



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 7919/1
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Holcim (Australia) Pty Ltd

1.3. Property details

Mining Lease 52/59
Local Government Area: Shire of East Pilbara
Colloquial name: Newman Quarry

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 15 March 2018

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description The vegetation of the application area is broadly mapped as the following Beard vegetation associations:

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

A flora and vegetation survey was conducted over the application area by Animal Plant Mineral (APM) during October 2009. The following vegetation associations were recorded within the application area (APM, 2009):

Hills and Low Rises

1) *Eucalyptus leucophloia* subsp. *leucophloia* low open woodland over mixed *Acacia* tall open shrubland over *Triodia wiseana* hummock grassland on skeletal soils with pebbles, cobbles and small boulders;

Stony Plains

2) *Acacia aneura* var. *macrocarpa* and *Acacia pruinoarpa* tall shrubland over *Triodia pungens* hummock grassland over stony soils;

3) *Acacia synchronicia* and *Acacia aneura* tall shrubland over *Eriachne mucronata* and *Aristida latifolia* tussock grassland;

4) *Acacia synchronicia* and *Acacia aneura* tall shrubland over *Eriachne mucronata*, *Aristida latifolia* and *Triodia pungens* tussock and hummock grassland;

5) *Senna glaucifolia* low open shrubland over *Triodia pungens* hummock grassland on gravelly silty clay;

Hardpan Plains

6) *Acacia aneura* var. *macrocarpa* and *Acacia pruinoarpa* tall shrubland over mixed tussock grassland on silty clay soils;

Disturbed Land

7) Significantly disturbed vegetation.

Clearing Description Newman Quarry.
Holcim (Australia) Pty Ltd proposes to clear up to 9.748 hectares of native vegetation within a boundary of approximately 9.748 hectares, for the purpose of mineral production. The project is located approximately 5 kilometres north-west of Newman, within the Shire of East Pilbara.

Vegetation Condition Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994);

to

Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994).

Comment

The vegetation condition was derived from a vegetation survey conducted by APM (2009) and analysis of aerial imagery.

The proposed clearing is for hard rock quarry mining and associated activities including stockpiling, crushing and screening. Vegetation will be cleared with machinery, mulched and incorporated into topsoil to be stored for rehabilitation purposes (Holcim, 2009).

The permit area covers the same area as previously approved clearing permit CPS 3466/1. This permit expired on 31 December 2015 and this application is to replace that permit.

3. Assessment of application against Clearing Principles

Comments

The permit area has been heavily disturbed by quarrying activities. At the time of the vegetation survey in 2009 it was noted that the vegetation of the permit area had been impacted by weeds, bushfires, grazing and dust blowing across the site from the quarry and nearby Mt Whaleback mine (APM, 2009). More than 70% of the survey area was completely cleared and developed, with the remaining area being significantly disturbed and retaining little, if any, vegetation or fauna conservation value (APM, 2009).

The previous flora survey noted that weeds, in particularly *Cenchrus ciliaris*, are prevalent in the landscape and, on more than one occasion, represented the dominant flora taxa in a flora survey quadrat (APM, 2009). Care should be taken to ensure that weeds are not spread to less disturbed areas outside of the permit area. Potential impacts to biodiversity from weeds may be minimised by the implementation of a weed management condition.

There are no records of any Threatened or Priority Ecological Communities within the permit area (GIS Database). No species of Threatened or Priority flora have been recorded within the permit area (APM, 2009; GIS Database). Given the degraded state of the vegetation present it is not likely to represent significant habitat for conservation significant flora species.

There have been three broad fauna habitats identified within the permit area; hills and low rises, stony plains and hardpan plains (APM, 2009). No significant fauna habitat features such as caves, permanent water sources or tree hollows have been identified within the permit area (APM, 2009). Given the degraded state of the habitat present, it is not likely to represent significant habitat for fauna species.

There is one minor ephemeral drainage line that runs through the permit area (GIS Database). This drainage line has been degraded by existing disturbance and the proposed clearing is not likely to have a significant impact on surface water quality in the local area (GIS Database). The permit area is located within the Newman Water Reserve which has been gazetted under the *Country Areas Water Supply Act 1947* (CAWS). The area has been assigned as Priority 1 (P1) under the Water Sources Protection System. Clearing activities for mineral production are compatible with conditions in a P1 Public Drinking Water Source Area provided they are managed using current best practices (DWER, 2018). Provided the activities are undertaken using best practice and in accordance with DWER guidelines, the proposed clearing is not likely to have a significant impact on the quality or quantity of groundwater (DWER, 2018).

The permit area has been mapped as the Elimunna land system (Van Vreeswyk et al., 2004). Most of this land system is inherently resistant to erosion with some drainage floors slightly susceptible to erosion (Van Vreeswyk et al., 2004). An analysis of aerial photography for the permit area reveals it is most likely to occur on the landform units described as stony plains and hardpan plains (GIS Database).

The permit area is not located within any Department of Biodiversity, Conservation and Attractions managed lands or any other conservation area (GIS Database).

The application has been assessed against the clearing principles, planning instruments and other matters in accordance with s.51O of the *Environmental Protection Act 1986*, and the proposed clearing is at variance to Principle (f), is not likely to be at variance to Principles (a), (b), (c), (d), (g), (h), (i) and (j) and is not at variance to Principle (e).

Methodology

APM (2009)
DWER (2018)
Van Vreeswyk et al. (2004)

GIS Database:
- DPaW Tenure
- Hydrography, Linear

- Imagery
- Landsystem Rangelands
- Pre-European Vegetation
- Public Drinking Water Source Areas
- Threatened and Priority Flora
- Threatened and Priority Ecological Communities boundaries
- Threatened and Priority Ecological Communities buffered
- Threatened Fauna

Planning Instrument, Native Title, previous EPA decision or other matter.

Comments

There is one Native Title claim over the area under application (DPLH, 2018). 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 (DPLH, 2018). 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 Water and Environmental Regulation and the Department of Biodiversity Conservation and Attractions, 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 amendment application was advertised on 29 January 2018 by the Department of Mines, Industry Regulation and Safety (DMIRS), inviting submissions from the public. No submissions were received in relation to this application.

Methodology DPLH (2018)

4. References

- APM (2009) Holcim Newman: Level 1 Flora and Fauna Biological Assessment Survey. Report prepared by Animal Plant Mineral Pty Ltd for Holcim Pty Ltd, 2009.
- DPLH (2018) Aboriginal Heritage Enquiry System. Department of Planning, Lands and Heritage. <http://maps.daa.wa.gov.au/AHIS/> (Accessed 12 March 2018).
- DWER (2018) Advice received in relation to Clearing Permit Application CPS 7919/1. Landuse Planning/Approvals, Department of Water and Environmental Regulation, Western Australia, February 2018.
- 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
DAA	Department of Aboriginal Affairs, Western Australia (now DPLH)
DAFWA	Department of Agriculture and Food, Western Australia (now DPIRD)
DBCA	Department of Biodiversity Conservation and Attractions, Western Australia
DEC	Department of Environment and Conservation, Western Australia (now DBCA and DWER)
DEE	Department of the Environment and Energy, Australian Government
DER	Department of Environment Regulation, Western Australia (now DWER)
DMIRS	Department of Mines, Industry Regulation and Safety, Western Australia
DMP	Department of Mines and Petroleum, Western Australia (now DMIRS)
DPIRD	Department of Primary Industries and Regional Development, Western Australia
DPLH	Department of Planning, Lands and Heritage, Western Australia
DRF	Declared Rare Flora
DoE	Department of the Environment, Australian Government (now DEE)
DoW	Department of Water, Western Australia (now DWER)
DPaW	Department of Parks and Wildlife, Western Australia (now DBCA)
DSEWPac	Department of Sustainability, Environment, Water, Population and Communities (now DEE)
DWER	Department of Water and Environmental Regulation, Western Australia

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 (2017) 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 <i>Wildlife Conservation Act 1950</i>.</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 <i>Wildlife Conservation Act 1950</i>.</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	<p>Other specially protected fauna Fauna otherwise in need of special protection to ensure their conservation. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 7 of the Wildlife Conservation (Specially Protected Fauna) Notice.</p>

- 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.