



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 5073/2  
Permit type: Purpose

### 1.2. Proponent details

Proponent's name: Process Minerals International Pty Ltd

### 1.3. Property details

Property: Miscellaneous Licence 47/569  
Local Government Area: Shire of East Pilbara  
Colloquial name: Phil's Creek Haul Road

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
48.79		Mechanical	Haul Road and Associated Activities

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 16 May 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. One Beard vegetation association is located within the application area (Government of Western Australia, 2011; GIS Database):

**29:** Sparse low woodland; mulga, discontinuous in scattered groups.

A survey conducted by Rapallo (2012) identified three vegetation communities within the application area:

**E - Floodplains and Drainage lines** – Open eucalypt woodland of *Corymbia hamersleyana*, *C.aspera* or *Eucalyptus? victrix* over mixed shrubs such as *Acacia citrinoviridis*, or open shrubland dominated by *Gossypium robinsonii*, *Acacia synchronicia*, *A. tetragonophylla* and *A. tumida* var. *pilbarensis*, over grasses such as *\*Cenchrus ciliaris*; and

**F - Drainage lines** - Open mixed tall woodland dominated by *Acacia incurvaneura*, *A.bivenosa*, *A. citrinoviridis* or *A.pruinocarpa*, often with emergent eucalypts such as *Eucalyptus? victrix*, over shrubs and moderately dense *\*Cenchrus ciliaris* or other grasses; and

**G - Floodplains** - Sparse open tall shrubland or open low woodland with scattered *Corymbia hamersleyana*, dominated by *Acacia distans*, *A. paraneura*, *Acacia sclerosperma* subsp. *sclerosperma*, *A. synchronicia*, *Eremophila longifolia*, over mixed shrubs such as *Acacia citrinoviridis*, over *\*Cenchrus ciliaris* and *Triodia lanigera* hummock grasses.

**Clearing Description** Process Minerals International Pty Ltd (PMI) has applied to clear 48.79 hectares within a total application area of approximately 114 hectares. The proposed clearing is located 90 kilometres north-west of Newman.

Clearing will be undertaken for the purpose of constructing the 8.6 kilometre section the Phil's Creek Haul Road (PMI, 2012).

**Vegetation Condition** Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994)

To

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

**Comment** The vegetation condition was assessed during a survey undertaken by botanists from Rapallo (2012).

Clearing permit CPS 5073/1 was granted by the Department of Mines and Petroleum on 16 August 2012 and allowed for the clearing of 28 hectares of native vegetation. An application to amend this permit was received by DMP on 9 April 2013. The application requests an increase in the area authorised to be cleared and change in the subject land.

### 3. Assessment of application against clearing principles

#### Comments

PMI has applied to increase the area authorised to be cleared from 28 hectares to 48.79 hectares to reflect the recently defined footprint of the Phil's Creek Haul Road. The subject land is also being amended from Mining Lease 47/1414 to Miscellaneous Licence 47/569. There is no proposed change to the permit boundary.

As the permit boundary is not being amended, the vegetation and habitat types present within the application area are consistent with those discussed in clearing permit decision report CPS 5073/1.

The flora and vegetation assessment conducted over the application area (Rapallo, 2012) did not record any conservation significant flora or ecological communities.

The proposed amendment will result in additional clearing of vegetation associated with Weeli Wolli Creek and other drainage lines. The riparian vegetation has been heavily degraded from cattle grazing and weed intrusion (Rapallo, 2012) therefore it is considered unlikely that the clearing of an additional 20.79 hectares would have a significant impact. A vegetation management condition was placed on CPS 5073/1 to minimise the impacts of clearing upon Weeli Wolli Creek, this condition has been carried over to the amended permit.

There are no conservation areas within the application area (GIS Database). The proposed additional clearing is not likely to increase the risk of flooding, nor impact on water quality (GIS Database).

As there were no significant environmental features found within the application area, it is considered unlikely that the proposed clearing will have an additional impact to that described in clearing permit decision report CPS 5073/1.

#### Methodology

Rapallo (2012)  
GIS Database:  
- Hydrography, linear  
- IBRA WA (Regions - Sub Regions)  
- Pre-European Vegetation  
- Public Drinking Water Source Areas PDWSAs  
- Rangeland Land System Mapping  
- Threatened and Priority Flora  
- Threatened Ecological Sites

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

#### Comments

There are two Native Title Claims (WC11/6 and WC 05/6) over the area under application (GIS Database). These claims have 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 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 amendment was advertised on 15 April 2013 inviting submissions from the public. One submission was received raising concerns about the cumulative impacts of clearing. This has been addressed in Principle (e).

#### Methodology

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

### 4. References

- Government of Western Australia (2011) 2011 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.
- Process Minerals International Pty Ltd (2012) Application for clearing permit: supporting documents.
- Rapallo (2012) Level 2 Flora and Vegetation Survey of Phil's Creek Haul Road prepared for Process Minerals International - February 2012

## 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.