



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 4330/2
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Western Areas Limited

1.3. Property details

Property: Mining Lease 77/582
Mining Lease 77/911
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:
9.01		Mechanical Removal	Mineral Production and Mineral Exploration

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 10 March 2016

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. Two Beard vegetation associations are located within the application area (GIS Database):

Beard vegetation association 511: Medium woodland; salmon gum & morrel

Beard vegetation association 2048: Shrublands; scrub-heath in the Mallee Region

A flora and vegetation survey of the application area was conducted by Botanica Consulting in 2006. The following vegetation types were identified (Botanica Consulting, 2007):

- 1b:** Tall Open *Allocasuarina corniculata* Scrub developed on sandy flats;
- 1c:** Drainage Line Community- Closed heath of *Melaleuca uncinata* and sparse *Allocasuarina corniculata* over a Low Open Shrubland dominated by Myrtaceous and Proteaceous species in broad sandy drainage channels;
- 2a:** Low Open Woodland of *Eucalyptus pileata* and *Eucalyptus eremophila* subsp. *eremophila* over Shrub Mallees including *Eucalyptus pileata*, *Eucalyptus eremophila* subsp. *eremophila*, *Eucalyptus olivina* and intermittently *Eucalyptus sporadica*, *Eucalyptus incrassata* and *Eucalyptus scyphocalyx*;
- 2b:** Very Open Shrub Mallees of *Eucalyptus olivina* and *Eucalyptus sporadica* and tall *Grevillea baxteri* and *Grevillea eriostachya* shrubs over a Closed Low Myrtaceous and Proteaceous Heath and sedges developed on sandy flats with ironstone nodules;
- 2c:** Very Open Shrub Mallees of *Eucalyptus olivina* and *Eucalyptus pileata* and Open Shrubland of *Allocasuarina corniculata*, *Callitris tuberculata*, *Melaleuca uncinata* and *Leptospermum* spp. over an Open Myrtaceous and Proteaceous Heath over sedges developed on sandy flats with ironstone nodules;
- 3a:** Catchment Community. Low Open Woodland and Mallee mosaic of *Eucalyptus flocktoniae*, *Eucalyptus transcontinentalis*, *Eucalyptus pileata* and *Eucalyptus eremophila* subsp. *eremophila* over a Closed Heath of *Melaleuca pentagona*, *Melaleuca adnata*, *Melaleuca teuthidoides*, *Melaleuca sparsiflora* and *Melaleuca lateriflora* developed on clays flanking drainage line;
- 3b:** Catchment Community. Open Woodland and Mallee mosaic of *Eucalyptus transcontinentalis* over Open Shrub Mallees of *Eucalyptus transcontinentalis* and *Eucalyptus eremophila* subsp. *eremophila* over Tall Open Scrub of *Melaleuca johnsonii*, *Melaleuca adnata* and *Melaleuca laterifolia* developed on clays flanking the drainage line;
- 3c:** Drainage Line Community. Woodland of *Eucalyptus transcontinentalis* *Eucalyptus incernata* over *Eucalyptus pileata* Open Shrub Mallees over Tall Open *Melaleuca johnsonii*, *Melaleuca adnata* and *Melaleuca teuthidoides* Scrub developed on seasonally inundated clay along a poorly defined drainage line;
- 3d:** Drainage Line Community. Low Open Woodland of *Eucalyptus flocktoniae* over *Eucalyptus eremophila* subsp. *eremophila* over a Closed Tall *Melaleuca acuminata*, *Melaleuca adnata* and *Callistemon phoeniceus* developed on hard brown cracking clays along drainage channel; and

4a: Low Woodland of *Melaleuca strobophylla* developed on seasonally inundated clay in depressions.

A review of annual clearing report information revealed that 1.49 hectares of the 9.01 hectares approved to be cleared has been cleared under the original permit CPS 4330/1.

Clearing Description	Forrestania Nickel Project Western Areas Ltd proposes to clear up to 9.01 hectares of native vegetation within a total boundary of approximately 87.3 hectares, for the purpose of mineral exploration and mineral production. The project is located approximately 78 kilometres east of Hyden in the Shire of Kondinin.
Vegetation Condition	Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994).
Comment	On 8 February 2016, Western Areas Ltd (formerly Western Areas NL) applied to amend CPS 4330/1 to extend the duration of the permit by five years to 30 April 2021 and to change the name of the permit holder from Western Areas NL to Western Areas Ltd due to an official change in company type and name. The condition of the vegetation under application was determined via a flora and vegetation survey conducted by Botanica Consulting (2007).

3. Assessment of application against Clearing Principles

Comments

The amendment to extend the permit duration by five years and to change the name of the permit holder is unlikely to result in any significant change to the environmental impacts of the proposed clearing. The size of the area approved to clear (9.01 hectares) and the permit boundaries remain unchanged.

The assessment against the clearing principles remains consistent with the assessment contained in decision report CPS 4330/1.

Planning instrument, Native Title, RIWI Act Licence, EP Act Licence, Works Approval, Previous EPA decision or other matter.

Comments

There are two native title claims over the application area (WC2003/006 and WC2007/007) (DAA, 2016). 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*.

According to available datasets, there are no 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

- Botanica Consulting (2007) Vegetation Survey of a Proposed Extension to the current Clearing Permit Number 691/1 within Tenements M77/582 and M77/911. Prepared by Jim's Seeds, Weeds and Trees Pty Ltd (T/A Botanica Consulting) for Western Areas NL, June 2007.
- DAA (2016) Aboriginal Heritage Inquiry System, Department of Aboriginal Affairs, Perth, Western Australia < <http://maps.dia.wa.gov.au> > Accessed 17 February 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.

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 *Wildlife Conservation Act 1950*, 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 *Wildlife Conservation Act 1950*, 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 *Wildlife Conservation Act 1950*, 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 *Wildlife Conservation Act 1950*, 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 *Wildlife Conservation Act 1950*, 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.