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

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 5640/2
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: **Mobile Concreting Solutions Pty Ltd**

1.3. Property details

Property: Mining Lease 45/1232
Miscellaneous Licence 45/328
Local Government Area: Town of Port Hedland
Colloquial name: Indee Sand Quarry

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
100.988		Mechanical Removal	Mineral Production and Associated Activities

1.5. Decision on application

Decision on Permit Application: 4 May 2017
Decision Date: Granted

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description The application area has been mapped as the following three Beard vegetation associations (GIS Database).

93: Hummock grasslands, shrub steppe; kanji over soft spinifex;
619: Medium woodland; river gum (*Eucalyptus camaldulensis*); and
647: Hummock grasslands, dwarf-shrub steppe*; Acacia translucens* over soft spinifex.

A Level 1 flora and vegetation survey of the application area was undertaken by Astron Environmental Services (Astron) (2013) on 30 May and 1 June 2012 (Astron, 2013). The vegetation survey identified the following eight vegetation types in the application area:

River Levee with red sands and loams
R1i: *Acacia tumida* with *A. trachycarpa* closed tall shrubland over *Triumfetta propinqua*/*Corchorus incanus* subsp.*incanus* over *Eriachne obtuse*, *Eragrostis eriopoda, Aristida hygrometrica* and *Triodia schenzii.*

River Flood Plain and Outer River Bank with deep red alluvial sands
R3i: *Corymbia hamersleyana* open woodland *over Acacia inaequilatera/A. tumida* open tall shrubland over *Triodia lanigera* hummock grassland with some *T. epactia*.

R3ii: *Corymbia hamersleyana* open woodland *over Acacia inaequilatera* tall open heath with *A. orthocarpa, A. acradenia, A. trachycarpa* over *Triodia lanigera, T. epactia* mixed hummock grassland.

River Bed and Inner Banks with washed sands, stones and gravels
R51: *Melaleuca argentea* scattered to open low woodland over very scattered *Crotalaria cunninghamii, Petalostylis labicheoides* and *Cajanus cinereus.*

R5ii: *Melaleuca argentea* scattered tall trees over mixed *Acacia trachycarpa*, *M. lasiandra*, *A. pyrifolia* var *morrisonii* mixed open shrubland.

R5iii: *Eucalyptus victrix* open low woodland over *Acacia trachycarpa* tall shrubland with mixed *A. coriacea*, *A. orthocarpa*, *A. tumida, Grevillea wickhamii* over very scattered *Triodia longiceps, T. lanigera, T. epactia* hummocks and sedges *Cyperus vaginatus* and *C. blakeanus*.

R5iv: *Acacia trachycarpa/A. tumida* tall closed shrublandover *Corchorus incanus* subsp. *incanus, Sida rohlenae* open mixed low shrubland over open *Triodia epactia/T. lanigera* open hummock grassland. Scattered *Eucalyptus victrix*.

Level Sandy Loamy Plain with scalds
M6i: *Triodia lanigera* hummock grassland on red loamy plain with intrusions of sandy scald.

Clearing Description Indee Sand Quarry Project
Mobile Concreting Solutions Pty Ltd (MCS) proposes to clear up to 100.988 hectares of native vegetation within a total boundary of 102.016 hectares for the purpose of mineral production. Clearing is required for extracting sand,

clearing for access tracks, installation of the screening plant and pit and associated infrastructure. The project is located approximately 50 kilometres south, south-west of Port Hedland in the Town of Port Hedland.

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

Comment Clearing permit CPS 5640/1 was granted by the Department of Mines and Petroleum (DMP) on 1 August 2013 and authorised the clearing of up to 91 hectares of native vegetation within a clearing permit boundary of approximately 91.02 hectares for the purpose of mineral production and associated activities.

MCS has applied to amend CPS 5640/1for the purpose of increasing the clearing authorised (from 91 hectares to 100.988 hectares) and increasing the clearing permit boundary.

3. Assessment of application against clearing principles

Comments MCS has applied to amend CPS 5640/1 for the purpose of increasing the amount of native vegetation clearing up to 100.988 hectares and increasing the clearing permit boundary. The area has been previously cleared outside of the approved permit boundary. This permit amendment is to cover the clearing of regrowth vegetation.

The flora survey undertaken by Astron (2013) did not locate Threatened flora, Priority flora or Threatened or Priority Ecological Communities within the amended clearing area (Astron, 2013). It is unlikely that the proposed clearing will impact biodiversity in the area.

No fauna surveys have been undertaken over the amendment area. However, a desktop search of conservation significant fauna species was undertaken by Astron (2013). Astron (2013) considered that the existing vegetation potentially supports a diverse range of fauna, particularly avian fauna. However, the most significant avian fauna habitat occurs in the Turner River. The majority of the amended application area occurs on the floodplain and outer river bank areas which do not contain significant avian fauna habitat. The habitats present are not restricted to the amended application area and are unlikely to represent significant fauna habitat (Astron, 2013). The amendment area does not contain habitat critical for fauna species and the proposed clearing will not impact significant fauna habitat.

To minimise the potential impact to fauna habitat, a fauna management condition remains on the permit requiring native vegetation two metres in height or greater or within the drip line of trees to be retained. No clearing of this vegetation shall occur without prior CEO approval.

The Turner River (ephemeral watercourse) is located within and adjacent to the amended application area (Astron, 2013; GIS Database). However, only a very small amount of riparian vegetation will be cleared within the amended permit area. MCS proposes to mine sand in the Turner River in approximately 2.5 hectare extraction campaigns during dry periods (MCS, 2017).

The amended application area is located within the River land system and river bed areas proposed to be cleared have a very high susceptibility to soil and wind erosion when vegetation cover is removed. A staged clearing condition will remain on the amended permit to manage impacts from erosion and associated with mining activities.

The proposed amendment is unlikely to result in any significant change to the environmental impacts of the proposed clearing. The assessment against the clearing principles remains consistent with the assessment contained in the CPS 5640/1 decision report.

Methodology Astron (2013)
Keighery (1994)
MCS (2017)

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

Comments

There is one Native Title Claim (WC1999/003) over the area under application (DAA, 2017). This claim has 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 (DAA, 2017). 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 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 27 March 2017 inviting submissions from the public. There

were no submissions received.

Methodology DAA (2017)

4. References

Astron (2013) Indee Sand Quarry Level 1 Flora and Vegetation Survey. Report prepared by Astron Environmental Services for Mobile Concreting Solutions Pty Ltd, Perth, Western Australia, January, 2013.

DAA (2017) Aboriginal Heritage Inquiry System, Government of Western Australia, Department of Aboriginal Affairs, Perth http://maps.dia.wa.gov.au/AHIS2/ Accessed 23 March 2017.

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

MCS (2017) Mobile Concreting Solutions, Mine Plan Addendum, MCS Indee Sand Quarry. Report prepared by Mobile Concreting Solutions Pty Ltd, Perth, Western Australia, January, 2017.

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
DotEE	Department of the Environment and Energy, 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 DotEE)
EPA	Environmental Protection Authority, Western Australia
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
PEC	Priority Ecological Community, Western Australia
RIWI Act	*Rights in Water and Irrigation Act 1914*, Western Australia
TEC	Threatened Ecological Community

Definitions:

{DPaW (2015) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia}:-

T **Threatened species:**
Published as Specially Protected under the *Wildlife Conservation Act 1950,* listed under Schedules 1 to 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora (which may also be referred to as Declared Rare Flora).

Threatened fauna is that subset of 'Specially Protected Fauna' declared to be 'likely to become extinct' pursuant to section 14(4) of the Wildlife Conservation Act.

Threatened flora is flora that has been declared to be 'likely to become extinct or is rare, or otherwise in need of special protection', pursuant to section 23F(2) of the Wildlife Conservation Act.

The assessment of the conservation status of these species is based on their national extent and ranked according to their level of threat using IUCN Red List categories and criteria as detailed below.

CR **Critically endangered species**
Threatened species considered to be facing an extremely high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950,* in Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.

EN **Endangered species**
Threatened species considered to be facing a very high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950,* in Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation

(Rare Flora) Notice for Threatened Flora.

VU **Vulnerable species**
Threatened species considered to be facing a high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950,* in Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.

EX **Presumed extinct species**
Species which have been adequately searched for and there is no reasonable doubt that the last individual has died. Published as Specially Protected under the *Wildlife Conservation Act 1950,* in Schedule 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Presumed Extinct Fauna and Wildlife Conservation (Rare Flora) Notice for Presumed Extinct Flora.

IA **Migratory birds protected under an international agreement**
Birds that are subject to an agreement between the government of Australia and the governments of Japan (JAMBA), China (CAMBA) and The Republic of Korea (ROKAMBA), and the Bonn Convention, relating to the protection of migratory birds. Published as Specially Protected under the *Wildlife Conservation Act 1950,* in Schedule 5 of the Wildlife Conservation (Specially Protected Fauna) Notice.

CD **Conservation dependent fauna**
Fauna of special conservation need being species dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened. Published as Specially Protected under the *Wildlife Conservation Act 1950,* in Schedule 6 of the Wildlife Conservation (Specially Protected Fauna) Notice.

OS **Other specially protected fauna**
Fauna otherwise in need of special protection to ensure their conservation. Published as Specially Protected under the *Wildlife Conservation Act 1950,* in Schedule 7 of the Wildlife Conservation (Specially Protected Fauna) Notice.

P **Priority species**
Species which are poorly known; or
Species that are adequately known, are rare but not threatened, and require regular monitoring. Assessment of Priority codes is based on the Western Australian distribution of the species, unless the distribution in WA is part of a contiguous population extending into adjacent States, as defined by the known spread of locations.

P1 **Priority One - Poorly-known species:**
Species that are known from one or a few locations (generally five or less) which are potentially at risk. All occurrences are either: very small; or on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, road and rail reserves, gravel reserves and active mineral leases; or otherwise under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes. Such species are in urgent need of further survey.

P2 **Priority Two - Poorly-known species:**
Species that are known from one or a few locations (generally five or less), some of which are on lands managed primarily for nature conservation, e.g. national parks, conservation parks, nature reserves and other lands with secure tenure being managed for conservation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes. Such species are in urgent need of further survey.

P3 **Priority Three - Poorly-known species:**
Species that are known from several locations, and the species does not appear to be under imminent threat, or from few but widespread locations 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 locations but do not meet adequacy of survey requirements and known threatening processes exist that could affect them. Such species are in need of further survey.

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 are close to qualifying for Vulnerable, but are not listed as Conservation Dependent.
(c) Species that have been removed from the list of threatened species during the past five years for reasons other than taxonomy.

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.