



Clearing Permit Decision Report

1. Application details and outcome

1.1. Permit application details

Permit number:	8046/2
Permit type:	Purpose Permit
Applicant name:	Tronox Mining Australia Limited
Application received:	6 December 2021
Application area:	39.16 hectares within a total boundary of approximately 361 hectares
Purpose of clearing:	Mineral sands mining and associated activities
Method of clearing:	Mechanical Removal
Tenure:	Mining Lease 70/360 Mining Lease 70/569
Location (LGA area/s):	City of Busselton
Colloquial name:	Wonnerup North Mineral Sands Mine

1.2. Description of clearing activities

Tronox Mining Australia Limited has applied to amend an existing clearing permit (CPS 8046/1). The permit is located at an existing operational minesite, approximately 10 kilometres east of Busselton, within the City of Busselton (GIS Database).

Clearing permit CPS 8046/1 was granted by the Department of Mines, Industry Regulation and Safety on 5 September 2019, and was valid from 28 September 2019 to 27 September 2034. The permit authorised the clearing of up to 38.9 hectares of native vegetation within a boundary of approximately 360 hectares, for the purposes of mineral sands mining and associated activities.

On 6 December 2021, the Permit Holder applied to amend CPS 8046/1 to increase the area authorised to clear by 0.26 hectares to 39.16 hectares and increase the permit boundary by approximately one hectare. The additional one hectare area to be added to this permit, was previously approved to clear under CPS 7605/1, however it was only partially cleared and that permit has now expired.

The Permit Holder has reported that a total of 0.6 hectares of clearing has been undertaken under the existing clearing permit (CPS 8046/1), up to 30 June 2021 (Tronox, 2021). Mining operations within the clearing permit area commenced in April 2021 and are ongoing (Tronox, 2021).

1.3. Decision on application and key considerations

Decision:	Grant
Decision date:	6 May 2022
Decision area:	39.16 hectares within a total boundary of approximately 361 hectares

1.4. Reasons for decision

This clearing permit amendment application was made in accordance with section 51KA of the *Environmental Protection Act 1986* (EP Act) and was received by the Department of Mines, Industry Regulation and Safety (DMIRS) on 6 December 2021. DMIRS advertised the application for public comment for a period of 21 days, and no submissions were received.

In making this decision, the Delegated Officer had regard for the small size of the additional area, the site characteristics, relevant datasets, supporting information provided by the applicant, the Clearing Principles set out in Schedule 5 of the EP Act, and any other matters considered relevant to the assessment. The Delegated Officer also

took into consideration that the amendment application area had previously been approved to clear under another permit (CPS 7605/1) which has now expired. The permit conditions applied to CPS 7605/1 were consistent with those applied to CPS 8046/1, hence no additional conditions were considered necessary for the amended permit.

The assessment of the amendment application remains consistent with the assessment of the original permit application, CPS 8046/1. The management conditions on the existing permit are considered appropriate to manage the potential environmental impacts of the additional clearing. The Delegated Officer determined that the proposed amendment is unlikely to result in any significant additional impacts to the environmental values of the permit area.

After consideration of the available information, the Delegated Officer determined that the proposed amendment is not likely to lead to an unacceptable risk to the environment. The Delegated Officer decided to grant the amended clearing permit retaining the existing permit conditions.

2. Assessment of application

2.1. Avoidance and mitigation measures

Several avoidance and mitigation measures were applied to the permit area during the course of the assessment of the original clearing permit application, and these are outlined in the decision report for CPS 8046/1. Further mitigation and offset measures were imposed on the project through the permit conditions for CPS 8046/1.

The Delegated Officer was satisfied that no further mitigation measures were required for the amended permit.

2.2. Assessment of impacts on environmental values

The Permit Holder has applied to amend the permit, to increase the area authorised to clear by 0.26 hectares and increase the permit boundary by approximately one hectare.

The permit area is located within the Perth subregion of the Interim Biogeographic Regionalisation of Australia (IBRA) Swan Coastal Plain bioregion (GIS Database). Approximately 38% and 41% of the pre-European vegetation still exists in the Swan Coastal Plain Bioregion and the Perth subregion, respectively (Government of Western Australia, 2019). The existing permit area is broadly mapped as Beard vegetation associations: 949: Low woodland; banksia; 973: Low forest; paperbark (*Melaleuca raphiophylla*); and 1136: Medium woodland; marri with some jarrah, wandoo, river gum and casuarina (GIS Database). The one hectare amendment application area is mapped as Beard vegetation association 949, which is consistent with the majority of the existing clearing permit area. Beard vegetation association 949 retains approximately 56-57% of its pre-European extent within the state, bioregion and subregion (Government of Western Australia, 2019).

There are no known records of Threatened or Priority flora or Threatened or Priority ecological communities within the amendment application area.

The assessment of the original clearing permit application (CPS 8046/1) identified that the clearing permit area and adjacent areas contain significant habitat suitable for conservation significant fauna species, including the Western Ringtail Possum and Black Cockatoos. Several management conditions were imposed on the existing permit (CPS 8046/1) to minimise and mitigate the potential impacts of the proposed clearing on environmental values. These include conditions for staged clearing; weed and dieback control; fauna management; and offset conditions requiring revegetation, rehabilitation and the establishment of a conservation covenant over a partly degraded area adjacent to the permit area. These conditions are considered appropriate to manage the potential environmental impacts of the additional 0.26 hectares of clearing.

The one hectare amendment application area had previously been approved to clear under another permit (CPS 7605/1) which has now expired. The additional 0.26 hectares of clearing is unlikely to result any significant change to the environmental impacts of the proposed clearing.

The amendment application has been assessed against the clearing principles, planning instruments and other matters in accordance with s.51O of the *Environmental Protection Act 1986*. Environmental information has been reviewed, and the assessment of the proposed clearing against the clearing principles remains consistent with the assessment contained in decision report CPS 8046/1. All existing permit conditions are to be retained on the permit to manage the potential environmental impacts of the continued clearing.

2.3. Relevant planning instruments and other matters

The clearing permit amendment application was advertised on 17 December 2021 by the Department of Mines, Industry Regulation and Safety (DMIRS), inviting submissions from the public. No submissions were received in relation to this application.

The permit area is within the South West Native Title Settlement area (DPLH, 2022). This settlement resolves Native Title rights and interests over an area of approximately 200,000 square kilometres within the south west of Western Australia. 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 Aboriginal Site of Significance within the application area (DPLH, 2022). 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.

Other relevant authorisations required for the proposed land use include:

- A Mining Proposal / Mine Closure Plan approved under the *Mining Act 1978*.

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.

Appendix A - References and databases

1. GIS datasets

Publicly available GIS Databases used (sourced from www.data.wa.gov.au):

- DBCA - Lands of Interest (DBCA-012)
- DBCA - Legislated Lands and Waters (DBCA-011)
- Environmentally Sensitive Areas (DWER-046)
- Hydrography, Lakes
- Hydrography, linear
- IBRA Australia
- Imagery
- Landsystem Rangelands
- Pre-European Vegetation Statistics
- Public Drinking Water Source Areas (DWER-033)

Restricted GIS Databases used:

- Threatened Flora (TPFL)
- Threatened Flora (WAHerb)
- Threatened Fauna
- Threatened Ecological Communities and Priority Ecological Communities
- Threatened Ecological Communities and Priority Ecological Communities (Buffers)

2. References

DPLH (2022) Aboriginal Heritage Inquiry System. Department of Planning, Lands and Heritage.

<https://espatial.dplh.wa.gov.au/AHIS/index.html?viewer=AHIS> (Accessed 27 April 2022).

Government of Western Australia (2019) 2018 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of March 2019. WA Department of Biodiversity, Conservation and Attractions, Perth. <https://catalogue.data.wa.gov.au/dataset/dbca-statewide-vegetation-statistics>

Tronox (2021) Native Vegetation Clearing Permit Annual Compliance Report, CPS 8046. Tronox Mining Australia Ltd, July 2021.

Appendix B - Glossary

Acronyms:

BC Act	<i>Biodiversity Conservation Act 2016, Western Australia</i>
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)
DAWE	Department of Agriculture, Water and the Environment, Australian Government
DBCA	Department of Biodiversity, Conservation and Attractions, Western Australia
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)
DoEE	Department of the Environment and Energy (now DAWE)
DoW	Department of Water, Western Australia (now DWER)
DPaW	Department of Parks and Wildlife, Western Australia (now DBCA)
DPIRD	Department of Primary Industries and Regional Development, Western Australia
DPLH	Department of Planning, Lands and Heritage, Western Australia
DRF	Declared Rare Flora (now known as Threatened Flora)
DWER	Department of Water and Environmental Regulation, Western Australia
EP Act	<i>Environmental Protection Act 1986, Western Australia</i>
EPA	Environmental Protection Authority, Western Australia
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 (Federal Act)</i>
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, Western Australia</i>
TEC	Threatened Ecological Community

Definitions:

{DBCA (2019) Conservation Codes for Western Australian Flora and Fauna. Department of Biodiversity, Conservation and Attractions, Western Australia}:-

T **Threatened species:**

Listed by order of the Minister as Threatened in the category of critically endangered, endangered or vulnerable under section 19(1), or is a rediscovered species to be regarded as threatened species under section 26(2) of the *Biodiversity Conservation Act 2016* (BC Act).

Threatened fauna is that subset of 'Specially Protected Fauna' listed under schedules 1 to 3 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for Threatened Fauna.

Threatened flora is that subset of 'Rare Flora' listed under schedules 1 to 3 of the *Wildlife Conservation (Rare Flora) Notice 2018* for Threatened Flora.

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 in the immediate future, as determined in accordance with criteria set out in the ministerial guidelines*”.

Listed as critically endangered under section 19(1)(a) of the BC Act in accordance with the criteria set out in section 20 and the ministerial guidelines. Published under schedule 1 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for critically endangered fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for critically endangered flora.

EN **Endangered species**

Threatened species considered to be “*facing a very high risk of extinction in the wild in the near future, as determined in accordance with criteria set out in the ministerial guidelines*”.

Listed as endangered under section 19(1)(b) of the BC Act in accordance with the criteria set out in section 21 and the ministerial guidelines. Published under schedule 2 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for endangered fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for endangered flora.

VU**Vulnerable species**

Threatened species considered to be “*facing a high risk of extinction in the wild in the medium-term future, as determined in accordance with criteria set out in the ministerial guidelines*”.

Listed as vulnerable under section 19(1)(c) of the BC Act in accordance with the criteria set out in section 22 and the ministerial guidelines. Published under schedule 3 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for vulnerable fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for vulnerable flora.

Extinct Species:**EX****Extinct species**

Species where “*there is no reasonable doubt that the last member of the species has died*”, and listing is otherwise in accordance with the ministerial guidelines (section 24 of the BC Act).

Published as presumed extinct under schedule 4 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for extinct fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for extinct flora.

EW**Extinct in the wild species**

Species that “*is known only to survive in cultivation, in captivity or as a naturalised population well outside its past range; and it has not been recorded in its known habitat or expected habitat, at appropriate seasons, anywhere in its past range, despite surveys over a time frame appropriate to its life cycle and form*”, and listing is otherwise in accordance with the ministerial guidelines (section 25 of the BC Act).

Currently there are no threatened fauna or threatened flora species listed as extinct in the wild. If listing of a species as extinct in the wild occurs, then a schedule will be added to the applicable notice.

Specially protected species:

Listed by order of the Minister as specially protected under section 13(1) of the BC Act. Meeting one or more of the following categories: species of special conservation interest; migratory species; cetaceans; species subject to international agreement; or species otherwise in need of special protection.

Species that are listed as threatened species (critically endangered, endangered or vulnerable) or extinct species under the BC Act cannot also be listed as Specially Protected species.

MI**Migratory species**

Fauna that periodically or occasionally visit Australia or an external Territory or the exclusive economic zone; or the species is subject of an international agreement that relates to the protection of migratory species and that binds the Commonwealth; and listing is otherwise in accordance with the ministerial guidelines (section 15 of the BC Act).

Includes 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 fauna subject to the *Convention on the Conservation of Migratory Species of Wild Animals* (Bonn Convention), an environmental treaty under the United Nations Environment Program. Migratory species listed under the BC Act are a subset of the migratory animals, that are known to visit Western Australia, protected under the international agreements or treaties, excluding species that are listed as Threatened species.

Published as migratory birds protected under an international agreement under schedule 5 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

CD**Species of special conservation interest (conservation dependent fauna)**

Fauna of special conservation need being species dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened, and listing is otherwise in accordance with the ministerial guidelines (section 14 of the BC Act).

Published as conservation dependent fauna under schedule 6 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

OS**Other specially protected species**

Fauna otherwise in need of special protection to ensure their conservation, and listing is otherwise in accordance with the ministerial guidelines (section 18 of the BC Act).

Published as other specially protected fauna under schedule 7 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

P **Priority species:**

Possibly threatened species that do not meet survey criteria, or are otherwise data deficient, are added to the Priority Fauna or Priority Flora Lists under Priorities 1, 2 or 3. These three categories are ranked in order of priority for survey and evaluation of conservation status so that consideration can be given to their declaration as threatened fauna or flora.

Species that are adequately known, are rare but not threatened, or meet criteria for near threatened, or that have been recently removed from the threatened species or other specially protected fauna lists for other than taxonomic reasons, are placed in Priority 4. These species 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.
- (c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened 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 the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.