



## 1. Application details

### 1.1. Permit application details

Permit application No.: 601/1  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: **Birla (Nifty) Pty Ltd**  
Postal address: P.O. Box 1346 West Perth WA 6872  
Contacts: Phone: 9179 0900  
Fax: 9179 0918  
Email: allan.king@adityabirla.com

### 1.3. Property details

Property: AM70/271  
Colloquial name: Great Sandy Desert - Mining Lease AM70/271

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
124.1		Mechanical Removal	Mineral Production

## 2. Background

### 2.1. History (including previous clearing permits, compensation paid, caveats on title deeds etc.)

Date	Comments
05 July 2005	Spoke with Kristie Sel of MBS Consulting about status of permit.
10 May 2005	Applicant sent in total ha applied to clear (see email reference), but no digital map yet.
09 May 2005	Applicant contacted (left message) for status update on map request (map not received yet)
09 May 2005	Tony Wallace called. He will organise a digital map and will inform us of the total number of hectares proposed to clear.
11 April 2005	Digital map requested 11-April. Applicant also asked to specify total area proposed to clear.

### 2.2. Existing environment and information

#### 2.2.1. Description of the native vegetation under application

Vegetation Description	Clearing Description	Vegetation Condition	Comment
Beard Vegetation Association 134: Mosaic: Hummock grasslands, open low tree steppe; desert bloodwood and feathertop spinifex (on) sandhills/ Hummock grasslands, shrub steppe; mixed shrubs over spinifex between sandhills (Hopkins et al., 2001).	The areas for clearing are located within an already developed mine, for extension of an airstrip, expansion of a waste rock dump and areas for drilling and laydown. The Birla Nifty minesite is predominantly vegetated by hummock grasslands dominated by <i>Triodia basedowii</i> in swales and <i>Triodia schinzii</i> on dunes. The sparse mid-storey is dominated by <i>Eucalyptus pachyphylla</i> and a number of <i>Grevillea</i> species ( <i>Grevillea stenobotrya</i> , <i>G. wickhamii</i> and <i>G. eriostachya</i> ). The shrub <i>Melaleuca lasiandra</i> dominates areas prone to inundation. The upper storey is very sparse and consists primarily of <i>Corymbia chippendalei</i> (sand-dune Bloodwood) and <i>Eucalyptus victrix</i> (MBS Environmental, 2005).	Pristine: No obvious signs of disturbance (Keighery 1994)	MBS Environmental has extensively surveyed the entire minesite including the areas proposed for clearing (MBS Environmental, 2005). The mine has been approved through an NOI process (through DoIR).

#### 2.2.2. Items of interest

Theme	Value	Within meters
Environmental Impact Assessments - DOE 18/8/05	Scheme Not Assessed - Advice Given (no appeals)	
Hydrographic Catchments - Catchments - DOE 23/3/05	Sandy Desert Basin	
Interim Biogeographic Regionalisation of Australia - EA 18/10/00	Great Sandy Desert	
Local Government Authorities - DLI 8/07/04	Shire of East Pilbara	
Native Title Claims - DLI 19/12/04	MARTU	
Pre-European Vegetation - DA 01/01	134	

## 3. Permit assessment activities

Date	Activity	Comment	Trim Ref.
26 May 2005	Accepted for assessment		
30 May 2005	Referred To CALM	Application referred to CALM for comment.	

30 May 2005	Referred to DAWA	DAWA was not consulted for their advice on this application.	
01 June 2005	Direct Interest Letter Sent	Shire of East Pilbara, Pilbara Native Title Service.	KND 701
13 June 2005	Direct Interest Submission	Conservation Council of WA - urges that comprehensive and appropriately timed flora and fauna surveys of the site be conducted. Also a report on the existing environment at the site including the topography, surface hydrology, soil mapping, written description and mapping of the condition of vegetation on the site, and indication of the commonality of the vegetation community, a management plan for remaining vegetation and key environmental issues such as surface run-off, weed control, proposed nutrient monitoring and information on possible Aboriginal and European Heritage issues associated with the site.	KNI839
14 June 2005	Under assessment		
19 July 2005	Contacted Applicant	Susie Williams (DoE) contacted Kristie Sel (MBS) to resolve an area discrepancy between the area applied to clear (130ha) and the actual area that appears in the digital maps supplied by MBS (89ha).	KND734
20 July 2005	Other	Kate George (MBS) responded to request for area discrepancy with a request to amend the application area. Susie Williams (DoE) directed her to meet with the Perth office and sort out issue (might need to readvertise permit, or possibly just amend it).	KNI910
10 August 2005	Waiting on external advice		
26 August 2005	C.A.L.M Advice Received	CALM Advice received and believes the proposal may be at variance to Principle (b) due to the possible presence of the endangered Northern Marsupial Mole.	HD24897
31 August 2005	Other	Susie Williams (DoE) spoke Matt Warnock (CALM) about the advice received. CALM raised concerns about impacts to the endangered Northern Marsupial Mole and need to see resolution of this issue. A Mole Management plan was developed as a recommendation by the EPA (for the NCO pipeline project) which could be used to satisfy the management of impacts for this project. Matt Warnock requested to see this plan.	
31 August 2005	Contacted Applicant	Susie Williams (DoE) spoke with Kate George (MBS Environmental) to request that they send through the Marsupial Mole Management Plan and any review documentation from CALM. Peter Kendrick (CALM, Karratha) has reviewed this plan. Kate will send through the Plan and the review by CALM.	
15 September 2005	Other	Peter Smith (Birla Nifty) contacted Susie Williams (DoE) to discuss the progress of the application.	

#### 4. Assessment of application against Clearing Principles

##### (a) Native vegetation should not be cleared if it comprises a high level of biological diversity.

**Comments**      **Proposal is not likely to be at variance to this Principle**

The areas applied for clearing do not appear to represent areas of outstanding biodiversity and are commonly occurring vegetation communities that are well represented in the surrounding area as demonstrated by flora surveys (MBS Environmental, 2005).

**Methodology**      MBS Environmental, 2005

##### (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.

**Comments**      **Proposal is not likely to be at variance to this Principle**

Three main fauna habitats have been described on the Birla Nifty mining lease: sand dunes; swales between dunes and plain; and stony or rocky sites. Four species of conservation significance have been identified to exist in the area: Mulgara (*Dasyercus cristicauda*), Bilby (*Macrotis lagotis*), Great Desert Skink (*Egernia kintorei*) and the Northern Marsupial Mole (*Notoryctes typhlops*).

The areas proposed for clearing avoid suitable habitats for the Mulgara and the Bilby. Habitat for the Great Desert Skink is not restricted to the area proposed for disturbance (MBS Environmental, 2005).

A Marsupial Mole Management Plan has been developed as a recommendation by the EPA and this will be adhered to during all operations which will ensure that impacts to this species are minimised (MBS Environmental, 2005).

**Methodology**      MBS Environmental, 2005

**(c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.**

**Comments Proposal is not likely to be at variance to this Principle**

No declared rare flora are located within the mining lease and areas proposed for clearing. *Goodenia hartiana*, a Priority 2 species, exists near the mine site and appears to respond favourably to disturbance. This means it is unlikely that this species would be adversely affected by proposed activities (MBS, 2005).

Provided Nifty Copper Operations adhere to their commitment to have a professional botanist survey areas over 1ha to avoid significant flora species where possible, and to liaise with CALM where such disturbance cannot be avoided, this proposal is not likely to be at variance to this principle (CALM, 2005).

**Methodology** MBS Environmental, 2005  
CALM Advice, 2005

**(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.**

**Comments Proposal is not likely to be at variance to this Principle**

There are no threatened ecological communities identified in, or near, the area proposed for clearing. There is no evidence to suggest that any Environmental Protection and Biodiversity Conservation Act, 2000 TEC's or State listed TEC's are present on the site of the proposed clearing and on this basis is not likely to be at variance with this principle (CALM, 2005).

**Methodology** GIS Database: Threatened Ecological Communities - CALM 15/7/03  
CALM Advice, 2005  
MBS Environmental, 2005

**(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.**

**Comments Proposal is not likely to be at variance to this Principle**

The vegetation to be cleared is Beards Vegetation Association #134 (Hopkins et al, 2001), of which there is ~100 of the pre-European extent remaining (Shepherd et al, 2001). As the vegetation type covers 26 million hectares and remains largely uncleared, the proposal is not likely to be at variance to this principle (CALM, 2005)

All areas cleared will be rehabilitated with local provenance species (MBS Environmental, 2005).

**Methodology** GIS Database: Pre-European extent - DA 01/01  
Hopkins et al, 2001  
Shepherd et al, 2002  
CALM Advice, 2005

**(f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.**

**Comments Proposal is not at variance to this Principle**

There are no wetlands or natural watercourses associated within proposed area for clearing (MBS Environmental, 2005).

**Methodology** GIS Database: Hydrography, linear - DOE 1/2/04  
MBS Environmental, 2005

**(g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.**

**Comments Proposal is not likely to be at variance to this Principle**

Wind and water erosion will be managed by progressive rehabilitation of the cleared areas as well as designing any clearing and earthworks to minimise erosion (MBS Environmental, 2005).

**Methodology** MBS Environmental, 2005

**(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.**

**Comments Proposal is not likely to be at variance to this Principle**

The Rudall River National Park is located about 78km from the area proposed for clearing. There are no other existing or proposed conservation areas in proximity to the area.

Although only 3.3% of the pre-European extent of the Great Sandy Desert vegetation association occurs within CALM Estate, this widely occurring vegetation association does not appear to be at significant risk from the proposed clearing activities (CALM, 2005)

**Methodology** GIS Database:  
CALM Managed Lands and Waters - CALM 1/07/05  
Proposed National Parks, FMP - CALM 19/03/03  
CALM Advice, 2005

**(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.**

**Comments** **Proposal is not likely to be at variance to this Principle**  
Groundwater and surface water quality is monitored via an ongoing program that has been in effect for over ten years. The impacts of any activities associated with the operation, including the removal of vegetation will be monitored as part of the conditions of mining. Groundwater abstraction and monitoring are undertaken in accordance with a Groundwater Operating Strategy (MBS Environmental, 2005).

**Methodology** MBS Environmental, 2005

**(j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.**

**Comments** **Proposal is not likely to be at variance to this Principle**  
There are no natural waterways in the proposed area. Low lying swales are subject to occasional natural flooding from extreme cyclonic events. The removal of vegetation is not expected to exacerbate the incidence of flooding.

**Methodology** GIS Database: Hydrography linear - DOE 1/2/04  
MBS Environmental, 2005

**Planning instrument, Native Title, RIWI Act Licence, EP Act Licence, Works Approval, Previous EPA decision or other matter.**

**Comments** A submission has been received expressing concerns about principles (a), (b), and (c) (TRIM: KNI839). No flora of significance has been identified at this site. The submission also seeks reporting on the existing environment, vegetation mapping and its context with the local surrounds, and provision of a vegetation and environmental management plan. These have all been provided by the proponent to the satisfaction of the Department.

There is a Native Title determination over the area by the Martu peoples (WAG6110\_98). Birla Nifty holds a valid mining lease over the area proposed for disturbance so the granting of a clearing permit will not be deemed a future act under the Native Title Act 1993.

The application is not applicable to the EPA advice given under Section 48A(A) (CRN131091).

The Birla Nifty mine AM70/271 has a current water licence (GWL159318-1) for the purpose of dust suppression granted in accordance with the Rights and Water Irrigation Act 1914. There are 3 draft licences in progress for various mine activities (TRIM: KND836). If the proposed clearing or intended land use of waste dumps requires additional water for dust suppression, or any other purpose, this water licence must be amended, or a new licence must be granted.

The Birla Nifty mine has a current operating licence (L6617) and Works Approval (W/A3972) granted in accordance with the Environmental Protection Act 1986.

**Methodology** GIS Database: Native Title Claims - DLI 19/12/04

**5. Assessor's recommendations**

Purpose	Method	Applied area (ha)/ trees	Decision	Comment / recommendation
Mineral Production	Mechanical Removal	124.1	<b>Grant</b>	Assessable criteria have been addressed and submissions considered. The Assessing Officer therefore recommends that the permit should be granted.

**6. References**

CALM Land Clearing Proposal Advice. Advice to A/Director General, Department of Environment (DoE). Department of Conservation and Land Management, Western Australia. DoE Reference: TRIM HD24897.  
Hopkins, A.J.M., Beeston, G.R. and Harvey J.M. (2001) A database on the vegetation of Western Australia. Stage 1.

CALMScience after J. S. Beard, late 1960's to early 1980's Vegetation Survey of Western Australia, UWA Press.

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

MBS Environmental Pty Ltd (2005) Native Vegetation Management Plan. Unpublished Document. Prepared for Birla (Nifty) Pty Ltd. Department of Environment Reference: TRIM KNI893

Shepherd, D.P., Beeston, G.R. and Hopkins, A.J.M. (2001) Native Vegetation in Western Australia, Extent, Type and Status. Resource Management Technical Report 249. Department of Agriculture, Western Australia.