



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 1997/3  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: Western Areas NL

### 1.3. Property details

Property: Mining Lease 74/57  
Mining Lease 74/58  
Mining Lease 74/90  
Local Government Area: Shire of Kondinin  
Colloquial name: Forrestania Nickel Project

### 1.4. Application

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

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 6 December 2012

## 2. Site Information

### 2.1. Existing environment and information

#### 2.1.1. Description of the native vegetation under application

**Vegetation Description** Beard vegetation associations have been mapped at for the whole of Western Australia, and are useful to look at vegetation extent in a regional context. Four Beard vegetation associations are located within the application area:

519 - Shrublands; mallee scrub, *Eucalyptus eremophila*. Beard vegetation association 519 is dominated by *Eucalyptus eremophila*, with sub-dominance of *Eucalyptus sp.* (mallee), with a lower shrub strata of *Melaleuca sp.* (Government of Western Australia, 2011; GIS Database).

936 - Medium woodland; salmon gum (Government of Western Australia, 2011; GIS Database).

128 - Bare areas; rock outcrops. No strata are recorded for this Beard vegetation type (Government of Western Australia, 2011; GIS Database). It is likely that this vegetation association refers to the existing open cut mine.

1413 - Shrublands; *Acacia*, *Casuarina* & *Melaleuca* thicket. Beard vegetation association 1413 is dominated by *Eucalyptus loxophleba*, with a middle shrub strata of *Allocasuarina dielsiana*, *Senna sp.*, *Dodonaea stenozyga*, *Melaleuca acuminata*, *Calothamnus quadrifidus* and *Santalum acuminatum* with a lower shrub strata of *Boronia inornata*, *Westringia dampieri* and *Halgania lavandulacea* (Government of Western Australia, 2011; GIS Database).

The application area was surveyed in November 2006 by Botanica Consulting (2006). The following vegetation communities were described by Botanica Consulting (2006):

Transitional *Eucalyptus* woodland: Upper-storey of *Eucalyptus flocktoniae ssp. flocktoniae* and *E. urna* with some *E. salmonophloia*, mid-storey of many *Melaleuca sp.*, *Daviesia nematophylla*, *Senna artemisioides ssp. filifolia*, *Halgania andromedifolia* and *Dodonaea bursariifolia*, with an under-storey of *Olearia muelleri*, *Wilsonia humilis*, *Atriplex stipitata*, *Astroloma serratifolium*, *Acacia intricata*, *A. deficiens* and *Microcybe albiflora*.

*Eucalyptus* mallee woodland: Upper-storey of *Eucalyptus eremophila ssp. eremophila*, *E. calycogona* and *E. cylindrocarpa*, with mid-storey of *Eremophila drummondii*, *Melaleuca adnata*, *M. elliptica*, *M. hamata*, *Daviesia bethamii ssp. acanthoclada* and *Hakea multilineaata*, with understorey of *Cooperhookea strophiolata*, *Westringia cephalantha*, *Acacia sphaecelata ssp. sphaecelata* and *A. intricata*.

Banded Ironstone Formation: Upper-storey of *Eucalyptus eremophila ssp. eremophila*, *E. flocktoniae ssp. flocktoniae* and *E. urna*, with mid-storey of *Goodenia pinifolia*, *Calothamnus quadrifidus*, *Melaleuca cordata*, *M. adnata*, *M. hamata*, *M. cardiophylla*, *Daviesia nematophylla*, *Grevillea lullfittzii* (P1), *G. insignis ssp. elliotii* (P3), *Hakea multilineaata* and *Petrophile divaricata*, with an under-storey of *Olearia muelleri*, *Lepidosperma brunonianum*, *Hibbertia pungens*, *Astroloma serratifolium* and *Westringia cephalantha*.

*Eucalyptus eremophila* woodland: Upper-storey of *Eucalyptus eremophila* ssp. *eremophila*, *E. phenax*, *E. pileata*, with a mid-storey of *Melaleuca adnata*, *M. hamata*, *M. uncinata* and *Thryptomene kochii*, with an under-storey of *Olearia muelleri*, *Lepidosperma brunonianum*, *Westringia cephalantha*, *Acacia sphacelata* ssp. *sphacelata* and *Boronia inornata*.

*Eucalyptus salubris* woodland: Upper-storey of *Eucalyptus salubris*, *E. calycogona*, *E. yilgarnensis*, with a mid-storey of *Melaleuca acuminata*, *M. cardiophylla*, *M. pauperiflora* ssp. *pauperiflora*, *Exocarpus aphyllus* and *Santalum acuminatum*, with an under-storey of *Olearia muelleri*, *Astroloma serritifolium*, *Acacia deficiens*, *A. erinacea*, *A. intricata* and *A. sphacelata* ssp. *sphacelata* and a moss, *Barbula calycina*. Rehabilitation: Species present include *Angianthus tomentosus*, *Olearia muelleri*, *Eucalyptus flocktoniae* ssp. *flocktoniae*, *E. salubris*, *E. annulata*, *E. salmonophloia*, *Acacia deficiens*, *A. erinacea*, *A. hemiteles*, *Melaleuca adnata*, *Daviesia nematophylla*, *Dodonaea bursariiflora* and *D. viscosa*.

**Clearing Description** Western Areas NL have applied to clear up to 70 hectares within an application area of approximately 369 hectares for the purpose of developing infrastructure associated with the Digger Rocks south project. Digger Rocks South is located approximately 80 kilometers east of Hyden. An existing mine site occurs at Digger Rocks south. The new mine will either be a satellite pit or a cut back of the existing pit.

**Vegetation Condition** Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery 1994).

**Comment** According to Botanica Consulting (2006), vegetation condition within the application area ranges from excellent to very good, except for the rehabilitation vegetation community which is described as good condition. Botanica Consulting refer to the vegetation within the application area as both communities and groups with no description as to the meaning of either term (Botanica Consulting, 2006). For the purpose of this assessment, vegetation described by Botanica Consulting (2006) will be referred to as communities.

On 16 November 2012 Western Areas NL applied to amend the duration of Clearing Permit CPS 1997/2 from 8 December 2012 to 30 June 2017. To date 52 hectares of the allowed 70 hectares have been cleared.

### 3. Assessment of application against clearing principles

#### Comments

The proposed amendment is administrative only, therefore, the assessment of the clearing principles is consistent with that in decision report CPS 1997/2.

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

#### Comments

The application area is not subject to any Native Title claims (GIS Database). This claim has been registered with the Native Title Tribunal on behalf of the claimant groups. However, the mining tenure has been granted in accordance with the future act regime of the *Native Title Act 1993* and the nature of the act (i.e. the proposed clearing activity) has been provided for in that process, therefore the granting of a clearing permit is not a future act under the *Native Title Act 1993*.

There are no registered Aboriginal Sites of Significance within the application area (GIS Database). It is the proponent's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no Aboriginal sites of significance are damaged through the clearing process.

It is the proponent's responsibility to liaise with the Department of Environment and Conservation 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

GIS Database:  
- Aboriginal Sites of Significance  
- Native Title Claims - Registered with the NNTT

### 4. References

- Botanica Consulting (2006) Flora and Vegetation Survey of Digger Rocks and the RT Pipeline Corridor (M74/58, M74/90, M74/57 & L77/44). Unpublished report prepared for Western Areas NL by Botanica Consulting.
- Government of Western Australia (2011) 2011 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). WA Department of Environment and Conservation, Perth.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.

## 5. Glossary

### Acronyms:

BoM	Bureau of Meteorology, Australian Government
CALM	Department of Conservation and Land Management (now DEC), Western Australia
DAFWA	Department of Agriculture and Food, Western Australia
DEC	Department of Environment and Conservation, Western Australia
DEH	Department of Environment and Heritage (federal based in Canberra) previously Environment Australia
DEP	Department of Environment Protection (now DEC), Western Australia
DIA	Department of Indigenous Affairs
DLI	Department of Land Information, Western Australia
DMP	Department of Mines and Petroleum, Western Australia
DoE	Department of Environment (now DEC), Western Australia
DoIR	Department of Industry and Resources (now DMP), Western Australia
DOLA	Department of Land Administration, Western Australia
DoW	Department of Water
EP Act	Environmental Protection Act 1986, Western Australia
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999 (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
RIWI Act	Rights in Water and Irrigation Act 1914, Western Australia
s.17	Section 17 of the Environment Protection Act 1986, Western Australia
TEC	Threatened Ecological Community

### Definitions:

{Atkins, K (2005). *Declared rare and priority flora list for Western Australia, 22 February 2005*. Department of Conservation and Land Management, Como, Western Australia} :-

- P1** **Priority One - Poorly Known taxa:** taxa which are known from one or a few (generally <5) populations which are under threat, either due to small population size, or being on lands under immediate threat, e.g. road verges, urban areas, farmland, active mineral leases, etc., or the plants are under threat, e.g. from disease, grazing by feral animals, etc. May include taxa with threatened populations on protected lands. Such taxa are under consideration for declaration as 'rare flora', but are in urgent need of further survey.
- P2** **Priority Two - Poorly Known taxa:** taxa which are known from one or a few (generally <5) populations, at least some of which are not believed to be under immediate threat (i.e. not currently endangered). Such taxa are under consideration for declaration as 'rare flora', but are in urgent need of further survey.
- P3** **Priority Three - Poorly Known taxa:** taxa which are known from several populations, at least some of which are not believed to be under immediate threat (i.e. not currently endangered). Such taxa are under consideration for declaration as 'rare flora', but are in need of further survey.
- P4** **Priority Four – Rare taxa:** taxa which are considered to have been adequately surveyed and which, whilst being rare (in Australia), are not currently threatened by any identifiable factors. These taxa require monitoring every 5–10 years.
- R** **Declared Rare Flora – Extant taxa (= Threatened Flora = Endangered + Vulnerable):** taxa which have been adequately searched for, and are deemed to be in the wild either rare, in danger of extinction, or otherwise in need of special protection, and have been gazetted as such, following approval by the Minister for the Environment, after recommendation by the State's Endangered Flora Consultative Committee.
- X** **Declared Rare Flora - Presumed Extinct taxa:** taxa which have not been collected, or otherwise verified, over the past 50 years despite thorough searching, or of which all known wild populations have been destroyed more recently, and have been gazetted as such, following approval by the Minister for the Environment, after recommendation by the State's Endangered Flora Consultative Committee.

{Wildlife Conservation (Specially Protected Fauna) Notice 2005} [Wildlife Conservation Act 1950] :-

- Schedule 1** **Schedule 1 – Fauna that is rare or likely to become extinct:** being fauna that is rare or likely to become extinct, are declared to be fauna that is need of special protection.
- Schedule 2** **Schedule 2 – Fauna that is presumed to be extinct:** being fauna that is presumed to be extinct, are declared to be fauna that is need of special protection.
- Schedule 3** **Schedule 3 – Birds protected under an international agreement:** being birds that are subject to an agreement between the governments of Australia and Japan relating to the protection of migratory birds and birds in danger of extinction, are declared to be fauna that is need of special protection.
- Schedule 4** **Schedule 4 – Other specially protected fauna:** being fauna that is declared to be fauna that is in need of special protection, otherwise than for the reasons mentioned in Schedules 1, 2 or 3.

{CALM (2005). *Priority Codes for Fauna*. Department of Conservation and Land Management, Como, Western Australia} :-

- P1 **Priority One: Taxa with few, poorly known populations on threatened lands:** Taxa which are known from few specimens or sight records from one or a few localities on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, active mineral leases. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P2 **Priority Two: Taxa with few, poorly known populations on conservation lands:** Taxa which are known from few specimens or sight records from one or a few localities on lands not under immediate threat of habitat destruction or degradation, e.g. national parks, conservation parks, nature reserves, State forest, vacant Crown land, water reserves, etc. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P3 **Priority Three: Taxa with several, poorly known populations, some on conservation lands:** Taxa which are known from few specimens or sight records from several localities, some of which are on lands not under immediate threat of habitat destruction or degradation. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P4 **Priority Four: Taxa in need of monitoring:** Taxa which are considered to have been adequately surveyed, or for which sufficient knowledge is available, and which are considered not currently threatened or in need of special protection, but could be if present circumstances change. These taxa are usually represented on conservation lands.
- P5 **Priority Five: Taxa in need of monitoring:** Taxa which are not considered threatened but are subject to a specific conservation program, the cessation of which would result in the species becoming threatened within five years.

#### Categories of threatened species (*Environment Protection and Biodiversity Conservation Act 1999*)

- EX **Extinct:** A native species for which there is no reasonable doubt that the last member of the species has died.
- EX(W) **Extinct in the wild:** A native species which:  
(a) is known only to survive in cultivation, in captivity or as a naturalised population well outside its past range; or  
(b) has not been recorded in its known and/or expected habitat, at appropriate seasons, anywhere in its past range, despite exhaustive surveys over a time frame appropriate to its life cycle and form.
- CR **Critically Endangered:** A native species which is facing an extremely high risk of extinction in the wild in the immediate future, as determined in accordance with the prescribed criteria.
- EN **Endangered:** A native species which:  
(a) is not critically endangered; and  
(b) is facing a very high risk of extinction in the wild in the near future, as determined in accordance with the prescribed criteria.
- VU **Vulnerable:** A native species which:  
(a) is not critically endangered or endangered; and  
(b) is facing a high risk of extinction in the wild in the medium-term future, as determined in accordance with the prescribed criteria.
- CD **Conservation Dependent:** A native species which is the focus of a specific conservation program, the cessation of which would result in the species becoming vulnerable, endangered or critically endangered within a period of 5 years.

#### 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.