservation lands.
 - (b) Near Threatened. Species that are considered to have been adequately surveyed and that do not qualify for Conservation Dependent, but that are close to qualifying for Vulnerable.
 - (c) Species that have been removed from the list of threatened species during the past five years for reasons other than taxonomy.
- P5 Priority Five - Conservation Dependent species:**
Species that are not threatened but are subject to a specific conservation program, the cessation of which would result in the species becoming threatened within five 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.