



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 5648/2  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: Hinckley Range Pty Ltd

### 1.3. Property details

Property: Exploration Licence 69/3065  
Local Government Area: Shire of Ngaanyatjaraku  
Colloquial name:

### 1.4. Application

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

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 9 August 2018

## 2. Site Information

### 2.1. Existing environment and information

#### 2.1.1. Description of the native vegetation under application

<b>Vegetation Description</b>	<p>The vegetation of the application area is broadly mapped as the following Beard vegetation associations: 19: Low woodland; mulga between sand ridges; 39: Shrubland; mulga scrub; and 230: Mosaic: Medium sparse woodland; desert oak between sand dunes / Hummock grasslands, shrub steppe; hard spinifex, <i>Triodia basedowii</i> (GIS Database).</p> <p>No vegetation surveys have been undertaken over the application area as part of this application.</p>
<b>Clearing Description</b>	<p>Hinckley Range Pty Ltd proposes to clear up to 40 hectares of native vegetation within a boundary of approximately 3,700 hectares, for the purpose of mineral exploration. The project is located approximately 700 kilometres north-east of Laverton, within the Shire of Ngaanyatjaraku.</p>
<b>Vegetation Condition</b>	<p>Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994). To: Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).</p>
<b>Comment</b>	<p>The vegetation condition has been inferred from orthophotos, historical land uses and extrapolated vegetation survey results from nearby areas. Historical exploration activities and disturbances from feral camels may have degraded some parts of the application area to a 'very good' condition. Given the remoteness of the location and the limited mining activities in the area, it is likely that some of the application area is in 'excellent' condition.</p> <p>The proposed clearing is for drill pads and access tracks. The exploration activities are part of Hinckley Range Pty Ltd's exploration program in the Musgraves area.</p> <p>Clearing permit CPS 5648/1 was granted by the Department of Mines and Petroleum (now the Department of Mines, Industry Regulation and Safety) on 1 August 2013 and was valid from 24 August 2013 to 24 August 2018. The permit authorised the clearing of up to 14 hectares of native vegetation, within a boundary of approximately 7,311 hectares, for the purpose of mineral exploration.</p> <p>On 27 June 2018, the Permit Holder applied to amend CPS 5648/1 to increase the amount of clearing authorised to 40 hectares, amend the permit boundary to align with the current tenement boundary of Exploration Licence 69/3065, and extend the permit duration for an additional five years.</p>

### 3. Assessment of application against Clearing Principles

#### Comments

Hinckley Range Pty Ltd (Hinckley Range) has applied to amend clearing permit CPS 5648/1 to increase the amount of clearing authorised to 40 hectares, amend the permit boundary to align with the current tenement boundary of Exploration Licence 69/3065, and extend the permit duration for an additional five years. On 10 January 2018 Hinckley Range partially surrendered a portion of Exploration Licence 69/3065 and the amended permit boundary will align with the new tenement boundary. Although the permit boundary has mostly been reduced in size, there are small sections that were not within the permit boundary for CPS 5648/1. The purpose of the proposed clearing is mineral exploration.

The vegetation within the additional amendment area is mapped as belonging to Beard associations 19, 39 and 230 (GIS Database). These are the same as within the previous permit boundary and approximately 99% of the pre-European extent of each of these vegetation associations remains uncleared at both the state and bioregional level (Government of Western Australia, 2018).

Botanists from Outback Ecology (2014) undertook a targeted flora survey for flora of conservation significance over a small part of the original permit area in December 2013. The desktop analysis determined 19 Priority Flora species may occur within the survey area, however, no flora or vegetation of conservation significance was recorded during the field survey. Of the species identified by the desktop assessment, two are annual species and there is the possibility that if present in the survey area, these were not observable due to seasonal conditions.

Flora and vegetation surveys have not been undertaken over the vast majority of the application area, including the additional amendment boundaries. The level of biological knowledge of the Musgraves area is relatively low but previous surveys seem to confirm that it is an area of high floral endemism, with a significant number of known Priority species (DEC, 2011). Potential impacts to Priority flora as a result of the proposed clearing may be minimised by the implementation of a flora management condition.

The presence and abundance of weeds in the additional amendment area is currently unknown. The presence of weed species would lower the biodiversity value of the application area. 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.

Only limited fauna information is available for the Central Ranges and Musgraves area due to a lack of fauna surveys being completed in the remote region (CALM, 2002). No fauna surveys have been conducted within the application area including the additional amendment area. The conservation values of the amendment application area for fauna, in particular conservation significant species, are uncertain and cannot be fully understood until on-ground fauna surveys are conducted. Potential impacts to conservation significant fauna as a result of the proposed clearing may be minimised by the implementation of a fauna management condition.

A search of available databases revealed that there are no known Threatened Ecological Communities (TECs) or Priority Ecological Communities (PECs) within the additional amendment areas (GIS Database).

According to GIS Databases, there are no watercourses or wetlands within the additional amendment areas (GIS Database). The reduction in size of the amended application area has removed one minor non-perennial watercourse from the permit boundary (GIS Database).

Hinckley Range has applied to increase the amount of clearing authorised from 14 hectares to 40 hectares. Even with the proposed reduction in size of the permit boundary, the application area is large at approximately 3,700 hectares. Disturbance will be for access tracks and drill pads which will be rehabilitated following the completion of drilling. The proposed clearing activities are not likely to result in large areas of disturbed or open land. Given the moderate size of the proposed activities, the clearing is not likely to result in appreciable land degradation.

The additional amendment areas are not located within a Department of Biodiversity, Conservation and Attractions managed conservation reserve (GIS Database). The nearest conservation reserve is Gibson Desert Nature Reserve, which is located approximately 250 kilometres west of the application area (GIS Database).

The amended application area occurs within the Register of National Estate site Ranges of the Western Desert (GIS Database). The Ranges of the Western Desert cover approximately 8,016,568 hectares and are a system of ranges with many gorges and valleys. The site is considered significant due to its colourful and spectacular scenery, Aboriginal paintings in Walter James Range, and endemic and rare flora species (Australian Heritage Database, 2011). 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 amendment area is within the East Murchison Groundwater Area proclaimed under the *Rights in Water and Irrigation Act 1914* (GIS Database). The moderate increase in the amount of clearing (26 hectares) is not likely

to cause deterioration in the quality of surface or underground water.

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 report CPS 5648/1.

**Methodology** Australian Heritage Database (2011)  
CALM (2002)  
DEC (2011)  
Outback Ecology (2014)

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 (WC2004/003) over the area under application (DPLH, 2018). This claim has been determined by the Federal Court 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, 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.

The amendment application was advertised on 9 July 2018 by the Department of Mines, Industry Regulation and Safety inviting submissions from the public. No submissions were received in relation to this application.

**Methodology** DPLH (2018)

#### **4. References**

- Australian Heritage Database (2011) Department of Sustainability, Environment, Water, Population and Communities. <http://www.environment.gov.au/heritage/index.html> (Accessed 6 April 2011).
- CALM (2002) A Biodiversity Audit of Western Australia's 53 Biogeographical Subregions. Central Ranges 1 (CR1 - Mann-Musgrave Block Subregion). Department of Conservation and Land Management, Western Australia.
- DEC (2011) Great Victoria Desert Reveals More New Species. Environment and Conservation News Issue 5/11. Department of Environment and Conservation, Western Australia.
- DPLH (2018) Aboriginal Heritage Enquiry System. Department of Planning, Lands and Heritage. <http://maps.daa.wa.gov.au/AHIS/> (Accessed 24 July 2018).
- Government of Western Australia (2018) 2017 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of December 2017. WA Department of Biodiversity, Conservation and Attractions. <https://catalogue.data.wa.gov.au/dataset/dbca-statewide-vegetation-statistics>
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Outback Ecology (2014) E69/3065 Targeted Flora Survey. Report prepared by Metals X for Outback Ecology, February 2014.

## 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}:-

<b>T</b>	<b>Threatened species:</b> Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i> , 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).  <b>Threatened fauna</b> is that subset of 'Specially Protected Fauna' declared to be 'likely to become extinct' pursuant to section 14(4) of the <i>Wildlife Conservation Act 1950</i> .  <b>Threatened flora</b> 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 <i>Wildlife Conservation Act 1950</i> .  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.
<b>CR</b>	<b>Critically endangered species</b> Threatened species considered to be facing an extremely high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i> , in Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.
<b>EN</b>	<b>Endangered species</b> Threatened species considered to be facing a very high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i> , in Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.
<b>VU</b>	<b>Vulnerable species</b> Threatened species considered to be facing a high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i> , 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.