



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 5505/2  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: Western Areas Limited

### 1.3. Property details

Property: Mining Lease 77/545  
Mining Lease 77/582  
Mining Lease 77/583  
Mining Lease 77/584  
Mining Lease 77/912

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:
30		Mechanical Removal	Mineral Exploration and Mineral Production

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 15 February 2018

## 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):

511: Medium woodland; salmon gum and morel; and  
2048: Shrublands; scrub-heath in the Mallee Region.

Level 1 flora and vegetation surveys have been undertaken over the application area and surrounding areas (total area of 2,169 hectares) by Botanica Consulting (Botanica). This includes several previous surveys undertaken in the Greater Flying Fox area between 2006 and 2008 and in the Greater New Morning/Spotted Quoll area between 2008 and 2011. The most recent survey was undertaken on 28 August 2012 in the Greater New Morning/Spotted Quoll area and on 29 August 2012 in the Greater Flying Fox area. The results of the surveys were combined to provide flora and vegetation assessment reports for the Greater Flying Fox area and Greater New Morning/Spotted Quoll area (Botanica, 2013a; Botanica, 2013b). According to Botanica vegetation maps, the following 14 vegetation communities occur within the application area:

#### Greater Flying Fox Area

1. Open shrub mallee of *Eucalyptus eremophila* and *Eucalyptus pileata* over low heath of mixed *Acacia/Melaleuca*.
2. Heath of mixed *Acacia/Allocasuarina/Melaleuca*.
3. Open shrub mallee of *Eucalyptus eremophila/Eucalyptus calycogona/Eucalyptus celastroides* over low heath of mixed *Melaleuca*.
4. Low scrub of mixed *Allocasuarina* over mixed dwarf scrub.

#### Greater New Morning/Spotted Quoll area

5. Low woodland of *Eucalyptus flocktoniae/Eucalyptus salubris/Eucalyptus urna* over low scrub of mixed *Acacia* and *Melaleuca*.
6. Open shrub mallee of *Eucalyptus celastroides/Eucalyptus cylindrocarpal/Eucalyptus eremophila* over low scrub of mixed *Acacia* and *Melaleuca*.
7. Low woodland of *Eucalyptus salmonophloia* over low scrub of mixed *Melaleuca*.
8. Heath of mixed *Acacia, Allocasuarina* and *Melaleuca*.

9. Mallee of *Eucalyptus eremophila*/*Eucalyptus steedmanii* (T) over mixed dwarf scrub.
10. Heath of *Acacia steedmanii* subsp. *steedmanii*/*Melaleuca hamata* over mixed low scrub.
11. Low scrub of mixed *Allocasuarina* over mixed dwarf scrub.
12. Open tree mallee of *Eucalyptus eremophila* over scrub of *Melaleuca hamata* on stony rise.
13. Burnt open low woodland of *Eucalyptus salmonophloia* over shrub mallee of *Eucalyptus cylindrocarpa*/*Eucalyptus pileata* and mixed low heath.
14. Forest of *Eucalyptus urna* over low scrub of *Melaleuca pauperiflora* subsp. *pauperiflora*.

<b>Clearing Description</b>	Forrestania Nickel Project. Western Areas Limited (Western Areas) proposes to clear up to 30 hectares of native vegetation within a permit boundary of approximately 654 hectares for the purpose of mineral exploration and mineral production. The application area is located in the existing Forrestania Nickel Project and is approximately 77 kilometres east of Hyden within the Shire of Kondinin.
<b>Vegetation Condition</b>	Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994);  To  Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).
<b>Comment</b>	Vegetation condition was determined by Botanica (2013a, 2013b).  The purpose of the application is for mineral exploration and mine development. Clearing will be by mechanical means. Vegetation and topsoil will be stockpiled for use in rehabilitation.  The majority of vegetation within the survey area is in 'very good' condition (Botanica, 2013a; Botanica, 2013b). Parts of the application area have been disturbed by mining and exploration activities with approximately 85 hectares previously cleared for mining activities (Botanica, 2013a; Botanica, 2013b).  Clearing permit CPS 5505/1 was granted by the by the Department of Mines and Petroleum (now the Department of Mines, Industry Regulation and Safety) on 16 May 2013 and authorised the clearing of 30 hectares of native vegetation within a boundary of approximately 654 hectares.

### 3. Assessment of application against Clearing Principles

#### Comments

Western Areas NL has applied to amend the clearing permit to extend the duration of the permit from 8 June 2018 to 8 June 2022 and amend the company name to Western Areas Limited to reflect the name change. The amount of clearing authorised and the permit boundary will remain unchanged.

The proposed amendment is unlikely to result in any significant change to the environmental impacts of the proposed clearing. The assessment against the clearing principles remains consistent with the assessment contained in decision report CPS 5505/1.

#### Methodology

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

#### Comments

The permit area is within the South West Native Title Settlement area (DPLH, 2018). This settlement resolves Native Title rights and interests over an area of approximately 200,000 square kilometres within the south west of Western Australia. 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, 2018). 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 (2018)

## 4. References

- Botanica (2013a) Flora and Vegetation Survey of the Greater Flying Fox Area Tenements: M77/582, M77/911 and M77/545. Unpublished Report Prepared by Botanica Consulting for Western Areas NL, January 2013.
- Botanica (2013b) Flora and Vegetation Survey of the Greater New Morning/Spotted Quoll Area Tenements: E77/1568, M77/912, E77/1866, M77/584, M77/583 & E77/1865. Unpublished Report Prepared by Botanica Consulting for Western Areas NL, January 2013.
- DPLH (2018) Aboriginal Heritage Enquiry System. Department of Planning, Lands and Heritage. <http://maps.daa.wa.gov.au/AHIS/> (Accessed 8 January 2018).
- 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:

<b>BoM</b>	Bureau of Meteorology, Australian Government
<b>DAA</b>	Department of Aboriginal Affairs, Western Australia (now DPLH)
<b>DAFWA</b>	Department of Agriculture and Food, Western Australia (now DPIRD)
<b>DBCA</b>	Department of Biodiversity Conservation and Attractions, Western Australia
<b>DEC</b>	Department of Environment and Conservation, Western Australia (now DBCA and DWER)
<b>DEE</b>	Department of the Environment and Energy, Australian Government
<b>DER</b>	Department of Environment Regulation, Western Australia (now DWER)
<b>DMIRS</b>	Department of Mines, Industry Regulation and Safety, Western Australia
<b>DMP</b>	Department of Mines and Petroleum, Western Australia (now DMIRS)
<b>DPIRD</b>	Department of Primary Industries and Regional Development, Western Australia
<b>DPLH</b>	Department of Planning, Lands and Heritage, Western Australia
<b>DRF</b>	Declared Rare Flora
<b>DoE</b>	Department of the Environment, Australian Government (now DEE)
<b>DoW</b>	Department of Water, Western Australia (now DWER)
<b>DPaW</b>	Department of Parks and Wildlife, Western Australia (now DBCA)
<b>DSEWPaC</b>	Department of Sustainability, Environment, Water, Population and Communities (now DEE)
<b>DWER</b>	Department of Water and Environmental Regulation, Western Australia
<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>TEC</b>	Threatened Ecological Community

### Definitions:

{DPaW (2017) 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 1950*.

**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 1950*.

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.