



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 2424/3
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Western Areas Limited

1.3. Property details

Property: Miscellaneous Licence 70/111
Miscellaneous Licence 74/44
General Purpose Lease 70/226
General Purpose Lease 70/231
Local Government Area: Shire of Kondinin
Shire of Lake Grace
Colloquial name: Mossco Farm Dewatering Pipeline and Evaporation Ponds

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
55		Mechanical Removal	De-watering Pipeline and Evaporation Ponds

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 31 July 2019

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description The vegetation of the application area is broadly mapped as the following Beard vegetation associations:
519: Shrublands; mallee scrub, *Eucalyptus eremophila*;
936: Medium woodland; salmon gum; and
2048: Shrublands; scrub-heath in the Mallee Region (GIS Database).

Three separate flora surveys were conducted over the application area by Botanica Consulting. One flora survey covered the dewatering pipeline route, whilst the others covered the evaporation pond site. The following vegetation associations were recorded within the application area (Botanica Consulting, 2006; 2008):

Transitional tall *Eucalyptus* woodland: Dominated by *Eucalyptus flocktoniae* subsp. *flocktoniae* and *Eucalyptus urna* over a mid-storey of *Melaleuca* sp., *Daviesia nematophylla*, *Senna artemisioides* subsp. *filifolia*, *Halgania andromedifolia* and *Dodonaea bursariifolia* over an under-storey of *Olearia muelleri*, *Wilsonia humilis*, *Atriplex stipitata*, *Astroloma serratifolium*, *Acacia intricata*, *Acacia deficiens* and *Microcybe albiflora*.

Cleared farmland: Species include *Ptilotus polystachyus*, *Acacia lasiocalyx*, *Daviesia aphylla*, *Urodon dasyphyllus*, *Grevillea cagiana*, *Hakea erecta* and *Drummondita hassellii*.

Sandplain regrowth: Upper-storey of *Acacia lasiocalyx* and *Eucalyptus* sp. over a mid-storey of *Melaleuca cordata*, *Melaleuca adnata*, *Daviesia nematophylla* and *Exocarpos aphyllus*, over an under-storey of *Acacia sphaecelata* subsp. *sphaecelata*, *Verticordia chrysantha* and *Grevillea huegelii*.

Casuarina shrubland: Upper-storey of *Allocasuarina acutivalvis*, *Allocasuarina corniculata* and *Eucalyptus leptophylla* over a mid-storey of *Acacia yorkkrakinensis*, *Acacia cracentis*, *Leptospermum erubescens*, *Melaleuca cordata*, *Banksia elderiana*, *Banksia cirsioides*, *Grevillea eriostachya* and *Hakea scoparia*, over an under-storey of *Hibbertia pungens*, *Hibbertia gracilipes*, *Dampiera eriocephala*, *Beaufortia puberula*, *Verticordia chrysantha* and *Drummondita hassellii*.

Sandplain heath: Upper-storey of *Allocasuarina campestris* and *Callitris preissii* over a mid-storey of *Acacia multispicata*, *Calothamnus quadrifidus*, *Leptospermum erubescens*, *Melaleuca teuthidoides*, *Banksia elderiana*, *Grevillea cagiana*, *Hakea erecta* and *Santalum acuminatum*.

Fire regeneration: Upper-storey of *Grevillea cagiana*, *Grevillea eriostachya* and *Banksia elderiana*, over a mid-storey of *Goodenia pinifolia*, *Eremophila densifolia*, *Melaleuca cordata* and *Grevillea shuttleworthiana* subsp. *obovata*, over an under-storey of *Lepidosperma* sp., *Verticordia chrysantha* and *Drummondita hassellii*.

Eucalyptus mallee woodland: Upper-storey of *Eucalyptus eremophila* subsp. *eremophila*, *Eucalyptus calycogona* and *Eucalyptus cylindrocarpa* over a mid-storey of *Eremophila drummondii*, *Melaleuca adnata*, *Melaleuca elliptica*, *Melaleuca hamata*, *Daviesia aphylla* and *Hakea multilineata*, over an under-storey of *Cooperhooia strophiolata*, *Westringia cephalantha*, *Acacia sphacelata* subsp. *sphacelata* and *Acacia intricata*.

Melaleuca thicket: Upper-storey of *Eucalyptus suggrandis* subsp. *promiscua*, *Melaleuca hamata* over a mid-storey of *Goodenia pinifolia*, *Acacia hadrophylla*, *Leptospermum erubescens* and *Grevillea huegellii* over an under-storey of *Lepidosperma* sp., *Cooperhooia strophiolata*, *Westringia cephalantha*, *Grevillea acuarua* and *Dodonaea bursariifolia*.

Eucalyptus rugulata woodland: Upper-storey of *Eucalyptus flocktoniae* subsp. *flocktoniae* and *Eucalyptus rugulata* over a mid-storey of *Allocasuarina campestris*, *Acacia fragilis*, *Acacia yorkakinensis*, *Calothamnus quadrifidus*, *Hakea erecta*, *Hakea scoparia*, *Persoonia helix* and *Melaleuca cordata*, over an under-storey of *Astroloma serratifolium*, *Hibbertia pungens*, *Westringia cephalantha*, *Acacia sphacelata* subsp. *sphacelata*, *Darwinia* sp. Lake Cobham (K. Newbey 3262), *Verticordia plumosa* var. *incrassata* and *Drummondita hassellii*.

Salmon Gum Woodland: Upper-storey of *Eucalyptus salmonophloia* over a mid-storey of *Halgania andromedifolia*, *Senna artemisioides* subsp. *filifolia*, *Eremophila maculata*, *Phebalium megaphyllum*, *Dodonaea bursariifolia* and *Dodonaea stenozyga*, over an under-storey of *Olearia muelleri*, *Acacia deficiens*, *Acacia sphacelata* subsp. *sphacelata*, *Wilsonia humilis*.

Clearing Description	Forrestania Nickel Project. Western Areas Limited proposes to clear up to 55 hectares of native vegetation within a boundary of approximately 709 hectares, for the purpose of a de-watering pipeline and evaporation ponds. The evaporation ponds are to be constructed on largely cleared farmland, whilst the pipeline will follow the existing Carstairs and Mulcahy Roads. The project is located approximately 30 kilometres north of Lake King, within the Shires of Kondinin and Lake Grace.
Vegetation Condition	Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994). To: Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994).
Comment	Based on a site inspection by the assessing officer in November 2007, the vegetation condition has been rated as ranging from excellent within the parts of the road reserves to good within the patches of vegetation remaining within the cleared areas. The vegetation type 'Cleared Farmland' is completely degraded. Clearing permit CPS 2424/1 was granted by the Department of Mines and Petroleum (now the Department of Mines, Industry Regulation and Safety) on 15 January 2009 and was valid from 14 February 2009 to 31 July 2014. The permit authorised the clearing of up to 55 hectares of native vegetation within a boundary of approximately 823 hectares, for the purpose of a de-watering pipeline and evaporation ponds. CPS 2424/2 was granted on 12 June 2014, amending the permit to extend the permit duration to 31 July 2019, and decrease the permit boundary to 745 hectares. The area of clearing authorised remained unchanged. On 19 July 2019, the Permit Holder applied to amend CPS 2424/2 to extend the permit duration to 31 July 2024, and decrease the permit boundary to 709 hectares.

3. Assessment of application against Clearing Principles

Comments

The Permit Holder has applied to amend the clearing permit to extend the permit duration by five years to 31 July 2024, and reduce the permit boundary. The size of the area approved to clear (55 hectares) remains unchanged. The amendment is unlikely to result in any significant change to the environmental impacts of the proposed clearing (GIS Database).

The amendment application has been assessed against the clearing principles, planning instruments and other matters in accordance with s.51O of the *Environmental Protection Act 1986*. Environmental information has been reviewed, and the assessment of the proposed clearing against the clearing principles remains consistent with the assessment contained in decision reports CPS 2424/1 and 2424/2.

Methodology

GIS Database:
- DPaW Tenure
- Hydrography, Lakes
- Hydrography, Linear
- IBRA Australia
- Imagery
- Pre-European Vegetation
- Public Drinking Water Source Areas
- Threatened and Priority Ecological Communities boundaries
- Threatened and Priority Ecological Communities buffers
- Threatened and Priority Flora
- Threatened Fauna

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

Comments

There is one native title claim (WC200/007) over the area under application (DPLH, 2019). This claim has been registered with the National Native Title Tribunal on behalf of the claimant group. However, the mining tenure has been granted in accordance with the future act regime of the *Native Title Act 1993* and the nature of the act (i.e. the proposed clearing activity) has been provided for in that process, therefore, the granting of a clearing permit is not a future act under the *Native Title Act 1993*.

There are no registered Aboriginal Sites of Significance within the application area (DPLH, 2019). It is the proponent's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

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

Methodology DPLH (2019)

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). Report prepared for Western Areas NL by Botanica Consulting, November 2006.
- Botanica Consulting (2008) Flora and Vegetation Survey of Remnant Vegetation (Southwest of M74/57). Report prepared for Western Areas NL by Botanica Consulting, January 2008.
- DPLH (2019) Aboriginal Heritage Enquiry System. Department of Planning, Lands and Heritage. <http://maps.daa.wa.gov.au/AHIS/> (Accessed 29 July 2019).
- 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
DAA	Department of Aboriginal Affairs, Western Australia (now DPLH)
DAFWA	Department of Agriculture and Food, Western Australia (now DPIRD)
DBCA	Department of Biodiversity, Conservation and Attractions, Western Australia
DEC	Department of Environment and Conservation, Western Australia (now DBCA and DWER)
DEE	Department of the Environment and Energy, Australian Government
DER	Department of Environment Regulation, Western Australia (now DWER)
DMIRS	Department of Mines, Industry Regulation and Safety, Western Australia
DMP	Department of Mines and Petroleum, Western Australia (now DMIRS)
DPIRD	Department of Primary Industries and Regional Development, Western Australia
DPLH	Department of Planning, Lands and Heritage, Western Australia
DRF	Declared Rare Flora
DoE	Department of the Environment, Australian Government (now DEE)
DoW	Department of Water, Western Australia (now DWER)
DPaW	Department of Parks and Wildlife, Western Australia (now DBCA)
DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities (now DEE)
DWER	Department of Water and Environmental Regulation, Western Australia
EPA	Environmental Protection Authority, Western Australia
EP Act	<i>Environmental Protection Act 1986</i> , Western Australia
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Federal Act)
GIS	Geographical Information System
ha	Hectare (10,000 square metres)
IBRA	Interim Biogeographic Regionalisation for Australia
IUCN	International Union for the Conservation of Nature and Natural Resources – commonly known as the World Conservation Union
PEC	Priority Ecological Community, Western Australia
RIWI Act	<i>Rights in Water and Irrigation Act 1914</i> , Western Australia
TEC	Threatened Ecological Community

Definitions:

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

T Threatened species:

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

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

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

The assessment of the conservation status of these species is based on their national extent and ranked according to their level of threat using IUCN Red List categories and criteria as detailed below.

CR Critically endangered species

Threatened species considered to be "*facing an extremely high risk of extinction in the wild in the immediate future, as determined in accordance with criteria set out in the ministerial guidelines*".

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

EN Endangered species

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

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

VU Vulnerable species

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

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

Extinct Species:

EX Extinct species

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

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

EW Extinct in the wild species

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

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

Specially protected species:

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

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

MI

Migratory species

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

Includes birds that are subject to an agreement between the government of Australia and the governments of Japan (JAMBA), China (CAMBA) and The Republic of Korea (ROKAMBA), and fauna subject to the *Convention on the Conservation of Migratory Species of Wild Animals* (Bonn Convention), an environmental treaty under the United Nations Environment Program. Migratory species listed under the BC Act are a subset of the migratory animals, that are known to visit Western Australia, protected under the international agreements or treaties, excluding species that are listed as Threatened species.

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

CD

Species of special conservation interest (conservation dependent fauna)

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

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

OS

Other specially protected species

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

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

P

Priority species:

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

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

Assessment of Priority codes is based on the Western Australian distribution of the species, unless the distribution in WA is part of a contiguous population extending into adjacent States, as defined by the known spread of locations.

P1

Priority One - Poorly-known species

Species that are known from one or a few locations (generally five or less) which are potentially at risk. All occurrences are either: very small; or on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, road and rail reserves, gravel reserves and active mineral leases; or otherwise under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes. Such species are in urgent need of further survey.

P2

Priority Two - Poorly-known species

Species that are known from one or a few locations (generally five or less), some of which are on lands managed primarily for nature conservation, e.g. national parks, conservation parks, nature reserves and other lands with secure tenure being managed for conservation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes. Such species are in urgent need of further survey.

P3

Priority Three - Poorly-known species

Species that are known from several locations, and the species does not appear to be under imminent threat, or from few but widespread locations with either large population size or significant remaining areas of apparently suitable habitat, much of it not under imminent threat. Species may be included if they are comparatively well known from several locations but do not meet adequacy of survey requirements and known threatening processes exist that could affect them. Such species are in need of further survey.

P4

Priority Four - Rare, Near Threatened and other species in need of monitoring

(a) Rare. Species that are considered to have been adequately surveyed, or for which sufficient knowledge is available, and that are considered not currently threatened or in need of special protection but could be if present circumstances change. These species are usually represented on conservation lands.

(b) Near Threatened. Species that are considered to have been adequately surveyed and that are close to qualifying for vulnerable but are not listed as Conservation Dependent.

(c) Species that have been removed from the list of threatened species during the past five years for reasons other than taxonomy.

Principles for clearing native vegetation:

- (a) Native vegetation should not be cleared if it comprises a high level of biological diversity.
- (b) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna 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.