Government of **Western Australia**
Department of **Mines and Petroleum**

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 5333/1
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: **Dampier Salt Limited**

1.3. Property details

Property: *Leslie Solar Salt Industry Agreement Act 1966,* Mineral Lease 250SA (AML 70/250)
Local Government Area: Town of Port Hedland
Colloquial name: Port Hedland Salt Operations

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
17.24		Mechanical	Construction of a temporary campsite, borrow pits, and other associated activities.

1.5. Decision on application

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

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. Three Beard vegetation associations have been mapped within the application area (GIS Database):

127: Bare areas - mudflats;

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

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

A flora and vegetation survey conducted by Biota (2006a) identified the following vegetation community within the application area:

LP:As - Plains area with *Acacia stellaticeps* low to low open shrubland over *Triodia epactia* mid-dense hummock grassland and *Eriachne obtusa* open tussock grassland.

Clearing Description

Dampier Salt Limited has applied to clear up to 20 hectares of native vegetation for the purpose of constructing a temporary campsite, borrow pits and other associated activities.

This clearing permit application is to replace clearing permit CPS 1869/2, which expired on 31 July 2012. Clearing permit CPS 1869/2 allowed for the clearing of 20 hectares of native vegetation for the purposes of construction of a temporary campsite, borrow pits and other associated activities. A total of 2.76 hectares of native vegetation was cleared under this permit. While Dampier Salt Limited has applied to clear up to 20 hectares of native vegetation, they have advised that no additional clearing from that planned under clearing permit CPS 1869/2 is to take place. Therefore, the amount of clearing permitted has been reduced to 17.24 hectares.

Vegetation Condition

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

To

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

Comment

The application area is located within the Pilbara region of Western Australia and is situated approximately 10 kilometres south east of Port Hedland.

3. Assessment of application against clearing principles

Comments

Dampier Salt Limited has applied to clear up to 20 hectares of native vegetation. The purpose of this application is to replace clearing permit CPS 1869/2, which expired on 31 July 2012. Clearing permit CPS 1869/2 permitted the clearing of 20 hectares of native vegetation within the same boundary as clearing permit application CPS 5333/1. Approximately 2.76 hectares of native vegetation was cleared under clearing permit CPS 1869/2. Dampier Salt Limited has advised no additional clearing than that authorised under CPS 1869/2 is required. Therefore only 17.24 hectares of clearing is required under this application.

No Threatened or Priority Flora is known to occur within the application area (GIS Database). A flora and vegetation survey of the application area conducted by Biota (2006a) did not identify any Threatened or Priority Flora species within the application area.

According to available databases there are no Threatened or Priority Ecological Communities within the application area (GIS Database).

The fauna habitats within the application area are not considered to be unique or restricted in distribution (Biota, 2006b). A fauna survey of the application area conducted by Biota (2006b) identified two conservation significant fauna species within the application area, the Australian Bustard (Priority 4) and the Little North-western Freetail Bat (Priority 1). The Australian Bustard has a widespread distribution and given the small scale of the proposed clearing (20 hectares), it is considered unlikely to be significant habitat for this species (Biota, 2006b). The Little North-western Freetail Bat may utilise the application area for foraging, however it roosts in mangrove habitat, which is not present within the application area (Biota, 2006a).

Eight weed species, *Aerva javanica, Cenchrus ciliaris, Cenchrus setiger, Chloris barbata, Clitoria tematea, Indigofera oblongifolia, Indigofera sessiliflora* and *Malvastrum americanum*, were recorded within the application area by Biota (2006a). Weeds have the potential to alter the biodiversity of an area, competing with native vegetation for available resources and making areas more fire prone. This can in turn lead to greater rates of infestation and further loss of biodiversity if the area is subject to repeated fires. None of these species are listed as a 'Declared Plant' species under the *Agriculture and Related Resources Protection Act 1976* by the Department of Agriculture and Food. Potential impacts to biodiversity as a result of the proposed clearing may be minimised by the implementation of a weed management condition.

The application area lies within the Uaroo land system which has a slight susceptibility to erosion (GIS Database; Van Vreeswyk et al., 2004). Potential erosion as a result of the proposed clearing may be minimised by the implementation of a staged clearing condition.

The assessment of the application identified that the proposed clearing may be at variance to Principle (g), is not likely to be at variance to Principles (a), (b), (c), (d), (i), and (j), and is not at variance to Principles (e), (f) and (h).

Methodology

Biota (2006a)
Biota (2006b)
Van Vreeswyk et al. (2004)
GIS Database:
- DEC Tenure
- Hydrography, linear
- Rangeland Land System Mapping
- Threatened and Priority Flora
- Threatened Ecological Sites Buffered

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

Comments

There is one Native Title Claim (WC99/3) over the area under application (GIS Database). However, the 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 clearing permit application was advertised on 5 November 2012 by the Department of Mines and Petroleum inviting submissions from the public. No submissions were received in relation to the proposed clearing.

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

4. References

Biota (2006a) *Port Hedland Solar Saltfield Expansion Botanical Survey - Flora and Vegetation Report,* prepared for Dampier Salt Ltd, North Perth, Western Australia.

Biota (2006b) *Port Hedland Solar Saltfield Expansion Fauna Survey - Fauna and Faunal Assemblages Report*, prepared for Dampier Salt Ltd, North Perth, Western Australia.

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

Van Vreeswyk, A.M.E., Payne, A.L., Hennig, P., and Leighton, K.A. (2004) An Inventory and Condition Survey of the Pilbara Region, Western Australia, Department of Agriculture, Western Australia.

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.