



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 5407/2  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: Process Minerals International Pty Ltd

### 1.3. Property details

Property: Miscellaneous Licence 47/555  
Miscellaneous Licence 47/559  
Miscellaneous Licence 47/627  
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:
23.92		Mechanical Removal	Haul Road, Associated Infrastructure and Borrow Pits

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 23 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 and are useful to look at vegetation in a regional context. The following Beard vegetation associations are located within the application area (GIS Database):

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

82: Hummock grasslands, low tree steppe; snappygum over *Triodia wiseana*.

The application area was surveyed as part of a larger Level 2 flora and vegetation survey of the proposed haul road. The survey was conducted by Rapallo on 20 to 24 November 2011 (Rapallo, 2012a). The following two vegetation types were identified within the application area:

#### Floodplains and Drainage Lines

B. Open low *Corymbia hamersleyana* woodland, or mixed open shrubland dominated by *Gossypium robinsonii*, *G. australe*, *Acacia hilliana*, *A. inaequilatera*, *A. pyrifolia*, *A. maitlandii*, *A. adoxa* var. *subglabra*, *Eremophila fraseri* subsp. *parva*, *Senna artemisioides* subsp. *oligophylla* or *Grevillea wickhamii* with emergent eucalypts *Corymbia hamersleyana* or *Eucalyptus leucophloia* subsp. *leucophloia*, over dense mixed shrubs, and dense hummock grasses such as *Eriachne mucronata*, *\*Cenchrus ciliaris*, *Themeda triandra*, *Aristida holathera* var. *holathera*, *Triodia epactia*, *Triodia wiseana* and *T. lanigera*. On clay-loam or sandy loam with BIF shales.

C. Open low mixed woodland of *Eucalyptus gamophylla*, *E. ?victrix*, *E. xerothermica* and *Corymbia hamersleyana*, or tall mixed shrubland dominated by *Acacia inaequilatera*, *Gossypium robinsonii*, *Grevillea wickhamii* or *Petalostylis labicheoides* with scattered eucalypts as listed, over open to dense small shrubs, and mixed hummock grasses such as *Themeda triandra*, *Triodia lanigera* and *T. pungens*, *T. wiseana*. On sandy or loamy clay with ironstone gravels.

#### Clearing Description

Process Minerals International Pty Ltd (PMI) has applied to clear 23.92 hectares within an application area of approximately 79 hectares (GIS Database). The application area is located approximately 80 kilometres north west of Newman (GIS Database).

The purpose of the application is to construct a portion of the proposed haul road linking Phil's Creek Iron Ore Mine to the Munjina Roy Hill Road. This includes borrow pits, turkey nests, vegetation and topsoil stockpile areas and flood protection structures such as culverts and floodways (PMI, 2013). Clearing will be by mechanical means.

#### 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**

Vegetation condition was determined by Rapallo (2012a).

The flora and vegetation survey was conducted during the dry season and some ephemeral or cryptic taxa may not have been visible at the time of the survey. Some plants were difficult to identify due to being 'browned off' by the heat (Rapallo, 2012a).

Clearing permit CPS 5407/1 was granted by the Department of Mines and Petroleum (DMP) on 14 February 2013 and allowed for the clearing of 11.575 hectares of native vegetation within a 13.3 hectare permit boundary. An application to amend this permit was received by DMP on 6 March 2013. The application requested an increase to the amount of clearing authorised from 11.575 hectares to 23.92 hectares (i.e. an increase of 12.345 hectares) and an increase in the permit boundary from 13.3 hectares to 79 hectares (i.e. an increase of 65.7 hectares). The increase in permit boundary includes an increase in area on Miscellaneous Licences 47/559 and 47/627 and the addition of Miscellaneous Licence 47/555 to the land on which clearing is to be done.

### 3. Assessment of application against clearing principles

**Comments**

Process Minerals International Pty Ltd (PMI) has applied to increase the amount of clearing authorised to 23.92 hectares and to increase the permit boundary to 79 hectares.

Rapallo has conducted a Level 2 flora and vegetation survey (Rapallo, 2012a) and Level 1 fauna survey (Rapallo, 2012b) over the proposed haul road. The vegetation types and fauna habitats present within the increased permit boundary are the same as those described in Clearing Permit Decision Report CPS 5407/1.

No Threatened or Priority Flora or Threatened Ecological Communities have been recorded within the additional permit boundary area (GIS Database). The application area is located within the buffer of the Priority 1 Fortescue Marsh Priority Ecological Community (PEC) (GIS Database). However, the proposed clearing is located approximately 28 kilometres south of the Fortescue Marsh (GIS Database). One Priority 3 Flora species, *Rhagodia* sp. Hamersley, was recorded during the flora survey, however, this record occurs approximately two kilometres south east of the application area (Rapallo, 2012a). No conservation significant fauna were detected in the additional permit boundary area (Rapallo, 2012b) and the assessment of conservation significant fauna is consistent with the assessment in Clearing Permit Decision Report CPS 5407/1. Therefore, the proposed clearing is not likely to be at variance to Principles (a), (b), (c) and (d) and is not at variance to Principle (e).

Current environmental information has been reviewed and the assessment of clearing principles (f), (g), (h), (i) and (j) is consistent with the assessment in Clearing Permit Decision Report CPS 5407/1 (GIS Database).

**Methodology**

- Rapallo (2012a)
- Rapallo (2012b)
- GIS Database:
  - DEC Tenure
  - Evaporation Isoleths
  - Groundwater Salinity, Statewide
  - Hydrographic Catchments – Catchments
  - Hydrography, linear
  - IBRA WA (Regions - Sub Regions)
  - Pre-European Vegetation
  - Public Drinking Water Source Areas (PDWSAs)
  - Rainfall, mean annual
  - Rangeland Land System Mapping
  - Rivers
  - Threatened Ecological Sites Buffered
  - Threatened and Priority Flora
  - Weeli Wolli 50cm Orthomosaic

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

**Comments**

There are two native title claims over the area under application: WC05/6 and WC11/6 (GIS Database). These claims have been registered with the 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*.

According to available databases, 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 amendment application was advertised on 1 April 2013 by the Department of Mines and Petroleum (DMP) inviting submissions from the public. The clearing permit amendment application was readvertised on 29 April 2013 following an increase in the application area from 23.92 hectares to 79 hectares. One submission has been received stating the granting of the clearing permit application will not be supported. There has been ongoing communications with the submitting party and this will continue in relation to future clearing permit applications.

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

#### 4. References

- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- PMI (2013) Mining Proposal for the Phil's Creek Haul Road Miscellaneous Licences L47/559, L47/555, L47/627, L47/626, L47/569 and L47/336. Unpublished report prepared by Process Minerals International Pty Ltd dated March 2013.
- Rapallo (2012a) Level 2 Flora and Vegetation Survey of Phil's Creek Haul Road for Process Minerals International. Unpublished report for Process Minerals International Pty Ltd dated February 2012.
- Rapallo (2012b) Level 1 Phil's Creek Vertebrate Fauna Survey for Process Minerals International. Unpublished report for Process Minerals International Pty Ltd dated 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.