



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 1153/2
Permit type: Purpose

1.2. Proponent details

Proponent's name: Metals Exploration Limited

1.3. Property details

Property: Exploration Licence 69/535
Local Government Area: Shire of Nganyatjarraku
Colloquial name: Wingellina Area

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 26 May 2016

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description The amended clearing permit application area has been broadly mapped as the following Beard vegetation associations (GIS Database):

19: Low woodland; mulga between sand ridges; and

92: Hummock grasslands, sparse tree steppe; bloodwood over hard spinifex *Triodia basedowii*

The application area was surveyed by Outback Ecology Services on 13-22 April 2008 (Outback Ecology Services, 2009). The following seven vegetation types were identified within the application area:

Ega: *Eucalyptus gamophylla* (*Eucalyptus mannensis* subsp. *mannensis*) (very) open shrub mallee over *Senna* spp., *Acacia* spp. open shrubland/scattered shrubs over *Triodia* spp. hummock grassland on upper slopes and ridges;

Eso: *Eucalyptus socialis* subsp. *eucentrica* open shrub mallee occasionally with *Eucalyptus gamophylla*, *Eucalyptus mannensis* subsp. *mannensis* scattered mallees over *Acacia aneura*, *Acacia kempeana*, *Acacia oswaldii*, *Acacia validinervia* scattered tall shrubs/open shrubland/low shrubland over mixed shrubs over *Triodia* spp. hummock grassland, *Eragrostis eriopoda*, *Enteropogon ramosus* scattered grasses/very open grassland. On valley floors and plains associated with increased moisture availability;

Egyp: *Eucalyptus gypsophila* (Very) open shrub mallee often with *Eucalyptus socialis* subsp. *eucentrica* over mixed *Acacia* spp. over *Ptilotus obovatus* var. *obovatus* low shrubland/open shrubland over *Triodia helmsii*/*Triodia pungens* hummock grassland. On hills and slopes;

Aca: *Acacia aneura* var. *aneura*, *Acacia aneura* aff. *intermedia* low woodland-scattered tall shrubs over mixed *Acacia* spp., *Senna artemisioides* scattered shrubs/open shrubland over *Eragrostis eriopoda*, *Aristida* spp., *Enteropogon ramosus* open-closed grassland. On plains surrounding Wingellina;

Hdi: *Hakea divaricata* low open woodland over **Cenchrus ciliaris*, *Enteropogon ramosus* open grassland, apparently restricted on flats;

Apr: *Acacia pruinocarpa*, *Hakea lorea* subsp. *lorea* tall open shrubland over *Senna artemisioides* subsp. *oligophylla* x *helmsii*, *Acacia kempeana* low open shrubland over *Triodia helmsii* hummock grassland, *Cymbopogon obtectus* very open tussock grassland. On low hills to the south of Wingellina; and

Ccot: *Codonocarpus cotinifolius* low open woodland over *Eucalyptus gamophylla* scattered mallee over *Senna glutinosa*, *Acacia kempeana*, *Hakea lorea* subsp. *lorea* open shrubland over *Acacia valdinervia*, *Ptilotus nobilis* subsp. *nobilis* low open shrubland over *Triodia helmsii* hummock grassland, *Cymbopogon obtectus* very open tussock grassland. On low hills to the south of Wingellina.

*Identified weed species

Clearing Description	Wingellina Area Metals Exploration Limited proposes to clear up to 4.23 hectares of native vegetation within a total boundary of approximately 8,554 hectares, for the purpose of mineral exploration. The project is located approximately 698 kilometres north-east of Laverton, in the Shire of Nganyatjarraku.
Vegetation Condition	Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Kieghery, 1994). To Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Kieghery, 1994).
Comment	Vegetation condition was obtained from a flora and vegetation survey conducted by Outback Ecology Services (2009). Clearing permit CPS 1153/1 was granted by the Department of Mines and Petroleum on 26 May 2011, authorising the clearing of up to 4.23 hectares of native vegetation within a boundary of approximately 8,554 hectares. On 29 April 2016, the permit holder applied to amend CPS 1153/1 to extend the permit duration by five years.

3. Assessment of application against clearing principles

Comments The amendment to extend the permit duration by five years is unlikely to result in any significant change to the environmental impacts of the proposed clearing. The size of the area approved to clear (4.23 hectares) and the permit boundary remains unchanged.

The assessment against the clearing principles remains consistent with the assessment contained in decision report CPS 1153/1.

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

Comments: There is one native title claim (WC 2004/003) over the area under application (DAA, 2016). This claim has been registered with the Native Title Tribunal on behalf of the claimant group. However, the tenure has been granted in accordance with the future act regime of the *Native Title Act 1993* and the nature of the act (ie. 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 several registered Sites of Aboriginal Significance located in the area applied to clear (DAA, 2016). It is the proponent's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no Sites of Aboriginal Significance are damaged through the clearing process.

It is the proponent's responsibility to liaise with the Department of Environment Regulation, the Department of Parks and Wildlife and the Department of Water, to determine whether a Works Approval, Water Licence, Bed and Banks Permit, or any other licences or approvals are required for the proposed works.

Methodology: DAA (2016)

4. References

- DAA (2016) Aboriginal Heritage Inquiry System. Department of Aboriginal Affairs. <http://maps.dia.wa.gov.au/AHIS2/> (Accessed 17 May 2016)
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia
- Outback Ecology Services (2009) Wingellina Nickel Project: Baseline Vegetation and Flora Assessment. Report prepared for Metals X Limited, by Outback Ecology Services, April 2009.

5. Glossary

Acronyms:

BoM	Bureau of Meteorology, Australian Government
DAA	Department of Aboriginal Affairs, Western Australia
DAFWA	Department of Agriculture and Food, Western Australia
DEC	Department of Environment and Conservation, Western Australia (now DPaW and DER)
DER	Department of Environment Regulation, Western Australia
DMP	Department of Mines and Petroleum, Western Australia
DRF	Declared Rare Flora
DotE	Department of the Environment, Australian Government
DoW	Department of Water, Western Australia
DPaW	Department of Parks and Wildlife, Western Australia
DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities (now DotE)
EPA	Environmental Protection Authority, Western Australia
EP Act	<i>Environmental Protection Act 1986</i> , Western Australia
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Federal Act)
GIS	Geographical Information System
ha	Hectare (10,000 square metres)
IBRA	Interim Biogeographic Regionalisation for Australia
IUCN	International Union for the Conservation of Nature and Natural Resources – commonly known as the World Conservation Union
PEC	Priority Ecological Community, Western Australia
RIWI Act	<i>Rights in Water and Irrigation Act 1914</i> , Western Australia
TEC	Threatened Ecological Community

Definitions:

{DPaW (2015) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia}:-

T	Threatened species: Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i> , listed under Schedules 1 to 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora (which may also be referred to as Declared Rare Flora). Threatened fauna is that subset of ‘Specially Protected Fauna’ declared to be ‘likely to become extinct’ pursuant to section 14(4) of the Wildlife Conservation Act. Threatened flora is flora that has been declared to be ‘likely to become extinct or is rare, or otherwise in need of special protection’, pursuant to section 23F(2) of the Wildlife Conservation Act. 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. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i> , in Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.
EN	Endangered species Threatened species considered to be facing a very high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i> , in Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.
VU	Vulnerable species Threatened species considered to be facing a high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i> , in Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.
EX	Presumed extinct species Species which have been adequately searched for and there is no reasonable doubt that the last individual has died. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i> , in Schedule 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Presumed Extinct Fauna and Wildlife Conservation (Rare Flora) Notice for Presumed Extinct Flora.

- IA Migratory birds protected under an international agreement**
Birds that are subject to an agreement between the government of Australia and the governments of Japan (JAMBA), China (CAMBA) and The Republic of Korea (ROKAMBA), and the Bonn Convention, relating to the protection of migratory birds. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 5 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- CD Conservation dependent fauna**
Fauna of special conservation need being species dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 6 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- OS Other specially protected fauna**
Fauna otherwise in need of special protection to ensure their conservation. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 7 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- P Priority species**
Species which are poorly known; or
Species that are adequately known, are rare but not threatened, and require regular monitoring. Assessment of Priority codes is based on the Western Australian distribution of the species, unless the distribution in WA is part of a contiguous population extending into adjacent States, as defined by the known spread of locations.
- P1 Priority One - Poorly-known species:**
Species that are known from one or a few locations (generally five or less) which are potentially at risk. All occurrences are either: very small; or on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, road and rail reserves, gravel reserves and active mineral leases; or otherwise under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes. Such species are in urgent need of further survey.
- P2 Priority Two - Poorly-known species:**
Species that are known from one or a few locations (generally five or less), some of which are on lands managed primarily for nature conservation, e.g. national parks, conservation parks, nature reserves and other lands with secure tenure being managed for conservation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes. Such species are in urgent need of further survey.
- P3 Priority Three - Poorly-known species:**
Species that are known from several locations, and the species does not appear to be under imminent threat, or from few but widespread locations with either large population size or significant remaining areas of apparently suitable habitat, much of it not under imminent threat. Species may be included if they are comparatively well known from several locations but do not meet adequacy of survey requirements and known threatening processes exist that could affect them. Such species are in need of further survey.
- P4 Priority Four - Rare, Near Threatened and other species in need of monitoring:**
(a) Rare. Species that are considered to have been adequately surveyed, or for which sufficient knowledge is available, and that are considered not currently threatened or in need of special protection, but could be if present circumstances change. These species are usually represented on conservation lands.
(b) Near Threatened. Species that are considered to have been adequately surveyed and that are close to qualifying for Vulnerable, but are not listed as Conservation Dependent.
(c) Species that have been removed from the list of threatened species during the past five years for reasons other than taxonomy.

Principles for clearing native vegetation:

- (a) Native vegetation should not be cleared if it comprises a high level of biological diversity.
- (b) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia.
- (c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.
- (d) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community.
- (e) Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.
- (f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.
- (g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.
- (h) Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.
- (i) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.
- (j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.