

Clearing Permit Decision Report

1. Application details and outcomes

1.1. Permit application details

Permit number:	10860/1
Permit type:	Purpose Permit
Applicant name:	Michael Guerinoni
Application received:	27 November 2024
Application area:	5 hectares
Purpose of clearing:	Mineral production and associated activities
Method of clearing:	Mechanical Removal
Tenure:	Mining Lease 80/637
Location (LGA area):	Shire of Wyndham East Kimberley
Colloquial name:	Pivot Hill Quarry

1.2. Description of clearing activities

Michael Guerinoni proposes to clear up to 5 hectares of native vegetation within a boundary of approximately 5.19 hectares for the purpose of mineral production and associated activities (Michael Guerinoni, 2024). During the assessment period, the applicant agreed to reduce the application area boundary from 18.16 hectares, which included the entire tenement, to 5.19 hectares that is indicative of the disturbance enveloped (see site map 1.5) (Michael Guerinoni, 2026). The project is located approximately 21 kilometres southeast of Wyndham, within the Shire of Wyndham East Kimberley (GIS Database). The application is proposed for the expansion of an existing active quarry and stockpile areas (Michael Guerinoni, 2024).

1.3. Decision on application and key considerations

Decision:	Refuse
Decision date:	15 July 2026
Decision area:	5 hectares of native vegetation

1.4. Reasons for decision

This clearing permit application was submitted, accepted, assessed, and determined in accordance with sections 51E and 51O of the *Environmental Protection Act 1986* (EP Act). The Department of Mines, Petroleum and Exploration (DMPE) advertised the application for a public comment for a period of 21 days, and one public submission was received. Consideration of the matters raised in the submission are summarised in Appendix B.

In making this decision, the Delegated Officer had regard for the site characteristics (B.1), relevant datasets (Appendix H), supporting information provided by the applicant (Appendix A) including the results of a flora and vegetation survey, the clearing principles set out in Schedule 5 of the EP Act (Appendix D), proposed avoidance and minimisation measures (Section 3.1), relevant planning instruments and any other matters considered relevant to the assessment (Section 3.3).

The assessment identified that the proposed clearing may result in:

- the potential introduction and spread of weeds into adjacent vegetation, which could impact on the quality of the adjacent vegetation and its habitat values;
- impacts to Priority 3 flora *Brachychiton tridentatus*;
- impacts to habitat that may support several conservation significant fauna;
- impacts to Parry Lagoons Nature Reserve (Reserve Number 42155) proclaimed under the CALM Act – Section 5(1)(d);
- impacts to the Ord River Floodplain that is listed as a Wetland of International Importance under the Ramsar Convention proclaimed under the EPBC Act; and
- impacts to the Parry Floodplain that is listed in the Directory of Important Wetlands in Australia.

Approval history

Clearing permit CPS 7924/1 was granted by the Department of Mines, Industry Regulation and Safety (now DMPE) on 1 March 2018 to Michael Guerinoni on Mining Lease 80/637. The permit was valid from 24 March 2018 to 31 March 2023 and authorised the clearing of up to 4.4 hectares of native vegetation within a boundary of approximately 18 hectares for mineral production. The final annual clearing report states a total of 4.4 hectares was cleared under CPS 7924/1 (JAB Industries, 2023).

A Mining Proposal and Mine Closure Plan (Registration ID 70247) for mining activities on Mining Lease 80/637 was approved on 18 February 2018, subject to conditions.

Detail of decision

In accordance with section 51O(4) of the EP Act, the Delegated Officer had regard to development approvals, planning instruments, or other matter that are relevant to decisions made regarding clearing permit applications. Under section 23(2) of the *Mining Act 1978*, the holder of a mining tenement in respect of mining activities cannot be carried out within a reserve except in accordance with the relevant consent obtained in relation to that land. Additionally, tenement condition 4 of Mining Lease 80/637 states *"subject to any further conditions as specified below, mining and related activities and measures to protect the environment being carried out in accordance with mining proposal and closure plan applicable to M80/637 received by DMIRS on 10/10/17 and retained on DMIRS File M80/637. No amendment to be made to the approved mining without further consultation with Minister for Environment and the consent of the Minister for Mines and Petroleum."*

The department wrote to the applicant on 16 September 2025 requesting the application be withdrawn and resubmitted once approval under the *Mining Act 1978* has been obtained.

The department wrote to the applicant on 14 April 2026 advising that the application was likely to be refused and invited the applicant to make a submission detailing why the application should not be refused. In response, the applicant wrote to DMPE on 30 April 2026 accepting the intention to refuse the application and noted that a new Mining Development and Closure Proposal (MDCP) will be submitted that will cover the required mining areas in the mining lease (Michael Guerinoni, 2026).

In the absence of the required consent under the *Mining Act 1978* for the proposed activities within the Parry Lagoons Nature Reserve, it is considered that the proposed clearing would be unnecessarily harmful to authorise native vegetation clearing when such clearing may not be required.

The Delegated Officer has decided to refuse to grant a clearing permit.

1.5. Site map

A site map of proposed clearing is provided in Figure 1 below.



Figure 1. Map of the application area. The red indicates the tenement boundary (M 80/637) (original application area), and the blue indicates the indicative disturbance envelope (approximate revised boundary).

2. Legislative context

The clearing of native vegetation in Western Australia is regulated under the EP Act and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (Clearing Regulations).

In addition to the matters considered in accordance with section 51O of the EP Act (Section 1.4), the Delegated Officer has also had regard to the objects and principles under section 4A of the EP Act, particularly:

- the precautionary principle
- the principle of intergenerational equity
- the principle of the conservation of biological diversity and ecological integrity

Other legislation of relevance for this assessment include:

- *Biodiversity Conservation Act 2016* (WA) (BC Act)
- *Biosecurity and Agriculture Management Act 2007* (BAM Act)
- *Conservation and Land Management Act 1984* (WA) (CALM Act)
- *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act)
- *Mining Act 1978* (WA)
- *Rights in Water and Irrigation Act 1914* (RIWI Act)

Relevant agreements (treaties) considered during the assessment include:

- Japan-Australia Migratory Bird Agreement
- China-Australia Migratory Bird Agreement
- Republic of Korea-Australia Migratory Bird Agreement

The key guidance documents which inform this assessment are:

- *A guide to the assessment of applications to clear native vegetation* (DER, December 2014)
- *Procedure: Native vegetation clearing permits* (DWER, October 2021)
- Guidance for the Assessment of Environmental Factors – Terrestrial Fauna Surveys for Environmental Impact Assessment in Western Australia (EPA, 2004a)
- Guidance for the Assessment of Environmental Factors – Terrestrial Flora and Vegetation Surveys for Environmental Impact Assessment in Western Australia (EPA, 2004b)
- Technical guidance – *Flora and Vegetation Surveys for Environmental Impact Assessment* (EPA, 2016)
- Technical guidance – *Terrestrial Fauna Surveys for Environmental Impact Assessment* (EPA, 2020)
- Guideline for Cumulative Impact Assessment (EPA, 2026)

3. Detailed assessment of application

3.1. Avoidance and mitigation measures

The applicant submitted the following information regarding avoidance/mitigation measures (Michael Guerinoni, 2024):

- Pivot Hill Quarry is a historic quarry site that has been disturbed intermittently since the 1980's. Infrastructure will be placed, where possible within the historically cleared or degraded areas and linked to existing infrastructure to minimise the need for new clearing;
- progressive clearing will be undertaken as required to accommodate for the project development stages;
- weed control will be ongoing throughout the active mining period; and
- progressive rehabilitation of quarry disturbed areas will be implemented when suitable areas become available.

The applicant provided details of management controls for the following environmental receptors (JAB Industries, 2024):

- Land clearing and topsoil management:
 - annual clearing areas will be marked out prior to clearing and no clearing will be undertaken without the approval of the Registered Manager;
 - existing cleared areas will be utilised, where feasible, to reduce the requirement to clear habitat;
 - where present, topsoil will be stripped to the maximum thickness possible and stored for future rehabilitation in low stockpiles away from traffic areas, surface flow zones and works areas. Stockpiles will be monitored annually for weed spread and the location included on Closure Plans; and
 - cleared areas will be rehabilitated as soon as they are no longer required for ongoing quarry use.
- Weed management:
 - materials (i.e. soil) should not be removed or imported for reuse where weed infestations are evident without prior spraying and follow-up monitoring;
 - existing infestations in the general project area and stockpiles will be brought to the attention of the Registered Management for action;
 - progressive rehabilitation of disturbed areas, (where feasible), will be undertaken to assist in reducing weed spread by promoting competition from local native species;
 - quarry personnel are made aware of weed management issues, quarantine requirements, and equipment hygiene requirements through the Site Induction Programme; and
 - managing weed invasions so as to control spread into native vegetation – all mobile equipment will be cleaned down prior to entry to the project site and weed assessment and control will be conducted after the wet season. Quarantine requirements will be met.
- Additionally, the applicant identified risks in relation to surface water management, dust, noise and light emissions, hazardous goods and hydrocarbon management, fire, waste management, waste rock and tailings, as well as social impacts, heritage, land use and community. However, most of these management measures are associated with operational activities and are not directly related to clearing of native vegetation.

During the assessment, the applicant agreed to reduce the application area boundary that originally included the entire tenement boundary of 18.16 hectares to 5.19 hectares that is indicative of the disturbance enveloped (Michael Guerinoni, 2026). The amount of proposed clearing remained unchanged.

3.2. Assessment of impacts on environmental values

In assessing the application, the Delegated Officer has had regard for the site characteristics (B.1) and the extent to which the impacts of the proposed clearing present a risk to biological, conservation, or land and water resource values.

The assessment against the clearing principles (see Appendix D) identified that the impacts of the proposed clearing may present a risk to biological values (fauna habitat, flora and vegetation) and conservation areas, is set out below.

3.2.1. Biological values (Threatened and Priority flora, and PEC) - Clearing Principle (a)

Assessment

A detailed vegetation and flora survey was conducted over the application area by Jenny Borger Botanical Consulting (2024), during a field trip between 30 April and 1 May 2024, noting several survey limitations including botanist having limited knowledge of the Victoria Bonaparte IBRA region, some grasses were sterile, no access to site during the recommended primary survey time due to rainfall, flooding and road conditions (JBBC, 2024). Conservation significant flora species that have been recorded in the local surrounds (50 kilometre radius) have been listed in Appendix C.2.

Threatened flora

One Threatened flora species is known from Victoria Bonaparte bioregion; *Lazarum* sp. Kununurra (formerly *Typhonium* sp. Kununurra) and there are 10 records that occur within 50 kilometres of the application area (GIS Database). The extent of occurrence (EOO) for this species is approximately 7 kilometres southwest of Kununurra extending approximately 50 kilometres northeast of Kununurra in the Northern Territory (Western Australian Herbarium, 1998-; GIS Database). *Lazarum* sp. Kununurra is an erect perennial herb occurring in dark grey clay or black soil, typically on sites which are waterlogged in summer and inundated after rainfall (Western Australian Herbarium, 1998-).

The application area intersects the Ord River Floodplain Ramsar site with majority of the site comprising of alluvium and coastal silt/evaporite deposits, with the area surrounding Parry Lagoons comprising of black soils formed in the Quaternary period (Commonwealth of Australia, 1990; Appendix G). Parry Creek (the main channel) that flows into Parry Lagoons and floodplains is located approximately 2.2 kilometres east of the application area (JAB Industries, 2024). The application area lies within the Frayne Land System described as undulating to low hilly basalt country with predominantly skeletal red soils (DPIRD, 2025), with field survey results describing soils as skeletal soils, red brown clay loams and surface basalt rock (JBBC, 2024). *Lazarum* sp. Kununurra has not been recorded within the Parry Creek, the Frayne land system or within the application area (JBBC, 2024; Western Australian Herbarium, 1998-; GIS Database).

Priority flora

One individual of *Brachychiton tridentatus* (P3) was recorded at one location within the application area (JBBC, 2024). Another individual was previously recorded outside the application area in 2012 (Botanical North, 2012; discussed in CPS 7924/1). *Brachychiton tridentatus* is a tree that inhabits areas of sand and sandstone with habitat described as rocky hills and ridges (Western Australian Herbarium, 1998-). While the broader area was not surveyed, records indicate this species is typically found individually with records occurring across Central and Northern Kimberley bioregions (Western Australian Herbarium, 1998-). There are nine records of this species within Drysdale River National Park (GIS Database). Given the distance to the nearest record is approximately 150 kilometres northwest of the application area, this population is representative of a possible range extension (Western Australian Herbarium, 1998-; GIS Database). No flowers or fruit were present with identification based on foliage and bark (JBBC, 2024). *Brachychiton incanus* (P3) has been recorded within Parry Lagoons Nature Reserve (DEC, 2012), with the nearest record approximately 12 kilometres northwest of the application area (GIS Database); however, habitat is unlikely to be suitable with field survey noting a low likelihood of occurrence (Western Australian Herbarium, 1998-; JBBC, 2024). Further classification investigations may be required.

Priority Ecological Community

Six priority ecological communities (PEC's) occur within the local surrounds as detailed in Appendix C.4 (GIS Database). Three PEC's are described from vegetation associations as defined by John Beard vegetation mapping for the Kimberley and three are described by from land systems supporting specific vegetation types (DBCA, 2025). None of the vegetation types or land systems are representative of these PEC's (JBBC, 2024).

Introduced flora

Five introduced flora species have been recorded within the application area (JBBC, 2024), including rubber bush (*Calotropis procera*) which is listed as a Declared Pest under Section 22 (2) of the *Biosecurity and Agriculture Management Act 2007*. None of the species are listed as Weeds of National Significance.

Conclusion

Based on the above assessment, the proposed clearing will result in the following impacts:

- **Threatened flora:** it is unlikely *Lazarum* sp. Kununurra will occur within the application area, given the lack of preferred habitat.
- **Priority flora:** there may be some local and regional impacts to *Brachychiton tridentatus* (P3) due to a potential range extension; however, it is unlikely this species will be significantly impacted at a species level, given populations occur within conservation areas. Further classification investigations may be required due to the distance between known records.
- **Priority Ecological Communities:** none of the vegetation communities have been identified as representing a PEC.
- **Introduced flora:** weeds have the potential to out-compete native flora and reduce the biodiversity of an area.

3.2.2. Biological values (fauna) - Clearing Principle (b)

Assessment

A desktop fauna assessment was undertaken by Jenny Borger Botanical Consulting (2024). No targeted or detailed field surveys have been conducted for fauna. Conservation significant fauna species that have been recorded in the local surrounds (50 kilometre radius) have been listed in Appendix C.3, with species that have the potential or are likely to occur within the application area discussed further.

Northern quoll

The northern quoll (*Dasyurus hallucatus*, EN) occurs in the northern regions of Australia (DNREAS, 2010). Three subspecies are recognised, reflecting geographic variation between populations, particularly in the Pilbara and Kimberley regions. *Dasyurus hallucatus exilis* occurs in the north-east Kimberley region (DNREAS, 2010). The northern quoll can be found in a variety of habitats, with a preference for complex rocky areas and/or high rainfall areas (DNREAS, 2010). Daytime den sites provide important shelter and protection from predators and weather, occurring in rocky outcrops, tree hollows, logs, termite mounds and goanna burrows (DNREAS, 2010). The National Recovery Plan for the Northern Quoll (DNREAS, 2010) states that habitat critical to survival is where the species is least exposed to threats, with this broadly being defined as rocky areas and offshore islands. Drainage habitat associated with flowlines is considered to be of high value as watercourses facilitate connectivity for dispersal and foraging (Cowan et al., 2022; Shaw et al., 2023). Large rock crevices, caves, creeks, wetlands, trees with hollows or logs with hollows were not observed during flora and vegetation field survey (JBBC, 2024). Minor areas of rock outcrop and small rock crevices were recorded (JBBC, 2024).

Scaly-tailed possum

The scaly-tailed possum (*Wyulda squamicaudata*, P4) has a restricted and patchy distribution in coastal northwest Kimberley inhabiting low open woodland, riparian forest and vine thickets where tumbled boulders provide shelter (Menkhorst and Knight, 2011). Most records of the scaly-tailed possum are over 200 kilometres from the area proposed to be cleared; however, there are seven records within a 50 kilometre radius of the application area, occurring southwest of the application area in gorge habitat (GIS Database).

Small mammals

The northern short-tailed mouse (*Leggadina lakedownensis*, P4) occurs across northern Australia, from the Pilbara in the west to Cape York Peninsula in the east (Aplin et al., 2016). This species is found in areas of open tussock and hummock grassland, *Acacia* shrubland and savanna woodland, on alluvial clay or sandy soils (Aplin et al., 2016). There are four records within a 50 kilometre radius of the application area (GIS Database).

Rakali (*Hydromys chrysogaster*, P4) occurs across coastal north Australia and occupies habitat in the vicinity of permanent water, be this fresh, brackish or marine (Australian Museum, 2026; Menkhorst and Knight, 2011). They burrow alongside river and lake banks where their burrows are usually hidden amongst vegetation (Australian Museum, 2026). The rakali is threatened by flood mitigation, swamp drainage, predation, and previously hunting (Australian Museum, 2026). There are five records within a 50 kilometre radius of the application area (GIS Database). The distance to the nearest waterbody is approximately 200 metres away (GIS Database).

Bats

The ghost bat (*Macroderma gigas*, VU) has a patchy distribution in the Pilbara and Kimberley regions of Western Australia (Bat Call WA, 2021; Commonwealth of Australia, 2025; Menkhorst and Knight, 2011), with records from the Kimberley region occurring in wooded areas (Commonwealth of Australia, 2025). In the Kimberley region, this species has been observed roosting above-ground (such as hollow boab or large sheds), presumably in or near foraging areas adjacent to permanent water in rocky rolling quartzite hills and valleys with sparse eucalypts over spinifex and other hummock grasses (Commonwealth of Australia, 2025). Critical habitat is defined as maternity roosts, permanent roosts and regular roosts and their surrounding foraging area (Commonwealth of Australia, 2025). The boab (*Adansonia gregorii*) found in the Kimberley region has been recorded within the application area; however, no hollows in trees were observed during the flora and vegetation field survey (JBBC, 2024). Wetlands occur in the local surrounds (GIS Database). There is one record of ghost bat within 50 kilometres of the application area (GIS Database).

Orange leaf-nosed bat (OLNB) (*Rhinonicteris aurantia*, P4) is distributed across Australia from Derby to Queensland and is considered common in the Northern Territory; however, scattered and localised in Western Australia (Menkhorst and Knight, 2011). During the dry season, this species roosts in deep, warm, humid caves and forages nearby; in the wet season, they may not require caves for roosting (Menkhorst and Knight, 2011). This species forages low in open habitats, including grasslands and along roads (Menkhorst and Knight, 2011). This species has been recorded seven times within a 50 kilometre radius of the application area (GIS Database).

Northern leaf-nose bat (NLNB) (*Hipposideros stenotis*, P2) has been recorded three times within a 50 kilometre radius of the application area (GIS Database). In Western Australia, this species occurs in the Kimberley region; however, rarely observed (Menkhorst and Knight, 2011; GIS Database). The NLNB only roosts in sandstone caves, boulder piles and disused mines and forages in a variety of vegetation types including rainforests, eucalypt woodland and spinifex covered hills (Menkhorst and Knight, 2011).

Wetland/shore birds

There are 31 wetland/shore bird species that have been recorded within the local surrounds as listed in Appendix C.3 (GIS Database). The nearest waterbody is approximately 200 metres to the northwest of the application area extending south at a distance of approximately 700 metres west of the application area (GIS Database). Many of the species that occur in the local surrounds forage within wetlands or waterbodies, with some that forage in grasslands (Menkhorst et al., 2019).

Birds of prey

The grey falcon (*Falco hypoleucos*, VU) is an elusive species distributed through central, northern and north-western Australia, associated with arid to semi-arid lowland plains, particularly *Acacia* shrublands crossed by tree-lined watercourses (Commonwealth of Australia, 2020). Grass dominated plains occurring in the application area has the potential to support this species.

The letter-winged kite (*Elanus scriptus*, P4) has a sparse occurrence in Western Australia inhabiting desert grasslands and timbered watercourses (Menkhorst et al., 2019; GIS Database). This species breeds inland around central and eastern Australia (Menkhorst et al., 2019; ALA, 2026). Grass dominated plains occurring in the application area has the potential to support this species.

The osprey (*Pandion haliaetus*, MI) occurs in the coastal regions of Australia primarily inhabiting mangroves, rivers, estuaries, inshore seas and coastal islands (Commonwealth of Australia, 2008; Menkhorst and Knight, 2011). It exhibits a preference to coastal cliffs and elevated islands but may also occur in woodland or forest when traveling to and from foraging sites (Commonwealth of Australia, 2008). There is a low likelihood of this species occurring, however may transit through the application area, given the distance to inland waters.

The peregrine falcon (*Falco peregrinus*, OS) is found across Australia in a variety of habitat types, and typically nests on rocky ledges in tall, vertical cliff faces and gorges, or in tall trees associated with drainage lines (Australian Museum, 2019). No cliffs or gorges that could be utilised for nesting occur within the application area (GIS Database).

The red goshawk (*Erythrotriorchis radiatus*, EN) is a solitary and secretive bird that inhabits coastal, subcoastal forest, and open woodland, especially along rivers (DERM, 2012; Commonwealth of Australia, 2023a; Menkhorst et al., 2019; GIS Database). They are known to breed in the Kimberley region in trees over 20 metres tall with an open limb and canopy structure (Commonwealth of Australia, 2023a). Most of the trees recorded within the application area were approximately 10 metres in height (JBBC, 2024) and likely not favoured for breeding. Habitat that is critical to survival for this species includes areas for foraging, breeding, roosting, or dispersal with land clearing and fragmentation being a key threat (DERM, 2012).

Other birds

Gouldian finch (*Chloebea gouldiae*, P4) is endemic to the savanna woodlands of northern Australia (Menkhorst et al., 2019; O'Malley, 2006). Breeding habitat is characterised by rocky hills with hollow-bearing smooth-barked gums (*Eucalyptus brevifolia* or *E. tintinnans*) within close proximity to permanent waterbodies that persist throughout the dry season (O'Malley, 2006). The Gouldian finch feeds almost exclusively on grass seed and depends on a relatively small number of grass species which seed at different times throughout the year (Commonwealth of Australia, 2016). Feeding habitat during the dry season dominated by annual spear grasses or native sorghum (*Sarga* species), and in wet season birds shift to feeding from scattered patches of cockatoo grass (*Alloteropsis semialata*), golden beard grass (*Chrysopogon fallax*) or spinifex-dominated communities (*Triodia bitextura*; *T. acutispicula*; *T. bynoei*; *T. schinzii*). No *Eucalyptus* species or core feeding habitat was recorded during the flora survey (JBBC, 2024). It is noted that white grass (*Sehima nervosum*) and a sterile *Triodia* species was recorded within the application area which are important wet season grass (JBBC, 2024; O'Malley, 2006). There are 19 records that occur within 2 kilometres north of the application area (GIS Database).

Fork-tailed swift (*Apus pacificus*, MI) is an entirely aerial migratory birds present in Australia during October to April (Menkhorst et al., 2019). Most abundant over inland plains but can occur over any terrestrial habitat and sometimes over sea (Menkhorst et al., 2019).

Oriental cuckoo (*Cuculus optatus*, MI) and red-rumped swallow (*Cecropis daurica*, MI) are summer migrants to north Australia inhabiting areas of forest and woodland (Menkhorst et al., 2019).

Yellow wagtail (*Motacilla flava*, MI) underwent taxonomic review in 2020 and has separated into two separate species: *Motacilla tschutschensis* and *Motacilla taivana* (Menkhorst et al., 2019). It is unclear which record this species reflects, however habitat is described as saltworks, paddocks, marshes or grassy wetlands (Menkhorst et al., 2019). Both are considered uncommon or rare within the current extent of occurrence (Menkhorst et al., 2019). This species may utilise the grass dominated plains occurring in the application area.

Reptiles

Kuchling's snake-necked turtle (*Chelodina kuchlingi*, CR) is a poorly known species likely restricted to lowland areas in north and east Kimberley (Wilson and Swan, 2021), with no records found in the 21st century (Kehlmaier et al., 2025). A recent taxonomic study identified a geographically close taxon; *Chelodina burrungandjii* (with *Chelodina walloyarrina* as a junior synonym), which is a junior synonym of *Chelodina kuchlingi* (Kehlmaier et al., 2025). The extant snake-necked turtles from the Ord River floodplain are conspecific with this taxon (Kehlmaier et al., 2025). The revision refines species distribution to the sandstone plateau and lowland coastal plains of the Kimberley region (Kehlmaier et al., 2025). Kehlmaier et al. (2025) concluded that this species may no longer qualify as Critically Endangered due to being conspecific with widespread taxa; therefore, broader inferred distribution. Further taxonomic studies within the genus are required (Kehlmaier et al., 2025). This species has been nominated for delisting under the BC Act and currently being considered by the Minister for Environment. Kuchling's snake-necked turtle is not currently listed under the EPBC Act; however, is under currently assessment (Commonwealth of Australia, 2008).

Northern blue-tongue skink (*Tiliqua scincoides intermedia*, CR) occurs across northern Australia from Eighty Mile Beach, across southern Kimberley and Top End of the Northern Territory (Commonwealth of Australia, 2023b). This species has been recorded at Parry Lagoons and likely to occur at the Ord River Floodplain and Parry Floodplain (Commonwealth of Australia, 2023b). They occur in a wide variety of ecosystems and have been recorded from basalt landforms and sheltering under shrubs and thick grasses (Commonwealth of Australia, 2023b) which occurs within the application area.

Conclusion

Based on the above assessment, the proposed clearing will result in the following impacts:

- **Northern quoll:** It is unlikely the area proposed to be cleared contains critical habitat for the northern quoll, however this species may transit through the area.
- **Scaly-tailed possum:** marginal suitable habitat for this species occurs. There is a low likelihood of occurrence, and it is unlikely to provide significant habitat for this species.
- **Small mammals:** there is potential for both these species to occur within the application area, however rakali has a lower likelihood of occurrence due to distance from nearest waterbody. The area is unlikely to provide significant habitat for either species.
- **Bats:** there is potential for these species to forage or transit through the area proposed for clearing. While it is unknown whether any roosts occur within the application area or in adjacent areas, the likelihood of roosting or breeding habitat being present is low due to the absence of caves and tree hollows.
- **Wetland/shore birds:** the area proposed to be cleared may support foraging habitat for some of these species or transitioning habitat; however, it is unlikely to provide core habitat. Most of the species that have been recorded in the local surrounds do not breed in Australia.
- **Birds of prey:** while there is a low likelihood of occurrence for some of these species due to the preference of large timbered watercourses of coastal areas, they may utilise the area for foraging or transiting; however, it is unlikely these species would utilise the area for breeding.
- **Gouldian finch:** it is unlikely there is suitable breeding habitat within the application area; however given the distance to the nearest population and presence of *Sehima nervosum* and *Triodia sp.*, it is likely this species forages or transits through the area.
- **Fork-tailed swift, oriental cuckoo, red-rumped swallow, and yellow wagtail:** not Australian breeding, potential foraging habitat, however highly mobile and extensive surrounding habitat in conservation area.
- **Reptiles:**
 - Kuchling's snake-necked turtle: not likely to be significantly impacted.
 - Northern blue-tongue skink: there is potential for this species to occur within the application area, given suitable habitat occurs.

3.2.3. Conservation areas - Clearing Principle (h)

Assessment

The application area is located within the following conservation areas:

- Ord River Floodplain that is listed as a Wetland of International Importance under the Ramsar Convention proclaimed under the EPBC Act;
- Parry Lagoons Nature Reserve proclaimed under the CALM Act; and
- Parry Floodplain that is listed as a ANCA Wetland in the Directory of Important Wetlands in Australia.

The Ord River Floodplain Ramsar site is located in the northeast of Western Australia, covering 140,766 hectares and contains a wide range of wetland types including inland and marine components (Hale, 2008). The vegetation communities critical to the ecological character of the site comprises of mangroves and saltmarsh, wetland grassland and sedges, riparian woodland, aquatic vegetation within the permanent waterholes of the Parry Lagoons (Hale, 2008).

Parry Lagoons Nature Reserve covers an area of 36,111 hectares for the purpose of conservation of flora and fauna (DEC, 2012; GIS Database). Parry Lagoons contains seasonally inundated floodplains and permanent or near-permanent water bodies, which are inundated via surface water flow from the Ord River or Parry Creek (DEC, 2012). Inundation is at its greatest extent and depth during March and April at the end of the wet season (DEC, 2012). Parry Creek is a seasonally flowing creek running through upland environments (DEC, 2012). According to the management plan, proposals relating mineral and petroleum exploration and development should be referred to the Conservation and Parks Commission, where appropriate, to provide advice to the Minister for Environment (DEC, 2012). DMPE notified the Department of Biodiversity, Conservation and Attractions (DBCA) on 18 July 2025. DBCA responded on 30 July 2025, advising that comment will be deferred pending resolution of matters under the *Mining Act 1978* (DBCA, 2025).

Parry Floodplain covers an area of 9,000 hectares including some permanent billabongs, larger claypans and swamps (Environment Australia, 2001). The site is a major breeding area for waterbirds; a major migration stop-over area for shorebirds and major drought refuge area for waterbirds (Environment Australia, 2001).

The application area is located in a non-wetland area above the floodplain on an elevated basalt hill (JAB Industries, 2024). Field survey indicates no wetlands or watercourses occur within the application area (JBBC, 2024). The local surrounds consist of wetlands within the greater Ord River Floodplain which is subject to inundation following rainfall (JAB Industries, 2024), including a saline coastal flat area mapped 200 to 500 metres to the northwest and west of the application area (GIS Database).

Conclusion

Ord River Floodplain, Parry Lagoons Nature Reserve and Parry Floodplain: Given the extent of clearing and location of the application area, potential impacts to these conservation areas are considered low and can be managed through vegetation management measures.

The applicant may have notification responsibilities under the EPBC Act for impacts to Ord River Floodplain, as set out in the EPBC Act. The applicant has been advised to contact the federal Department of Climate Change, Energy, the Environment and Water (DCCEEW) to discuss EPBC Act referral requirements.

3.3. Relevant planning instruments and other matters

The clearing permit application was advertised on 14 February 2025 by the Department of Energy, Mines, Industry Regulation and Safety (now DMPE) inviting submissions from the public. One submission was received in relation to this application.

There are no native title claims over the area under application (DPLH, 2025). 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, 2025). 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.

The Pivot Hill Project (CMS14346) was referred to the Environmental Protection Authority (EPA) on 13 January 2015. On 22 May 2015, the EPA decided under Section 39A of the *Environmental Protection Act 1986* not to assess the project.

It is noted that the proposed clearing may impact on Ord River Floodplain that is a listed Ramsar Wetland and several fauna species (listed in Appendix C.3) which are a protected matter under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). The proponent may be required to refer the project to the (Commonwealth) Department of Climate Change, Energy, the Environment and Water for environmental impact assessment under the EPBC Act. The proponent is advised to contact the Department of Climate Change, Energy, the Environment and Water for further information regarding notification and referral responsibilities under the EPBC Act.

A Mining Proposal and Mine Closure Plan (Registration ID 70247) for mining activities on Mining Lease 80/637 was approved on 18 February 2018, subject to conditions.

A Mining Development and Closure Proposal approved under the *Mining Act 1978* is required for any new activities proposed on Mining Lease 80/637 or amendments to current approvals.

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.

End

Appendix A. Additional information provided by applicant (Michael Guerinoni, 2026)

Summary of comments	Consideration of comment
On 14 April 2026, the Department sent a Notification of Intent to Refuse, allowing the applicant 21 days to make a submission detailing why the application should not be refused.	On 30 April 2026, the applicant responded accepting the intention to refuse the application, noting a new MDCP will be submitted that will cover the required mining area.
On 22 July 2025, the Department requested further information on survey conducted by Jenny Borger Botanical Consulting (2024) and management measures for priority flora within the application area.	On 25 July 2025, the applicant provided information on: • sampling effort and techniques, and a track log (Appendix F) indicating the disturbance envelope was sufficiently surveyed; however, the entire tenement did not rely on contemporary survey information; • vegetation mapping was partially extrapolated from previous mapping in Botanical North (2012) survey and field observations; and • flora taxa that were unlikely to occur due to substrate requirements were not included in report, including Threatened flora; <i>Lazarum</i> sp. Kununurra. On 27 July 2025, the applicant agreed to reduce the application boundary from the original application that included the entire tenement boundary of 18.16 hectares to 5.19 hectares that is indicative of the disturbance envelope.

Appendix B. Details of public submission

Summary of comments	Consideration of comment
General comments	
Clearing of native vegetation may: • decrease the environmental integrity of the area and undermine the Traditional Owners' capacity to protect the area, which may include sites of significance, from harm; • reduce habitats that support animals, thereby interfering with the availability of bushtucker for purposes including but not limited to personal, domestic and cultural purposes; • interfere with the availability of flora, including bushtucker and medicinal plants for purposes including but not limited to personal, domestic and cultural purposes; • result in disruption to the presence of fauna which may discourage Traditional Owners from accessing this area for the purpose of undertaking cultural activities such as hunting and the transmission of cultural heritage knowledge; and • impact water sources and interfere with Traditional Owners enjoyment and use of the area.	
A review of satellite imagery indicates that there is a cleared area that appears to be outside the boundary of Mining Lease 80/637. A shed or storage facility has been constructed on the cleared area.	The Department has conducted an investigation of the incident under the EP Act and the Mining Act. The storage facility has been removed, and the area is under rehabilitation (JAB Industries, 2024).
Environmental concerns	
The application area occurs within the Ord River Floodplain Ramsar site, designated in June 1990. The clearing of native vegetation in the application area may have detrimental effects on the land and ecology of an area that is recognised internationally as "the best example of wetlands associated with the floodplain and estuary of a tropical river system in the Kimberley region of Western Australia."	Addressed in Section 3.2.3.
Ord River and Parry Lagoons Nature Reserve Management Plan notes that "a major characteristic of the Parry Lagoons Nature Reserve is the presence of many waterbird species, often in great numbers."	Addressed in Sections 3.2.2 and 3.2.3.
Hale's (2008) report on the 'Ecological Character Description of the Ord River Floodplain Ramsar Site' states that "over 200 species of birds have been recorded within the site including waterfowl, migratory shorebirds, mangrove birds and terrestrial species. Parry Lagoons in particular is significant for waterbirds in terms of diversity, numbers and supporting critical lifecycle stages such as breeding. In addition, the site supports the Australian Painted Snipe (<i>Rostratula australis</i>) which is listed as vulnerable under the EPBC Act."	

The Management Plan states that Parry Creek, a seasonal creek connected to Parry Lagoons floodplain, “provides an array of seasonal and permanent freshwater wetlands that are important feeding and breeding habitat for migratory shorebirds, waterbirds and juvenile fish populations when flooded, and a refuge for resident aquatic flora and fauna during the dry season. Parry Lagoons is also recognised as regionally significant for waterbird breeding, with 13 species recorded breeding within Parry Lagoons between 1980 to 1993.”	
Hale’s (2008) reports that a total of 105 wetland bird species have been recorded in the Ramsar site and that list “includes 32 species that are listed under international migratory agreements.”	
The EPBC Act regulates and protects matters of national environmental significance (MNES), including nationally protected Ramsar wetlands and listed migratory species (protected under international agreements). For the purposes of the EPBC Act, a person must not take an action that has, will have, or is likely to have a significant impact on MNES without approval from the Commonwealth Minister for the environment under the EPBC Act. An action that would be prohibited without approval under the act is known as a controlled action. Referral under the EPBC Act may be necessary.	Addressed in Sections 3.2.2, 3.2.3 and 3.3.
Aboriginal Cultural Heritage concerns	
The application area is in close proximity to a registered Aboriginal heritage site.	
Traditional Owners do not always disclose the location of significant sites for registration with the Department Planning, Lands and Heritage. As such, many sites of significance in the Kimberley are not registered.	Addressed in Section 3.3.
There may be Aboriginal sites of significance on or in close proximity to the application area that are not registered and cannot be identified by the Applicant, which requires the Applicant to ensure that an appropriate heritage survey and/or cultural monitoring by the relevant Traditional Owners for the area takes place before any activities to clear native vegetation commence.	

B.1. Site characteristics

Characteristic	Details												
Local context	The area proposed to be cleared is part of an expansive tract of native vegetation in the extensive land use zone of Western Australia adjacent to the Pivot Hill Quarry and surrounded by Parry Lagoon Nature Reserve (JAB Industries, 2024; GIS Database). The application area is located within the 'Parry Lagoons Nature Reserve', which is part of the Register of the National Estate and published in the EPA Redbook (GIS Database). The predominant land uses in the region are grazing of native pastures, Unallocated Crown Land, Crown reserves and conservation (CALM, 2002).												
Ecological linkage	According to available databases, the application area does not contain any known or mapped ecological linkages (GIS Database).												
Conservation areas	The application area is located within the Parry Lagoons Nature Reserve (Reserve Number 42155) proclaimed under the <i>Conservation and Land Management Act 1984</i> – Section 5(1)(d).												
Vegetation description	The application area occurs within the Keep (VIB01) subregion of the Victoria Bonaparte bioregion (GIS Database). The vegetation of the application area is broadly mapped as Beard vegetation association Victoria Bonaparte (59): grasslands, high grass savanna sparse tree; bauhinia and coolabah over mitchell, blue and tall upland grasses (Government of Western Australia, 2019). The following vegetation associations were recorded within the application area (JBBC, 2024): <table><tr><th>Vegetation type</th><th>Description</th><th>Representative photo</th></tr><tr><td>Plain</td><td><i>Adansonia gregorii</i>, <i>Lysiphyllum cunninghamii</i>, <i>Cochlospermum fraseri</i> low open woodland over <i>Cochlospermum fraseri</i>, <i>Terminalia canescens</i>, <i>Crotalaria medicaginea</i> var. <i>neglecta</i> tall sparse shrubland over <i>Heteropogon contortus</i>, <i>Chloris barbata</i>*, <i>Terminalia canescens</i> tall tussock grassland over <i>Sehima nervosum</i>, <i>Heteropogon contortus</i>, <i>Boerhavia paludosa</i> low open tussock grassland.</td><td></td></tr><tr><td>Footslope</td><td><i>Adansonia gregorii</i>, <i>Lysiphyllum cunninghamii</i> and <i>Corymbia confertiflora</i> open low woodland to low woodland over <i>Flueggea virosa</i> open shrubland over <i>Heteropogon contortus</i> and <i>Sehima nervosum</i> grassland.</td><td></td></tr><tr><td>Mid to upper slopes</td><td><i>Corymbia confertiflora</i>, <i>Adansonia gregorii</i> low open woodland to isolated low trees over <i>Terminalia canescens</i>, <i>Cochlospermum fraseri</i>, <i>Adansonia gregorii</i> tall sparse shrubland over <i>Heteropogon contortus</i>, <i>Terminalia canescens</i>, <i>Cochlospermum fraseri</i> tall tussock grassland.</td><td></td></tr></table>	Vegetation type	Description	Representative photo	Plain	<i>Adansonia gregorii</i> , <i>Lysiphyllum cunninghamii</i> , <i>Cochlospermum fraseri</i> low open woodland over <i>Cochlospermum fraseri</i> , <i>Terminalia canescens</i> , <i>Crotalaria medicaginea</i> var. <i>neglecta</i> tall sparse shrubland over <i>Heteropogon contortus</i> , <i>Chloris barbata</i> *, <i>Terminalia canescens</i> tall tussock grassland over <i>Sehima nervosum</i> , <i>Heteropogon contortus</i> , <i>Boerhavia paludosa</i> low open tussock grassland.		Footslope	<i>Adansonia gregorii</i> , <i>Lysiphyllum cunninghamii</i> and <i>Corymbia confertiflora</i> open low woodland to low woodland over <i>Flueggea virosa</i> open shrubland over <i>Heteropogon contortus</i> and <i>Sehima nervosum</i> grassland.		Mid to upper slopes	<i>Corymbia confertiflora</i> , <i>Adansonia gregorii</i> low open woodland to isolated low trees over <i>Terminalia canescens</i> , <i>Cochlospermum fraseri</i> , <i>Adansonia gregorii</i> tall sparse shrubland over <i>Heteropogon contortus</i> , <i>Terminalia canescens</i> , <i>Cochlospermum fraseri</i> tall tussock grassland.	
Vegetation type	Description	Representative photo											
Plain	<i>Adansonia gregorii</i> , <i>Lysiphyllum cunninghamii</i> , <i>Cochlospermum fraseri</i> low open woodland over <i>Cochlospermum fraseri</i> , <i>Terminalia canescens</i> , <i>Crotalaria medicaginea</i> var. <i>neglecta</i> tall sparse shrubland over <i>Heteropogon contortus</i> , <i>Chloris barbata</i> *, <i>Terminalia canescens</i> tall tussock grassland over <i>Sehima nervosum</i> , <i>Heteropogon contortus</i> , <i>Boerhavia paludosa</i> low open tussock grassland.												
Footslope	<i>Adansonia gregorii</i> , <i>Lysiphyllum cunninghamii</i> and <i>Corymbia confertiflora</i> open low woodland to low woodland over <i>Flueggea virosa</i> open shrubland over <i>Heteropogon contortus</i> and <i>Sehima nervosum</i> grassland.												
Mid to upper slopes	<i>Corymbia confertiflora</i> , <i>Adansonia gregorii</i> low open woodland to isolated low trees over <i>Terminalia canescens</i> , <i>Cochlospermum fraseri</i> , <i>Adansonia gregorii</i> tall sparse shrubland over <i>Heteropogon contortus</i> , <i>Terminalia canescens</i> , <i>Cochlospermum fraseri</i> tall tussock grassland.												

Characteristic	Details		
	Crest	<i>Heteropogon contortus</i> sparse tussock grassland over <i>Calandrinia uniflora</i> , <i>Spermacoce constricta</i> , <i>Ptilotus fusiformis</i> , <i>Mitrasacme exserta</i> , <i>Boerhavia paludosa</i> low sparse forbland.	
	Hillslope	Open woodland of <i>Adansonia gregorii</i> , <i>Corymbia confertiflora</i> and <i>Terminalia platyptera</i> , <i>Cochlospermum fraseri</i> and <i>Hakea arborescens</i> over mixed grassland of <i>Sehima nervosum</i> and <i>Heteropogon contortus</i> .	
	Cleared	totally degraded	N/A
	*denotes weed species.		
Vegetation mapping is provided in Appendix F.			
Vegetation condition	The vegetation survey (JBBC, 2024) and aerial imagery (GIS Database) indicate the vegetation within the proposed clearing area is in Excellent to Totally degraded (Trudgen, 1991) condition. The full Trudgen (1991) condition rating scale is provided in Appendix E.		
Climate and landform	The climate of the Victoria Bonaparte region is dry hot tropical, semi-arid summer rainfall with an annual rainfall average of approximately 847.0 millimetres recorded at Wyndham Aero (BoM, 2025; CALM, 2002). The application area is mapped on the lower slopes of a hill, within elevations of 10 to 30 metres Australian Height Datum (AHD) (GIS Database). The adjacent hill elevation is approximately 50 metres AHD with the surrounding area approximately 10 metres AHD (GIS Database).		
Soil description	The soil is mapped as part of the Frayne Land System (DPIRD, 2025, GIS Database). This land system is described as undulating plains with eucalypt woodlands and mixes grasses (DPIRD, 2025). Basalt agglomerate and tuff, Lower Cambrian (Antrim Plateau Volcanics) and small areas of Carpentarian dolerite (DPIRD, 2025). Soils range from rock outcrops and basalt boulders with pockets of skeletal soil to brown loams merging into dark red clay with some brown clay skeletal soils (DPIRD, 2025).		
Land degradation risk	The soils occurring within the application area have a low susceptibility to erosion except the moderate to gentle slopes adjacent to the alluvial floors (DPIRD, 2025).		
Waterbodies	The desktop assessment and aerial imagery indicated that no watercourses intersect the area proposed to be cleared (JBBC, 2024; GIS Database). The nearest waterbody is approximately 200 metres to the northwest of the application area, extending south at a distance of approximately 700 metres west of the application area (GIS Database).		
Hydrogeography	The nearest Public Drinking Water Source Area is the Moolchalabra Dam Catchment Area, located approximately 9.2 kilometres southwest of the application area (GIS Database). The application area occurs within the Canning-Kimberley Groundwater Area proclaimed under the <i>Rights in Water and Irrigation Act 1914</i> (GIS Database). The application area occurs within the Ord River Floodplain (Site 477) that is listed as a Wetland of International Importance under the Ramsar Convention proclaimed under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (GIS Database). The application area occurs within the Parry Floodplain (WA100) that is listed as a ANCA Wetland in Directory of Important Wetlands in Australia (Environment Australia, 2001; GIS Database). The mapped groundwater salinity is less than 500 milligrams per litre total dissolved solids, which is described as potable fresh water (GIS Database).		

Characteristic	Details
Flora	There are no records of Threatened flora within the application area (JBBC, 2024; GIS Database). There is record of one Threatened flora within the local surrounds (50 kilometres) (GIS Database). There is one record of Priority flora species within the application area (JBBC, 2024) and 61 priority flora species that occur in the local surrounds (50 kilometres) listed in Appendix C.2 (GIS Database).
Ecological communities	There are no records of Threatened Ecological Communities (TEC's) mapped within the application area or local surrounds (50 kilometres) (JBBC, 2024; GIS Database). Six Priority Ecological Communities occur within the local surrounds (50 kilometres) listed in Appendix C.4 (GIS Database).
Fauna	There are records of 57 of conservation significant fauna that have been recorded in the local surrounds (50 kilometres) listed in Appendix C.3 (JBBC, 2024; GIS Database).
Fauna habitat	Two broad fauna habitat types were described within the application area based on the vegetation and flora survey (JBBC, 2024): - grass dominated plains with isolated trees to open woodland; and - open woodland on rocky hill slopes with minor areas of rock outcrop. No trees with hollows were observed and no hollow logs were present (JBBC, 2024). Rock crevices were very small and may provide habitat for small reptiles and insects (JBBC, 2024). Larger rock crevices and caves which may provide habitat for fauna were not present. No creeks or wetlands were recorded within the application area (JBBC, 2024).

Appendix C. Site characteristics

C.1. Vegetation extent

	Pre-European area (ha)	Current extent (ha)	Extent remaining (%)	Current extent in all DBCA managed land (ha)	Current extent in all DBCA Managed Land (proportion of pre-European extent) (%)
IBRA Bioregion Victoria Bonaparte	1,879,996.19	1,847,137.03	98.72	319,201.68	17.06
IBRA Subregion Keep	1,870,996.17	1,847,137.03	98.72	319,201.68	17.06
Local Government Shire of Wyndham East Kimberley	11,189,826.04	11,016,722.87	98.45	1,491,711.98	13.33
Beard vegetation associations - State					
Veg Assoc No. 59	139,451.36	121,191.90	86.91	14,741.18	10.57
Beard vegetation associations - Bioregion					
Veg Assoc No. 59	138,636.87	120,695.78	87.06	14,361.36	10.36
Beard vegetation associations - subregion					
Veg Assoc No. 59	138,636.87	120,695.78	87.06	14,361.36	10.36

Government of Western Australia (2019)

C.2. Flora analysis table

Through a search of available databases, the below conservation significant flora taxa have been recorded within 50 kilometres of the application area (GIS Database). There are limited records and information on a number of priority flora within the Keep subregion, therefore there may be variation in the habitat suitability described in the table below as information becomes available for these species. Adequacy of field surveys is partially limiting (as detailed in 3.2.1) (Bean, 2022; Butcher, 2020; Cowie, 2004; JBBC, 2024; Western Australian Herbarium, 1998-; GIS Database).

Species name	Suitable habitat features? [Y/N]	Suitable vegetation type? [Y/N]	Suitable soil type? [Y/N]	Distance of closest record to application area (km)	Number of known records (total)	Are surveys adequate to identify? [Y, N, N/A]
Threatened						
<i>Lazarum</i> sp. Kununurra (A.N. Start ANS 1467) (formerly <i>Typhonium</i> sp. Kununurra (A.N. Start ANS 1467))	N	N	N	<41	52	Y
Priority 1						
<i>Acacia seclusa</i>	N	N	N	<38	5	Y
<i>Croton arnhemicus</i>	N	N	N	<9	7	Y
<i>Cucumis</i> sp. Bastion Range (A.A. Mitchell et al. AAM 10710)	N	N	N	<18	11	Y
<i>Cyperus digitatus</i>	N	N	N	<43	3	Y
<i>Echinochloa kimberleyensis</i>	N	N	N	<8	6	Y
<i>Euploca alcyonium</i>	Unknown	Unknown	Unknown	<44	1	Y
<i>Euploca cupressina</i>	Potential	N	N	<18	13	Y
<i>Euploca foveolata</i>	N	N	N	<44	9	Y
<i>Fimbristylis subaristata</i>	N	N	N	<29	6	Y
<i>Goodenia brachypoda</i>	N	N	Y	<2	18	Y
<i>Goodenia durackiana</i>	N	Y	N	<44	7	Y
<i>Goodenia malvina</i>	N	N	N	<5	20	Y
<i>Grona flagellaris</i>	Potential	Unknown	Potential	<34	2	Y
<i>Hibiscus</i> sp. Kununurra (K.F. Kenneally 1940)	N	N	N	<44	12	Y
<i>Ipomoea argillicola</i>	N	Y	N	<43	14	Y
<i>Iseilema trichopus</i>	N	Unknown	N	<44	2	Y
<i>Jacquemontia</i> sp. Keep River (J.L. Egan 5015)	N	N	N	<36	8	Y
<i>Microsorium grossum</i>	N	N	N	<46	3	Y
<i>Polycarpaea umbrosa</i>	N	N	N	<45	3	Y
<i>Polygala crassitesta</i>	N	N	N	<31	5	Y
<i>Scaevola</i> sp. Cockburn Range (G.W. Carr 3369 & A.C. Beauglehole 47147)	Unlikely	Unknown	N	<32	3	Y
<i>Solanum pugiunculiferum</i>	N	Unknown	N	<7	5	Y
<i>Sphaeranthus africanus</i>	Unknown	Unknown	Unknown	<20	2	Y
<i>Sphenoclea zeylanica</i>	N	N	N	<18	3	Y
<i>Tephrosia cardiophylla</i>	N	N	N	<11	9	Y
<i>Trachymene oleracea</i> subsp. <i>sedimentum</i>	N	N	N	<20	3	Y
<i>Triodia fitzgeraldii</i>	N	N	N	<38	8	Y
<i>Triodia racemigera</i>	N	N	N	<29	19	Y
<i>Triodia triticoides</i>	N	Unknown	N	<44	9	Y
<i>Lazarum</i> sp. Middle Creek (M.D. Barrett MDB 3246) (formerly <i>Typhonium</i> sp.)	N	N	N	<31	9	Y

Species name	Suitable habitat features? [Y/N]	Suitable vegetation type? [Y/N]	Suitable soil type? [Y/N]	Distance of closest record to application area (km)	Number of known records (total)	Are surveys adequate to identify? [Y, N, N/A]
Middle Creek (M.D. Barrett MDB 3246)						
<i>Utricularia stellaris</i>	N	N	N	<3	4	Y
<i>Utricularia tridactyla</i>	N	N	N	<45	9	Y
<i>Zornia areolata</i>	N	N	Unlikely	<41	1	Y
Priority 2						
<i>Dolichandrone filiformis</i>	N	N	N	<23	10	Y
<i>Eucalyptus ordiana</i>	N	N	N	<29	15	Y
<i>Fimbristylis laxiglumis</i>	N	N	N	<19	4	Y
<i>Gomphrena longistyla</i>	N	N	N	<7	10	Y
<i>Minuria macrorrhiza</i>	Potential	N	Y	<28	22	Y
<i>Neptunia valida</i>	Unlikely	Unlikely	Unlikely	<20	8	Y
<i>Nymphaea immutabilis</i>	N	Unknown	N	<8	1	Y
<i>Stylidium incognitum</i>	N	Partial	N	<5	12	Y
<i>Tephrosia</i> sp. Kununurra (T. Handasyde TH00 250)	N	Unknown	N	<35	10	Y
<i>Utricularia aurea</i>	N	N	N	<7	11	Y
Priority 3						
<i>Acacia richardsii</i>	N	Unknown	N	<45	20	Y
<i>Acacia</i> sp. Cockburn Range (R. Pullen 10.763)	N	Unknown	N	<35	3	Y
<i>Brachychiton incanus</i>	Potential	N	N	<12	21	Y
<i>Brachychiton tridentatus</i>	Y	Y	Y	0	38	Y
<i>Brachychiton tuberculatus</i>	N	N	N	<30	18	Y
<i>Dendrophthoe odontocalyx</i>	N	N	N	<44	18	Y
<i>Gardenia sericea</i>	N	Unlikely	N	<35	7	Y
<i>Goodenia byrnesii</i>	N	N	Potential	<19	29	Y
<i>Isotropis browniae</i>	N	N	N	<31	3	Y
<i>Lophostemon grandiflorus</i> subsp. <i>grandiflorus</i>	N	N	N	<14	18	Y
<i>Pityrodia obliqua</i>	N	Unknown	N	<32	7	Y
<i>Stylidium prophyllum</i>	N	N	N	<37	13	Y
<i>Synostemon hubbardii</i>	N	Unknown	N	<44	5	Y
<i>Synostemon rigidulus</i>	N	N	N	<28	10	Y
<i>Tephrosia</i> sp. Mistake Creek (A.C. Beaughole 54424)	N	N	N	<28	10	Y
<i>Tephrosia valleculeata</i>	Potential	Unlikely	N	<23	14	Y
Priority 4						
<i>Ipomoea gracilis</i>	N	N	N	<44	17	Y
<i>Paspalidium distans</i>	N	Unknown	N	<12	3	Y

T: threatened, CR: critically endangered, EN: endangered, VU: vulnerable, P: priority

C.3. Fauna analysis table

Through a search of available databases, the below conservation significant fauna taxa have been recorded within 50 kilometres of the application area, with the addition of two species that have the potential to occur and lack database records (Aplin et al., 2016; Australian Museum, 2026; Commonwealth of Australia, 1990; 2008; 2016; 2020; 2023a; 2023b; 2025; Cowan et al., 2022; DEC, 2012; DERM, 2012; DNREAS, 2010; JBBC, 2024; Kehlmaier et al., 2025; Menkhorst and Knight., 2011; Menkhorst et al., 2019; Wilson and Swan, 2021; GIS Database).

Species name	Conservation status		Suitable habitat features ? [Y/N]	Suitable vegetation type? [Y/N]	Distance of closest record to application area (km)	Number of known records (within 50 km)	Are surveys adequate to identify? [Y, N, N/A]
	State	Federal					
Mammal							
Ghost bat (<i>Macroderma gigas</i>)	VU	VU	Y	Y	<42	1	N
Northern leaf-nose bat (<i>Hipposideros stenotis</i>)	P2	-	Y	Y	<18	3	N
Northern quoll (<i>Dasyurus hallucatus</i>)	EN	EN	Y	Y	<1	2	N
Northern short-tailed mouse (<i>Leggadina lakedownensis</i>)	P4	-	Y	Y	<16	4	N
Orane leaf-nose bat (<i>Rhinionictis aurantia</i>)	P4	-	Y	Y	<18	7	N
Scaly-tailed possum (<i>Wyulda squamicaudata</i>)	P4	-	Marginal	Marginal	<33	7	N
Water-rat (<i>Hydromys chrysogaster</i>)	P4	-	Marginal	Marginal	<11	5	N
Reptiles							
Freshwater crocodile (<i>Crocodylus johnstoni</i>)	OS	-	N	N	<22	6	N
Kuchling's snake-necked turtle (<i>Chelodina kuchlingi</i>)	CR	-	Unlikely	Unlikely	<21	3	N
Northern blue-tongue skink (<i>Tiliqua scincoides intermedia</i>)	CR	CR	Y	Y	-	-	N
Saltwater crocodile (<i>Crocodylus porosus</i>)	MI	MI	N	N	<6	3	N
Birds of prey							
Grey falcon (<i>Falco hypoleucos</i>)	VU	VU	Y	Y	<26	1	N
Letter-winged kite (<i>Elanus scriptus</i>)	P4	-	Potential	Potential	<5	10	N
Osprey (<i>Pandion haliaetus</i>)	MI	MI	Potential	Potential	<7	39	N
Peregrine falcon (<i>Falco peregrinus</i>)	OS	-	Y	Y	<5	13	N
Red goshawk (<i>Erythroriorchis radiatus</i>)	VU	EN	Y	Y	<6	5	N
Wetland/shore birds							
Australasian bittern (<i>Botaurus poiciloptilus</i>)	EN	EN	N	N	<4	4	N
Australian little bittern (<i>Botaurus dubius</i>)	P4	-	N	N	<7	2	N
Australian painted snipe (<i>Rostratula australis</i>)	EN	EN	N	N	<5	11	N
Bar-tailed godwit (<i>Limosa lapponica</i>)*	MI	MI	N	N	<7	3	N
Black-tailed godwit (<i>Limosa limosa</i>)*	MI	EN & MI	N	N	<4	15	N
Caspian tern (<i>Hydroprogne caspia</i>)	MI	MI	N	N	<3	80	N
Common greenshank (<i>Tringa nebularia</i>)*	MI	EN & MI	N	N	<4	104	N
Common sandpiper (<i>Actitis hypoleucos</i>)	MI	MI	N	N	<4	92	N
Curlew sandpiper (<i>Calidris ferruginea</i>)*	CR	CR & MI	N	N	<7	10	N

Species name	Conservation status		Suitable habitat features ? [Y/N]	Suitable vegetation type? [Y/N]	Distance of closest record to application area (km)	Number of known records (within 50 km)	Are surveys adequate to identify? [Y, N, N/A]
	State	Federal					
Eastern curlew (<i>Numenius madagascariensis</i>)*	CR	CR & MI	N	N	<12	23	N
Glossy ibis (<i>Plegadis falcinellus</i>)	MI	MI	N	N	<2	287	N
Greater sand plover (<i>Charadrius leschenaultii</i>)*	VU	VU & MI	N	N	<7	3	N
Grey plover (<i>Pluvialis squatarola</i>)*	MI	VU & MI	N	N	<44	1	N
Grey-tailed tattler (<i>Tringa brevipes</i>)*	P4 & MI	MI	N	N	<24	1	N
Gull-billed tern (<i>Gelochelidon nilotica</i>)	MI	MI	N	N	<3	63	N
Little curlew (<i>Numenius minutus</i>)*	MI	MI	Potential	Potential	<7	20	N
Little tern (<i>Sternula albifrons</i>)	MI	VU & MI	N	N	<10	2	N
Long-toed stint (<i>Calidris subminuta</i>)*	MI	MI	N	N	<7	3	N
Marsh sandpiper (<i>Tringa stagnatilis</i>)	MI	MI	N	N	<4	54	N
Masked owl (northern) (<i>Tyto novaehollandiae kimberli</i>)	P1	VU	Y	Y	>260	-	N
Oriental plover (<i>Charadrius veredus</i>)*	MI	MI	Y	Y	<4	8	N
Oriental pratincole (<i>Glareola maldivarum</i>)*	MI	MI	Potential	Potential	<6	45	N
Pacific golden plover (<i>Pluvialis fulva</i>)	MI	MI	N	N	<7	10	N
Red-necked stint (<i>Calidris ruficollis</i>)*	MI	MI	N	N	<4	18	N
Ruff (<i>Calidris pugnax</i>)*	MI	MI	N	N	<7	1	N
Sharp-tailed sandpiper (<i>Calidris acuminata</i>)*	MI	VU & MI	N	N	<4	47	N
Swinhoe's snipe (<i>Gallinago megala</i>)*	MI	MI	N	N	<8	11	N
Terek sandpiper (<i>Xenus cinereus</i>)*	MI	VU & MI	N	N	<23	2	N
Whimbrel (<i>Numenius phaeopus</i>)*	MI	MI	N	N	<23	12	N
White-winged black tern (<i>Chlidonias leucopterus</i>)*	MI	MI	N	N	<7	18	N
Wood sandpiper (<i>Tringa glareola</i>)*	MI	MI	N	N	<4	42	N
Other birds							
Barn swallow (<i>Hirundo rustica</i>)*	MI	MI	N	N	<9	11	N
Crested shrike-tit (northern) (<i>Falcunculus whitei</i>)	P3	VU	N	N	<16	2	N
Fork-tailed swift (<i>Apus pacificus</i>)	MI	MI	Y	Y	<7	9	N
Gouldian finch (<i>Chloebia gouldiae</i>)	P4	EN	Y	Y	<2	235	N
Oriental cuckoo (<i>Cuculus optatus</i>)*	MI	MI	Y	Y	<26	5	N
Partridge pigeon (western) (<i>Geophaps smithii blaauwi</i>)	VU	VU	Unlikely	Unlikely	<46	1	N
Purple-crowned fairy-wren (western) (<i>Malurus coronatus coronatus</i>)	EN	EN	Unlikely	Unlikely	<15	6	N
Red-rumped swallow (<i>Cecropis daurica</i>)	MI	MI	Y	Y	<43	4	N
Yellow wagtail (<i>Motacilla flava</i>)	MI	MI	Potential	Potential	<46	1	N
Invertebrate							
Nimberline camaenid land snail (El Questro Station) (<i>Prymnbriareus nimberlinus</i>)	P3	-	N	N	<37	2	N

T: threatened, CR: critically endangered, EN: endangered, VU: vulnerable, MI: migratory, CD: conservation dependent, OS: other specially protected, P: priority, *: does not breed in Australia

C.4. Ecological community analysis table

Through a search of available databases, the below ecological communities were identified within 50 kilometres of the application area (DBCA, 2025; JBBC, 2024; GIS Database).

Community name	Suitable habitat features? [Y/N]	Suitable vegetation type? [Y/N]	Suitable soil type? [Y/N]	Distance of closest record to application area (km)	Number of known records (total)	Are surveys adequate to identify? [Y, N, N/A]
Priority 1						
Kimberley Vegetation Association 915	N	N	N	<43	1	Y
Kimberley Vegetation Association 918	N	N	N	<36	2	Y
Priority 3						
Dinnabung Land System	N	N	N	<43	13	Y
Ivanhoe Land System	N	N	N	<8	2	Y
Kimberley Vegetation Association 838	N	N	N	<1	12	Y
Willeroo Land System	N	N	N	<34	9	Y

T: threatened, CR: critically endangered, EN: endangered, VU: vulnerable, P: priority

Appendix D. Assessment against the clearing principles

Assessment against the clearing principles	Variance level	Is further consideration required?
Environmental value: biological values		
Principle (a): <i>"Native vegetation should not be cleared if it comprises a high level of biodiversity."</i> <u>Assessment:</u> The area proposed to be cleared contains conservation significant flora, however unlikely conservation significant assemblages of plants.	At variance	Yes <i>Refer to Section 3.2.1, above.</i>
Principle (b): <i>"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."</i> <u>Assessment:</u> The area proposed to be cleared contains habitat for that may support several conservation significant fauna.	May be at variance	Yes <i>Refer to Section 3.2.2, above.</i>
Principle (c): <i>"Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened flora."</i> <u>Assessment:</u> There are no known records of Threatened flora within the application area, however one occurs within the local surrounds (50 kilometres) (JBBC, 2024; GIS Database).	Not likely to be at variance	Yes <i>Refer to Section 3.2.1, above.</i>
Principle (d): <i>"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."</i> <u>Assessment:</u> There are no records of Threatened Ecological Communities within the area proposed to be cleared or the local surrounds (50 kilometres) (JBBC, 2024; GIS Database).	Not likely to be at variance	No
Environmental value: significant remnant vegetation and conservation areas		
Principle (e): <i>"Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared."</i> <u>Assessment:</u> The extent of the mapped vegetation type is consistent with the national objectives and targets for biodiversity conservation in Australia (Commonwealth of Australia,	Not likely to be at variance	No

Assessment against the clearing principles	Variance level	Is further consideration required?
2001). The application area does not contain any known or mapped ecological linkages and is surrounded by extensive conservation areas (GIS Database). The Ord River and Parry Lagoons nature reserves management plan aims to link large, contiguous habitats or enabling the maintenance of ecological processes (DEC, 2012). Given the extent of the proposed clearing, surrounding conservation areas, previous site disturbance from ongoing mining activities since the 1980's, and rehabilitation requirements managed under the <i>Mining Act 1978</i> , it is unlikely to significantly impact remnant vegetation.		
<u>Principle (h):</u> <i>"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> <u>Assessment:</u> The application area occurs within the Parry Lagoon Nature Reserve, Ord River Floodplain and Parry Floodplain, and the proposed clearing may have an impact on conservation values of the conservation area.	May be at variance	Yes <i>Refer to Section 3.2.3, above.</i>
Environmental value: land and water resources		
<u>Principle (f):</u> <i>"Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland."</i> <u>Assessment:</u> The application area is within the mapped Ord River Floodplain that is listed as a Wetland of International Importance under the Ramsar Convention proclaimed under the EPBC Act and within the Parry Floodplain that is listed in the Directory of Important Wetlands in Australia (Appendix G; GIS Database). The application area is located in a non-wetland area above the floodplain on an elevated basalt hill and no watercourses were recorded during field survey (JBBC, 2024; JAB Industries, 2024; GIS Database).	May be at variance	Yes <i>Refer to Section 3.2.3, above.</i>
<u>Principle (g):</u> <i>"Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation."</i> <u>Assessment:</u> The mapped soils are not generally susceptible to erosion (DPIRD, 2025). Noting the extent and location of the application area, the proposed clearing is not likely to have an appreciable impact on land degradation.	Not likely to be at variance	No
<u>Principle (i):</u> <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."</i> <u>Assessment:</u> Given no wetlands, water course or Public Drinking Water Sources Areas are recorded within the application area (JBBC, 2024; GIS Database), the proposed clearing is unlikely to impact surface or ground water quality.	Not likely to be at variance	No
<u>Principle (j):</u> <i>"Native vegetation should not be cleared if the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding."</i> <u>Assessment:</u> The floodplains of the lower Ord River represent a complex network of meandering streams, permanent pools, levee banks, and seasonal wetland areas (JAB Industries, 2024). During the wet season, drainage into the streams and rivers occur from local catchment thunderstorms or broad scale monsoonal low-pressure systems (JAB Industries, 2024). The application area is located in a non-wetland area above the floodplain on an elevated basalt hill (JAB Industries, 2024). The local surrounds consist of wetlands within the greater Ord River Floodplain which is subject to inundation following rainfall (JAB Industries, 2024). Given the location and extent of proposed clearing, it is unlikely to cause, or exacerbate, the incidence or intensity of flooding.	Not likely to be at variance	No

Appendix E. Vegetation condition rating scale

Vegetation condition is a rating given to a defined area of vegetation to categorise and rank disturbance related to human activities. The rating refers to the degree of change in the vegetation structure, density and species present in relation to undisturbed vegetation of the same type. The degree of disturbance impacts upon the vegetation's ability to regenerate. Disturbance at a site can be a cumulative effect from a number of interacting disturbance types.

Considering its location, the scale below was used to measure the condition of the vegetation proposed to be cleared. This scale has been extracted from Trudgen, M.E. (1991) *Vegetation condition scale* in National Trust (WA) 1993 Urban Bushland Policy. National Trust of Australia (WA), Wildflower Society of WA (Inc.), and the Tree Society (Inc.), Perth.

Measuring vegetation condition for the Eremaean and Northern Botanical Provinces (Trudgen, 1991)

Condition	Description
Excellent	Pristine or nearly so, no obvious signs of damage caused by human activities since European settlement.
Very good	Some relatively slight signs of damage caused by human activities since European settlement. For example, some signs of damage to tree trunks caused by repeated fire, the presence of some relatively non-aggressive weeds, or occasional vehicle tracks.
Good	More obvious signs of damage caused by human activity since European settlement, including some obvious impact on the vegetation structure such as that caused by low levels of grazing or slightly aggressive weeds.
Poor	Still retains basic vegetation structure or ability to regenerate it after very obvious impacts of human activities since European settlement, such as grazing, partial clearing, frequent fires or aggressive weeds.
Very poor	Severely impacted by grazing, very frequent fires, clearing or a combination of these activities. Scope for some regeneration but not to a state approaching good condition without intensive management. Usually with a number of weed species present including very aggressive species.
Completely degraded	Areas that are completely or almost completely without native species in the structure of their vegetation; i.e. areas that are cleared or 'parkland cleared' with their flora comprising weed or crop species with isolated native trees or shrubs.

Appendix F. Vegetation mapping and flora survey track log within the application area

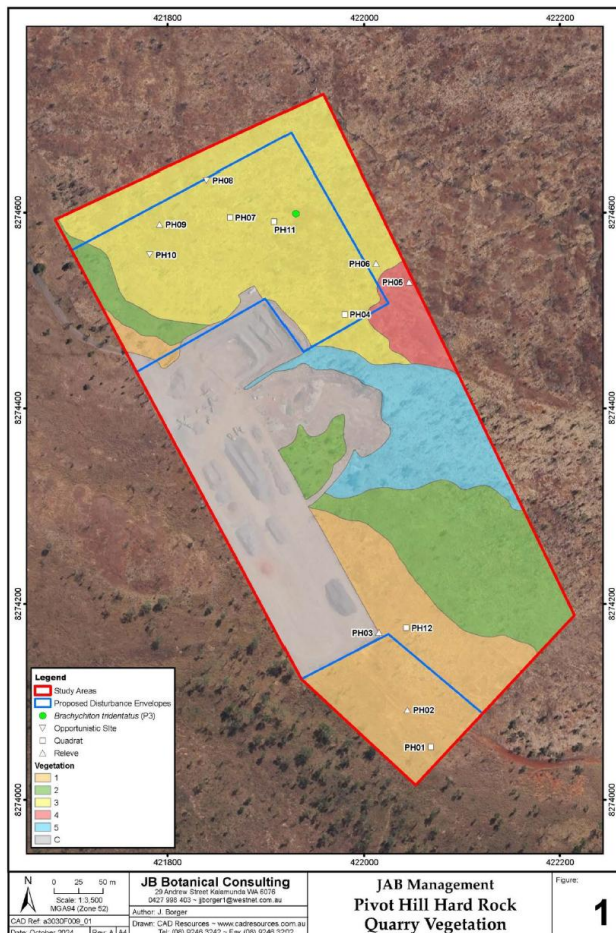


Figure 2. Vegetation types and priority flora within the application area (JBBC, 2024).

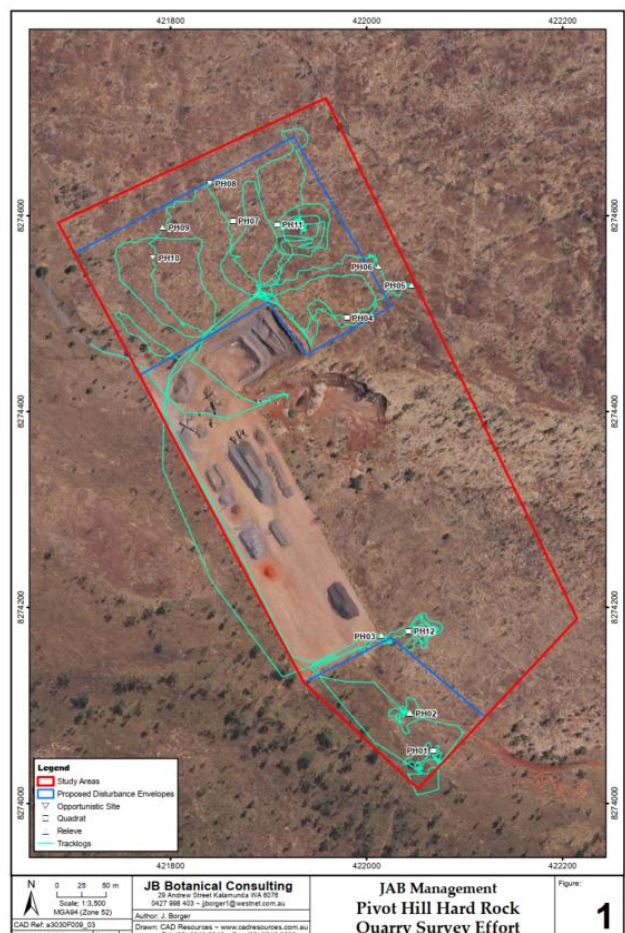


Figure 3. Track log of survey effort within the application area during JBBC (2024) survey (Michael Guerinoni, 2026).

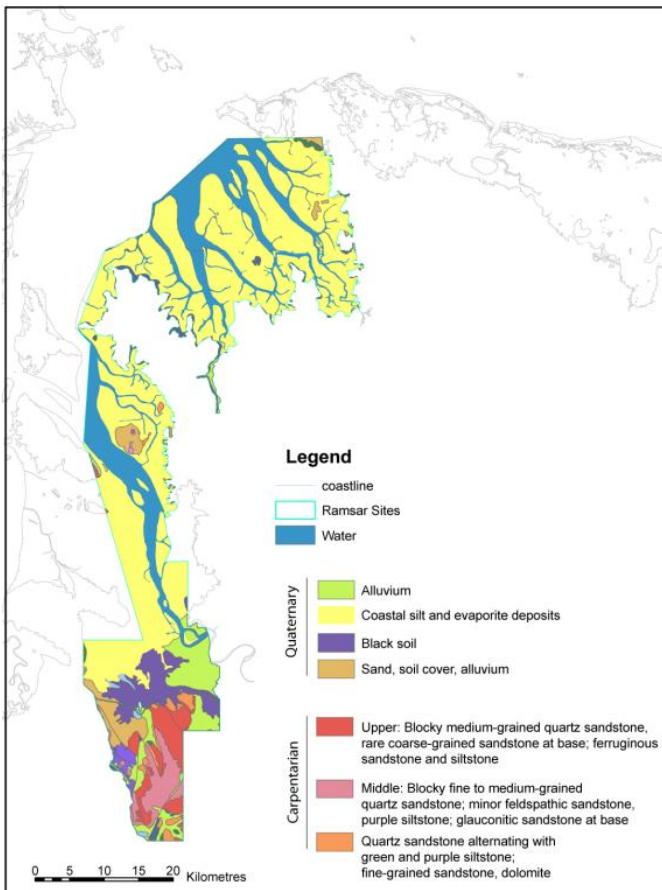


Figure 4. Major geological formations and soils of the Ord River Floodplain Ramsar site (Hale, 2008).

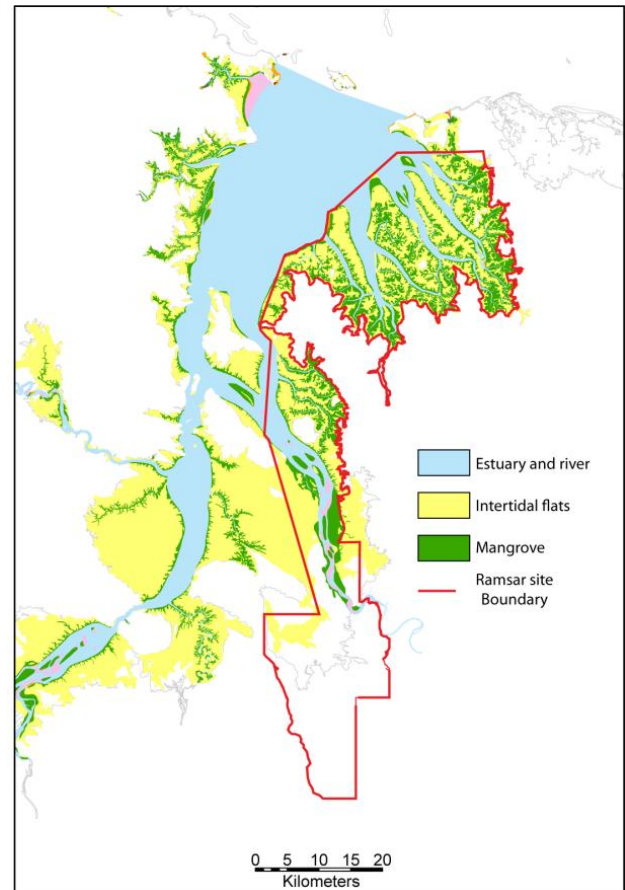


Figure 5. Map showing extent of mangrove and intertidal sand flats within the Ord River Floodplain Ramsar site (Hale, 2008).



Figure 6. Network of surface water drainage surrounding the Ord River Floodplain Ramsar site with major tributaries and rivers highlighted (Hale, 2008). The application area is approximately 2.2 kilometres east of Parry Creek (JAB Industries, 2024).



Figure 7. Map of the Ramsar site with landmarks (Hale, 2008).

Appendix H. Sources of information

H.1. GIS datasets

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

- Clearing Instruments Activities (Areas Approved to Clear) (DWER-076)
- Clearing Regulations - Environmentally Sensitive Areas (DWER-046)
- Clearing Regulations - Schedule One Areas (DWER-057)
- DBCA - Lands of Interest (DBCA-012)
- DBCA - Legislated Lands and Waters (DBCA-011)
- DBCA Fire History (DBCA-060)
- Directory of Important Wetlands in Australia - Western Australia (DBCA-045)
- EPA Redbook Recommended Conservation Reserves 1976-1991 (DBCA-029)
- EPA Referred Significant Proposals (DWER-120)
- Groundwater Salinity Statewide (DWER-026)
- IBRA Vegetation Statistics
- IBSA Survey Details (DWER-118)
- Local Government Area (LGA) Boundaries (LGATE-233)
- Localities (LGATE-234)
- Medium Scale Topo Contour (Line) (LGATE-015)
- Medium Scale Topo Elevation (Point) (LGATE-014)
- Medium Scale Topo Water (Line) (LGATE-018)
- Native Title (Determination) (LGATE-066)
- Native Vegetation Extent (DPIRD-005)
- Pre-European Vegetation (DPIRD-006)
- Public Drinking Water Source Areas (DWER-033)
- Ramsar Sites (DBCA-010)
- Reserves (LGATE-227)
- RIWI Act, Groundwater Areas (DWER-034)
- RIWI Act, Surface Water Areas and Irrigation Districts (DWER-037)
- Soil Landscape Mapping - Best Available (DPIRD-027)
- Townsites (LGATE-248)
- WA Now Aerial Imagery

Restricted GIS Databases used:

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

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4. Glossary

Acronyms:

BC Act	<i>Biodiversity Conservation Act 2016</i> , Western Australia
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)
DCCEEW	Department of Climate Change, Energy, the Environment and Water, Australian Government
DBCA	Department of Biodiversity, Conservation and Attractions, Western Australia
DEMIRS	Department of Energy, Mines, Industry Regulation and Safety (now DMPE)
DER	Department of Environment Regulation, Western Australia (now DWER)
DMIRS	Department of Mines, Industry Regulation and Safety, Western Australia (now DMPE)
DMP	Department of Mines and Petroleum, Western Australia (now DMPE)
DMPE	Department of Mines, Petroleum and Exploration
DoEE	Department of the Environment and Energy (now DCCEEW)
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</i> , Western Australia
EPA	Environmental Protection Authority, Western Australia
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth 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:

DBCA (2023) Conservation Codes for Western Australian Flora and Fauna. Department of Biodiversity, Conservation and Attractions, Western Australia:

Threatened species

T 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 the species of fauna that are listed as critically endangered, endangered or vulnerable threatened species.

Threatened flora is the species of flora that are listed as critically endangered, endangered or vulnerable threatened species.

The assessment of the conservation status of threatened species is in accordance with the BC Act listing criteria and the requirements of [Ministerial Guideline Number 1](#) and [Ministerial Guideline Number 2](#) that adopts the use of the International Union for Conservation of Nature (IUCN) [Red List of Threatened Species Categories and Criteria](#), and is based on the national distribution of the species.

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.

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.

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.

Extinct species

Listed by order of the Minister as extinct under section 23(1) of the BC Act as extinct or extinct in the wild.

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).

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.

Specially protected species

SP 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).

Migratory species include birds that are subject to an agreement between the government of Australia and the governments of Japan (JAMBA), China (CAMBA) or 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.

CD Species of special conservation interest (conservation dependent fauna)

Species of special conservation need that are 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).

Currently only fauna are listed as species of special conservation interest.

OS Other specially protected species

Species 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).

Currently only fauna are listed as species otherwise in need of special protection.

Priority species

P Priority species

Priority is not a listing category under the BC Act. The Priority Flora and Fauna lists are maintained by the department and are published on the department's website.

All fauna and flora are protected in WA following the provisions in Part 10 of the BC Act. The protection applies even when a species is not listed as threatened or specially protected, and regardless of land tenure (State managed land (Crown land), private land, or Commonwealth land).

Species that may possibly be threatened species that do not meet the criteria for listing under the BC Act because of insufficient survey 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 prioritisation for survey and evaluation of conservation status so that consideration can be given to potential listing as threatened.

Species that are adequately known, meet criteria for near threatened, or are rare but not threatened, or that have been recently removed from the threatened species list or conservation dependent or other specially protected fauna lists for other than taxonomic reasons, are placed in Priority 4. These species require regular monitoring.

Assessment of priority status 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 – known from few locations, none on conservation lands

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, for example, 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 for threatened listing and appear to be under immediate threat from known threatening processes. These species are in urgent need of further survey.

P2 Priority Two - Poorly-known species – known from few locations, some on conservation lands

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, for example, 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 for threatened listing and appear to be under threat from known threatening processes. These species are in urgent need of further survey.

P3 Priority Three - Poorly-known species – known from several locations

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. These species need 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 a conservation dependent specially protected species.
- (c) Species that have been removed from the list of threatened species or lists of conservation dependent or other specially protected species, during the past five years for reasons other than taxonomy.
- (d) Other species in need of monitoring.

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.