



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 3828/4  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: Chichester Metals Pty Ltd

### 1.3. Property details

Property: Exploration Licence 45/2652  
Exploration Licence 46/590  
Exploration Licence 46/611  
Exploration Licence 46/612  
Local Government Area: Shire of East Pilbara and Shire of Ashburton  
Colloquial name: Fortescue Marsh Eco-Hydrology Investigations

### 1.4. Application

| Clearing Area (ha) | No. Trees | Method of Clearing | For the purpose of:                                    |
|--------------------|-----------|--------------------|--------------------------------------------------------|
| 8.54               |           | Mechanical Removal | Eco-hydrology investigations and associated activities |

### 1.5. Decision on application

Decision on Permit Application:  
Decision Date:

## 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 for the whole of Western Australia and are useful to look at vegetation in a regional context. The following Beard vegetation associations are located within the application area (GIS Database):

**Beard Vegetation Association 29:** Sparse low woodland; mulga, discontinuous in scattered groups; and

**Beard Vegetation Association 676:** Succulent steppe; samphire.

The application area was surveyed in 2006 by Mattiske Consulting. The following vegetation types were identified within the application area (Mattiske, 2007):

**11:** Hummock grassland of *Triodia angusta* with patches of *Acacia victoriae*, *Acacia aneura* var. *aneura*, *Acacia xiphophylla* over *Atriplex codonocarpa*, *Eremophila cuneifolia* and mixed Chenopods;

**12:** Low Halophytic shrubland of *Halosarcia auriculata* and *Halosarcia indica* subsp. *leiostachya* with associated Chenopod species of *Maireana* species and *Atriplex flabelliformis* with *Muehlenbeckia florulenta* with patches of *Acacia victoriae* and *Acacia sclerosperma* subsp. *sclerosperma*;

**13:** Low Halophytic shrubland of *Halosarcia auriculata*, *Halosarcia indica* subsp. *leiostachya*, *Halosarcia halocnemoides* subsp. *tenuis* with patches of *Frankenia* species;

**14:** Hummock grassland of *Triodia angusta* with patches of *Acacia victoria* over *Atriplex codonocarpa* and mixed Chenopods and Poaceae species;

**19:** Scrub of *Acacia xiphophylla* over *Cenchrus ciliaris*, *Dissocarpus paradoxus* and *Halosarcia indica* subsp. *bidens*;

**20:** Scrub of *Acacia sericophylla* over *Meullerolimon salicorniaceum*, *Nicotiana occidentalis* and *Mimulus gracilis*;

**21:** Scrub of *Acacia ampliceps* over *Meullerolimon salicorniaceum*, *Halosarcia indica* subsp. *bidens*, *Nicotiana occidentalis* and *frankeniana ambita*;

**22:** Low shrubland of *Halosarcia indica* subsp. *bidens* and *Nicotiana occidentalis* over grasses with occasional stands of *Sesbania cannabina* and *Cullen cinereum*;

**23:** Low shrubland of *Frankenia ambita*, *Halosarcia bidens* subsp. *leiostachya* and *Eragrostis dielsii* with emergent *Acacia sericophylla*;

**24:** Low shrubland of *Halosarcia bidens* subsp. *leiostachya* with *Eragrostis dielsii*;

**25:** Low shrubland of *Halosarcia auriculata*, *Halosarcia indica* subsp. *bidens* and *Frankenia ambita* over *Eragrostis dielsii*;

**26:** Low shrubland of *Meullerolimon salicorniaceum* and *Halosarcia indica* subsp. *bidens*;

**27:** Low shrubland of *Maireana carnosa*, *Atriplex codonocarpa* and *Sclerolaena cuneata* over *Eragrostis dielsii* and *Trianthema turgidifolia*;

**28:** Hummock grassland of *Triodia angusta* with *Eremophila spongiocarpa* (ms) (P1) and *Halosarcia indica* subsp. *bidens*; and

**29:** Hummock grassland of *Triodia angusta* with *Halosarcia bidens* subsp. *leiostachya*, *Cullen cinereum*, *Eragrostis dielsii* and emergent *Acacia synchronicia* (FMG, 2010).

**Clearing Description**

Fortescue Marsh Eco-Hydrology Investigations.

Chichester Metals Pty Ltd is proposing to clear up to 8.54 hectares of native vegetation, within a total boundary of approximately 8.54 hectares, for the purpose of eco-hydrology investigations and associated activities. The proposed clearing is located approximately 74 kilometres south south-west of Nullagine, in the Shires of East Pilbara and Ashburton.

**Vegetation Condition**

Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994).

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Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).

**Comment**

Clearing permit CPS 3828/1 was granted by the Department of Mines and Petroleum (DMP) on 23 September 2010, authorising the clearing of up to 8.57 hectares of native vegetation. The application area consisted of 8 separate drill pads, each approximately 40 metres x 30 metre, and approximately 19 kilometres of access tracks 4 metres in width.

Amended clearing permit CPS 3828/2 was granted by DMP on 28 October 2010, realigning access tracks and drill pads and reducing the amount clearing authorised to 8.25 hectares.

Amended clearing permit CPS 3828/3 was granted by DMP on 23 December 2012, adding turn around areas on access tracks and increasing the amount of clearing authorised to 8.54 hectares.

An application for an amendment to clearing permit 3828/3 was received on 3 August 2015 to extend the duration of the permit to 23 October 2020. An administrative amendment was also instigated by DMP to include associated activities on the permit as a purpose for which clearing may be done.

### 3. Assessment of application against clearing principles

**Comments**

The amendment to extend the permit duration by five years and add associated activities to the permit is unlikely to result in any significant change to the environmental impacts of the proposed clearing. The size of the area approved to clear (8.54 hectares) and the permit boundaries remain unchanged.

The assessment against the clearing principles remains consistent with the assessment contained in decision reports CPS 3828/1, 3828/2 and 3828/3.

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

**Comments**

There are three Native Title Claim (WC2011/006, WC2005/006, WC2012/001 ) over the area under application (GIS Database). These claims have been registered with the National 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 (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 Sites of Aboriginal Significance located in the area applied to clear (GIS Database; DAA, 2015). 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 (2015)  
GIS Database:  
- Aboriginal Sites of Significance

## 4. References

- DAA (2015) Aboriginal Heritage Inquiry System, Government of Western Australia, Department of Aboriginal Affairs, Perth, < <http://maps.dia.wa.gov.au/AHIS2/>>.
- FMG (2010) Fortescue Marsh Eco-hydrology Investigations Site Access Plan & Works Programme - Supporting Information for Native Vegetation Clearing Permit Application. Unpublished Report prepared by Fortescue Metals Group Limited, August 2010.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Mattiske Consulting (2007) Flora and Vegetation near Fortescue Marshes. Unpublished report prepared for Fortescue Metals Group Limited, June 2007.

## 5. Glossary

### Acronyms:

|                 |                                                                                                                           |
|-----------------|---------------------------------------------------------------------------------------------------------------------------|
| <b>BoM</b>      | Bureau of Meteorology, Australian Government                                                                              |
| <b>DAA</b>      | Department of Aboriginal Affairs, Western Australia                                                                       |
| <b>DAFWA</b>    | Department of Agriculture and Food, Western Australia                                                                     |
| <b>DEC</b>      | Department of Environment and Conservation, Western Australia (now DPaW and DER)                                          |
| <b>DER</b>      | Department of Environment Regulation, Western Australia                                                                   |
| <b>DMP</b>      | Department of Mines and Petroleum, Western Australia                                                                      |
| <b>DRF</b>      | Declared Rare Flora                                                                                                       |
| <b>DotE</b>     | Department of the Environment, Australian Government                                                                      |
| <b>DoW</b>      | Department of Water, Western Australia                                                                                    |
| <b>DPaW</b>     | Department of Parks and Wildlife, Western Australia                                                                       |
| <b>DSEWPaC</b>  | Department of Sustainability, Environment, Water, Population and Communities (now DotE)                                   |
| <b>EPA</b>      | Environmental Protection Authority, Western Australia                                                                     |
| <b>EP Act</b>   | <i>Environmental Protection Act 1986</i> , Western Australia                                                              |
| <b>EPBC Act</b> | <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Federal Act)                                        |
| <b>GIS</b>      | Geographical Information System                                                                                           |
| <b>ha</b>       | Hectare (10,000 square metres)                                                                                            |
| <b>IBRA</b>     | Interim Biogeographic Regionalisation for Australia                                                                       |
| <b>IUCN</b>     | International Union for the Conservation of Nature and Natural Resources – commonly known as the World Conservation Union |
| <b>PEC</b>      | Priority Ecological Community, Western Australia                                                                          |
| <b>RIWI Act</b> | <i>Rights in Water and Irrigation Act 1914</i> , Western Australia                                                        |
| <b>s.17</b>     | Section 17 of <i>the Environment Protection Act 1986</i> , Western Australia                                              |
| <b>TEC</b>      | Threatened Ecological Community                                                                                           |

### Definitions:

{DPaW (2013) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia):-

|           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>T</b>  | <b>Threatened species:</b><br>Specially protected under the <i>Wildlife Conservation Act 1950</i> , listed under Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna or the Wildlife Conservation (Rare Flora) Notice for Threatened Flora (which may also be referred to as Declared Rare Flora).<br><br>Threatened Fauna and Flora are further recognised by the Department according to their level of threat using IUCN Red List criteria. For example Carnaby's Cockatoo <i>Calyptorhynchus latirostris</i> is specially protected under the <i>Wildlife Conservation Act 1950</i> as a threatened species with a ranking of Endangered.<br><br><u>Rankings:</u><br>CR: Critically Endangered - considered to be facing an extremely high risk of extinction in the wild.<br>EN: Endangered - considered to be facing a very high risk of extinction in the wild.<br>VU: Vulnerable - considered to be facing a high risk of extinction in the wild. |
| <b>X</b>  | <b>Presumed Extinct species:</b><br>Specially protected under the <i>Wildlife Conservation Act 1950</i> , listed under Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Presumed Extinct Fauna and Wildlife Conservation (Rare Flora) Notice for Presumed Extinct Flora (which may also be referred to as Declared Rare Flora).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>IA</b> | <b>Migratory birds protected under an international agreement:</b><br>Specially protected under the <i>Wildlife Conservation Act 1950</i> , listed under Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice.<br>Birds that are subject to an agreement between governments of Australia and Japan, China and The Republic of Korea relating to the protection of migratory birds and birds in danger of extinction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>S</b>  | <b>Other specially protected fauna:</b><br>Specially protected under the <i>Wildlife Conservation Act 1950</i> , listed under Schedule 4 of the Wildlife                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

Conservation (Specially Protected Fauna) Notice.

- P1 Priority One - Poorly-known species:**  
Species that are known from one or a few collections or sight records (generally less than five), all on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, Shire, rail reserves and Main Roads WA road, gravel and soil reserves, and active mineral leases and under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes.
- P2 Priority Two - Poorly-known species:**  
Species that are known from one or a few collections or sight records, some of which are on lands not under imminent threat of habitat destruction or degradation, e.g. national parks, conservation parks, nature reserves, State forest, unallocated Crown land, water reserves, etc. Species may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes.
- P3 Priority Three - Poorly-known species:**  
Species that are known from collections or sight records from several localities not under imminent threat, or from few but widespread localities 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 localities but do not meet adequacy of survey requirements and known threatening processes exist that could affect them.
- 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 do not qualify for Conservation Dependent, but that are close to qualifying for Vulnerable.
  - (c) Species that have been removed from the list of threatened species during the past five years for reasons other than taxonomy.
- P5 Priority Five - Conservation Dependent species:**  
Species that are not threatened but are subject to a specific conservation program, the cessation of which would result in the species becoming threatened within five 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.