



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 6164/1  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: Fortescue Metals Group Ltd

### 1.3. Property details

Property: Iron Ore (Hamersley Range) Agreement Act 1963, Mineral Lease 4SA (AML 70/4)  
Local Government Area: Shire of Ashburton  
Colloquial name: Hendrix East Propsect

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
3.42		Mechanical Removal	State Agreement

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 18 September 2014

## 2. Site Information

### 2.1. Existing environment and information

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

<b>Vegetation Description</b>	Beard vegetation associations have been mapped for the whole of Western Australia. One Beard vegetation association is located within the application area (GIS Database):  Beard vegetation association 82: Hummock grasslands, low tree steppe; snappy gum over <i>Triodia wiseana</i> .
<b>Clearing Description</b>	Hendrix East Propsect. Fortescue Metals Group Limited proposes to clear up to 3.42 hectares of native vegetation within a total boundary of approximately 10.65 hectares, for the purposes of constructing and maintaining an access track. The project is located approximately 114 kilometres north-west of Tom Price, in the Shire of Ashburton.
<b>Vegetation Condition</b>	Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994);  To:  Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994).
<b>Comment</b>	No flora or fauna surveys have been conducted over the application area.  The proposed clearing includes the widening of approximately 7.6 kilometres of an existing access track, from 4 metres to 6 metres wide, and the construction of approximately 4.7 kilometres of a new track which will be 4 metres wide. The track will provide temporary access for mineral exploration activities (FMG, 2014).

## 3. Assessment of application against clearing principles

### Comments

The application area occurs within the Hamersley (PIL3) subregion of the Pilbara Interim Biogeographic Regionalisation of Australia (IBRA) bioregion (GIS Database). This subregion is characterised by mulga low woodland over bunch grasses on fine textured soils in valley floors, and *Eucalyptus leucophloia* over *Triodia brizoides* on skeletal soils of the ranges (CALM, 2002).

There are no known Threatened or Priority flora located within the application area (DPaW, 2014; GIS Database). No Threatened Ecological Communities or Priority Ecological Communities were recorded within the application area (DPaW, 2014; GIS Database). The condition of the vegetation was classified as 'degraded' to 'good' (Keighery, 1994; GIS Database).

There has been no flora or fauna survey conducted over the application area. However, a survey was conducted approximately 2 kilometres north-west of the application area and the flora and fauna habitat types within the application area are expected to be similar to the survey area (FMG, 2014). No Threatened Flora

species were identified and seven Priority Flora species were found (FMG, 2014). However, based on the small scale clearing (3.42 hectares) and the low impact nature of the proposed activities, it is unlikely that the proposed clearing will impact on the conservation significance of any potential Priority Flora species.

There are no species of conservation significance listed as either a threatened species under the *Environment Protection and Biodiversity Conservation Act (EPBC) 1999* or protected under *Western Australian legislation (Wildlife Conservation Act 1950)*, that may potentially occur within a 5 kilometre radius of the application area (DPaW, 2014). Aerial imagery suggests that the application area does not contain significant fauna habitat and vegetation types, landforms and habitat types within the application area appear to be common and widespread in the region (GIS Database).

There are no permanent watercourses or water bodies mapped within the area under application (GIS Database). Due to the absence of any ephemeral watercourses, the presence of riparian vegetation within the application area is likely to be low (GIS Database).

The land systems associated with the application area is not susceptible to erosion (Van Vreeswyk et al., 2004) and the proposed clearing is not likely to cause deterioration in the quality of surface or underground water or increase the incidence or intensity of flooding (GIS Database).

The application area is not located within any conservation area (GIS Database). There are no conservation areas within 90 kilometres of the application area (GIS Database).

There were several weed species identified within the application area and surrounding area (DPaW, 2014). Weeds have the potential to significantly change the dynamics of a natural ecosystem and lower the biodiversity of an area. Potential impacts to the biodiversity as a result of the proposed clearing may be minimised by the implementation of a weed management condition.

The proposal to clear 3.42 hectares of native vegetation within an application area of 10.65 hectares for the purpose of construction and maintenance of an access track is unlikely to have any significant environmental impacts.

The application has been assessed against the clearing principles, planning instruments and other matters in accordance with s.51O of the *Environmental Protection Act 1986*, is not likely to be at variance to Principles (a), (b), (c), (d), (f), (g), (h), (i), and (j), and is not at variance to Principle (e).

<b>Methodology</b>	CALM (2002) DPaW (2014) FMG (2014) Keighery (1994) Van Vreeswyk et al (2004) GIS Database: <ul style="list-style-type: none"><li>- DEC Tenure</li><li>- Evaporation Isopleths</li><li>- Groundwater Salinity</li><li>- Hydrography, linear</li><li>- IBRA WA (Regions - Sub Regions)</li><li>- Pre-European Vegetation</li><li>- Public Drinking Water Source Areas</li><li>- Rangeland Land System Mapping</li><li>- Rainfall, Mean Annual</li><li>- Threatened and Priority Flora</li><li>- Threatened Ecological Sites Buffered</li></ul>
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### **Planning instrument, Native Title, Previous EPA decision or other matter.**

#### **Comments**

There is one Native Title claim over the area under application (GIS Database). The claim WC2001/005 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 known registered Aboriginal Sites of Significance within 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 Regulation, 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.

The clearing permit application was advertised on 25 August 2014 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
  - Native Title Claims - Filed at the Federal Court
  - Native Title Claims - Determined by the Federal Court

#### 4. References

- CALM (2002) A Biodiversity Audit of Western Australia's 53 Biogeographical Subregions. Pilbara3 (PIL3 - Hamersley subregion) Department of Conservation and Land Management, Western Australia.
- Department of Parks and Wildlife (DPaW) (2014) NatureMap Department of Parks and Wildlife, viewed 25 August 2014 <<http://naturemap.dec.wa.gov.au>>.
- Fortescue Metals Group Limited (Fortescue) (2014) Permit to Clear Native Vegetation for Access Tracks in the Mineral Lease 70/4 (Hendrix East Prospect). Internal Document, June 2014.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Van Vreeswyk, A.M.E., Payne, A.L., Leighton, K.A. and Hennig, P. (2004) Technical Bulletin - An Inventory and Condition Survey of the Pilbara Region, Western Australia, No. 92. Department of Agriculture, Government of Western Australia, Perth, Western Australia.

#### 5. Glossary

##### Acronyms:

<b>BoM</b>	Bureau of Meteorology, Australian Government
<b>CALM</b>	Department of Conservation and Land Management (now DEC), Western Australia
<b>DAFWA</b>	Department of Agriculture and Food, Western Australia
<b>DEC</b>	Department of Environment and Conservation, Western Australia
<b>DEH</b>	Department of Environment and Heritage (federal based in Canberra) previously Environment Australia
<b>DEP</b>	Department of Environment Protection (now DEC), Western Australia
<b>DIA</b>	Department of Indigenous Affairs
<b>DLI</b>	Department of Land Information, Western Australia
<b>DMP</b>	Department of Mines and Petroleum, Western Australia
<b>DoE</b>	Department of Environment (now DEC), Western Australia
<b>DoIR</b>	Department of Industry and Resources (now DMP), Western Australia
<b>DOLA</b>	Department of Land Administration, Western Australia
<b>DoW</b>	Department of Water
<b>EP Act</b>	Environmental Protection Act 1986, Western Australia
<b>EPBC Act</b>	Environment Protection and Biodiversity Conservation Act 1999 (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>RIWI Act</b>	Rights in Water and Irrigation Act 1914, Western Australia
<b>s.17</b>	Section 17 of the Environment Protection Act 1986, Western Australia
<b>TEC</b>	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.

