



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 5361/1
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: **FMG Pilbara Pty Ltd**

1.3. Property details

Property: Exploration Licence 47/1396
Local Government Area: Shire of Ashburton
Colloquial name: Hardey's Ridge Project

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 20 December 2012

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description	Clearing Description	Vegetation Condition	Comment
Beard vegetation associations have been mapped for the whole of Western Australia. One Beard vegetation association has been mapped within the application area:	FMG Pilbara Pty Ltd has applied to clear up to 2.12 hectares of native vegetation for the purpose of mineral exploration. The clearing is to establish an access track in the Hardey's Ridge exploration prospect to support future exploration programs.	Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994);	The vegetation condition has been inferred from orthophotos and previous land use.
82: Hummock grasslands, low tree steppe; snappy gum over <i>Triodia wiseana</i> (GIS Database).	The application area is located approximately 70 kilometres north-west of Paraburdoo.	To:	
No vegetation surveys have been undertaken over the application area, therefore, the vegetation communities have not been described or mapped for this area in any further detail than Beard vegetation mapping.	Clearing will be undertaken with mechanical equipment, using raised blade techniques where possible. The track will be rehabilitated following completion of use.	Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).	

3. Assessment of application against clearing principles

Comments

The application to clear up to 2.12 hectares of native vegetation for an access track for mineral exploration is unlikely to have any significant environmental impacts.

The access track is located on the path of a previously disturbed track and the vegetation to be disturbed is regrowth (Fortescue, 2012). The vegetation within the application area is broadly mapped as Beard vegetation association 82 (GIS Database). This vegetation association is widespread throughout the Pilbara region and has approximately 99.5% of its pre-European vegetation extent remaining (Government of Western Australia, 2011; GIS Database). No on-ground flora or vegetation surveys have been undertaken over the application area and it is likely a greater number of vegetation types would occur if the area was mapped at a local scale.

According to available databases there are no known records of Threatened Flora, Threatened Ecological Communities or Priority Ecological Communities within the application area or within a 50 kilometre radius of the application area (GIS Database). No Priority Flora have been recorded within a 20 kilometre radius of the application area (DEC, 2012; GIS Database).

The presence and abundance of weeds in the application area is unknown. Care must be taken to ensure that the proposed clearing activities do not spread or introduce weed species to non-infested areas. Potential impacts to biodiversity as a result of the proposed clearing may be minimised by the implementation of a weed management condition.

The application area has previously been disturbed and is surrounded by intact vegetation (Fortescue, 2012; GIS Database). The fauna habitats provided by the application area are also likely to occur in the surrounding area.

There are no permanent watercourses or wetlands within the application area, however, several minor non-perennial watercourses cross the application area (GIS Database). Minor non-perennial watercourses are common in the Pilbara and the small amount of clearing is unlikely to significantly impact any watercourse or wetland.

The application area is not within Department of Environment and Conservation managed conservation estate (GIS Database). The application area occurs within the Register of National Estate site Woongarra Gorge Area (GIS Database). Woongarra Gorge is an outstanding, naturally formed geological section of the ancient iron-rich rocks that make up part of the Hamersley Range (Australian Heritage Database, 2012). Approximately 1.44 hectares of regrowth vegetation is proposed to be disturbed within the site boundary and the track traverses the ridge adjacent to the Woongarra Gorge, not the gorge itself (Fortescue, 2012). Despite the area being on the Register of National Estate for natural values, it is considered that the proposed clearing is low impact and of a small scale and will not significantly impact on the environmental values of the area.

The application area is not within a Public Drinking Water Source Area (GIS Database).

The assessment of the application identified that the proposed clearing is at variance to Principle (f), is not likely to be at variance to Principles (a), (b), (c), (d), (g), (h), (i) and (j) and is not at variance to Principle (e).

Methodology

Australian Heritage Database (2012)
DEC (2012)
Fortescue (2012)
Government of Western Australia (2011)
GIS Database:
- DEC Estate
- Hydrography, Linear
- Pre-European Vegetation
- Public Drinking Water Source Areas (PDWSAs)
- Register of National Estate
- Rocklea 50 cm Orthomosaic - Landgate 2004
- Threatened and Priority Flora
- Threatened Ecological Sites Buffered

Officer

Jessica Allen

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

Comments

There is one Native Title Claim (WC05/4) over the area under application (GIS Database). 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 in the vicinity of 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.

The clearing permit application was advertised on 19 November 2012 by the Department of Mines and Petroleum inviting submissions from the public. No submissions were received.

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

4. References

- Australian Heritage Database (2012) Department of Sustainability, Environment, Water, Population and Communities. <http://www.environment.gov.au/cgi-bin/ahdb/search.pl> (Accessed 17 December 2012).
- DEC (2012) NatureMap: Mapping Western Australia's Biodiversity. Department of Environment and Conservation. <http://naturemap.dec.wa.gov.au/default.aspx> (Accessed 14 December 2012).
- Fortescue (2012) Native Vegetation Clearing Permit Application for the Construction of a Track at Hardey's Ridge Exploration Prospect. Report Prepared by Fortescue Metals Group Limited, October 2012.
- 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.