



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 6284/2
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Donald Kimberley North

1.3. Property details

Property: Mining Lease 45/1195
Local Government Area: Town of Port Hedland
Colloquial name:

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
142.27		Mechanical Removal	Sand mining

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 11 February 2016

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. Two Beard vegetation associations have been mapped within the application area:

589: Mosaic: Short bunch grassland - savannah / grass plain (Pilbara) / Hummock grasslands, grass steppe; soft spinifex; and
619: Medium woodland; river gum (*Eucalyptus camaldulensis*).

A flora and vegetation survey was conducted over the application area by West Ecology in September 2011 (West Ecology, 2011). Five vegetation types were identified within the application area;

- 21: Open shrubland of *Acacia colei* var *colei* and *Acacia inaequilatera* over hummock grassland on plains;
- 22: Scattered low trees of *Eucalyptus camaldulensis* var *obtusa* over high open shrubland of *Acacia* species and open hummock grassland in riverbanks of the Turner River;
- 23: Woodland of *Eucalyptus camaldulensis* var *obtusa* and *Melaleuca argentea* over open tussock grassland on riverbanks of the Turner River;
- 24: Low open woodland of *Eucalyptus camaldulensis* var *obtusa* and *Melaleuca argentea* over high shrubland of *Acacia ampliceps* in riverbeds of the Turner River; and
- 25: Low open woodland of *Melaleuca argentea* in riverbeds of the Turner River.

Clearing Description Donald Kimberley North proposes to clear up to 142.27 hectares of native vegetation within a total boundary of approximately 142.27 hectares, for the purpose of sand mining. The project is located approximately 24.7 kilometres south-west of Port Hedland, in the Town of Port Hedland.

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

Comment The flora and vegetation survey was conducted over the whole of Mining Lease 47/1195. The application area covers almost one half of this tenement. Vegetation condition has been converted to the Keighery scale (1994) by the assessing officer based on the flora and vegetation survey conducted by West Ecology (2011).

Vegetation is degraded outside the application boundary, where three tracks have been partially cleared for recreational use and a power line (West Ecology, 2011). The proponent has advised that these existing tracks are not suitable for use during mining operations given the proximity to active power lines and the potential for interference with recreational vehicles.

Clearing Permit CPS 6284/1 was granted by the Department of Mines and Petroleum on 13 November 2014 and authorised the clearing of up to 120.9 hectares. On 24 November 2015 Donald Kimberley North applied to increase the area authorised to clear by 21.37 hectares to a total of 142.27 hectares. The clearing permit boundary was increased to the same amount.

3. Assessment of application against clearing principles

Comments

Donald Kimberly North has applied to increase the area permitted to clear from 120.9 hectares to 142.27 hectares and the permit boundary from 120.9 hectares to 142.27 hectares.

The flora and vegetation survey of the amended area conducted by West Ecology (2011) did not identify any additional vegetation communities occurring within the extended permit boundary. None of these vegetation communities are considered to be of higher diversity than those assessed within clearing permit decision report CPS 6284/1 and the vegetation types are not considered to be a remnant locally or regionally. No vegetation communities recorded are considered to be Threatened or Priority Ecological Communities (GIS Database). Aerial imagery suggests similar faunal habitat in the surrounding local and regional area is consistent with those assessed in clearing permit decision report CPS 6284/1 (GIS Database).

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).

The proposed clearing is for the purpose of sand mining within a two kilometre section of the Turner River, and will impact riparian vegetation (West Ecology, 2011; GIS Database). The amendment to increase the clearing permit boundary includes additional riparian vegetation, including sections with dense patches, within the Turner River (GIS Database). The clearing of established trees and shrubs within the river banks could cause further erosion and will remove important fauna refuge. Further impacts to riparian vegetation within the application area may be minimised by the implementation of a restrictive clearing condition which will prevent the clearing of large trees from within the river and vegetation within the drip-line of these trees. Therefore, the proposed clearing is at variance to Principle (f).

Current environmental information has been reviewed and the assessment of clearing principles (g), (h), (i) and (j) is consistent with the assessment in clearing permit decision report CPS 6284/1.

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

Comments

There is one native title claim over the application area. This claim (WC1999/003) has been registered with the Native Title Tribunal on behalf of the claimant group (Department of Aboriginal Affairs, 2016). 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 is one registered Site of Aboriginal Significance located in the area applied to clear (Department of Aboriginal Affairs, 2016). It is the proponent's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no Sites of Aboriginal Significance are damaged through the clearing process.

It is the proponent's responsibility to liaise with the Department of Environment Regulation, the 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 14 December 2015 by the Department of Mines and Petroleum inviting submissions from the public. No submissions were received.

Methodology Department of Aboriginal Affairs (2016)

4. References

- Department of Aboriginal Affairs (2016) Aboriginal Heritage Enquiry System. Government of Western Australia, <http://maps.dia.wa.gov.au/AHIS2/>. (Accessed 4 January 2016).
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- West Ecology (2011) Flora and Vegetation Survey of Welcome Exploration Tenements M47/411, M47/524, M47/556, M47/442 and M45/1195. Prepared for Welcome Exploration Pty Ltd by West Ecology, September 2011.

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
DotE	Department of the Environment, 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 DotE)
EPA	Environmental Protection Authority, Western Australia
EP Act	<i>Environmental Protection Act 1986</i> , Western Australia
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (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	<i>Rights in Water and Irrigation Act 1914</i> , 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	<p>Threatened species: Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, 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).</p> <p>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.</p> <p>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.</p> <p>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.</p>
CR	<p>Critically endangered species Threatened species considered to be facing an extremely high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.</p>
EN	<p>Endangered species Threatened species considered to be facing a very high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.</p>
VU	<p>Vulnerable species Threatened species considered to be facing a high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.</p>
EX	<p>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 <i>Wildlife Conservation Act 1950</i>, 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.</p>
IA	<p>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 <i>Wildlife Conservation Act 1950</i>, in Schedule 5 of the Wildlife Conservation (Specially Protected Fauna) Notice.</p>
CD	<p>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 <i>Wildlife Conservation Act 1950</i>, in Schedule 6 of the Wildlife Conservation (Specially Protected Fauna) Notice.</p>

- 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.