

Clearing Permit Decision Report

1. Application details and outcomes

1.1. Permit application details

Permit number:	6164/3
Permit type:	Purpose Permit
Applicant name:	Fortescue Ltd
Application received:	25 March 2025
Application area:	3.42 hectares
Purpose of clearing:	Constructing and maintaining an access track
Method of clearing:	Mechanical Removal
Tenure:	<i>Iron Ore (Hamersley Range) Agreement Act 1963</i> , Mineral Lease 4SA (AML 70/4)
Location (LGA area):	Shire of Ashburton
Colloquial name:	Hendrix East Exploration Prospect

1.2. Description of clearing activities

On 25 March 2025, the Permit Holder applied to amend Clearing Permit CPS 6164/2 to extend the duration of the permit, to maintain existing cleared areas and conducted rehabilitation as required under Condition 8 of the Permit (Fortescue, 2025a, 2025b). The Permit Holder indicates that no additional clearing under this Permit is required, as of 31 July 2018 (Fortescue, 2024, 2025a).

Clearing permit CPS 6164/2 allowed for the clearing of 3.42 hectares of native vegetation and within a footprint of approximately 10.65 hectares within State Agreement Mineral Lease 4SA (AML 70/4), to facilitate constructing and maintaining an access track. The clearing under CPS 6164/2 was authorised until 31 July 2018. The Permit is due to expire on 31 July 2025. The applicant (Fortescue Ltd) advised that a total of 0.19 hectares of clearing has been undertaken under Clearing Permit CPS 6164/2 since 2014 (Fortescue, 2024, 2025a). No rehabilitation has been conducted under the Permit, as the access track is still in use (Fortescue, 2016, 2025a).

1.3. Decision on application and key considerations

Decision:	Grant
Decision date:	26 June 2025
Decision area:	3.42 hectares of native vegetation

1.4. Reasons for decision

This clearing permit amendment application was submitted, accepted, assessed, and determined in accordance with sections 51KA(1) and 51O of the *Environmental Protection Act 1986* (EP Act). The Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) advertised the application for a public comment for a period of 7 days, and no submissions were received.

In making this decision, the Delegated Officer had regard for the site characteristics (Appendix A), relevant datasets (Appendix D), the clearing principles set out in Schedule 5 of the EP Act (Appendix B), proposed avoidance and minimisation measures (Section 3.1), relevant planning instruments and any other matters considered relevant to the assessment (Section 3.3). The Delegated Officer also took into consideration the purpose of the amendment to facilitate the maintenance of an access track and post-clearing rehabilitation.

The assessment has not changed since the assessment for CPS 6164/2. The Delegated Officer determined that the proposed extension of Permit duration is not likely to lead to an unacceptable risk to environmental values.

2. Legislative context

The clearing of native vegetation in Western Australia is regulated under the EP Act and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (Clearing Regulations).

In addition to the matters considered in accordance with section 51O of the EP Act (Section 1.4), the Delegated Officer has also had regard to the objects and principles under section 4A of the EP Act, particularly:

- the precautionary principle
- the principle of intergenerational equity

- the principle of the conservation of biological diversity and ecological integrity.

Other legislation of relevance for this assessment include:

- *Biodiversity Conservation Act 2016* (WA) (BC Act)
- *Biosecurity and Agriculture Management Act 2007* (BAM Act)
- *Conservation and Land Management Act 1984* (WA) (CALM Act)
- *Mining Act 1978* (WA)
- *Iron Ore (Hamersley Range) Agreement Act 1963* (WA)

The key guidance documents which inform this assessment are:

- *A guide to the assessment of applications to clear native vegetation* (DER, December 2014)
- *Procedure: Native vegetation clearing permits* (DWER, October 2021)

3. Detailed assessment of application

3.1. Avoidance and mitigation measures

As no additional clearing is authorised under this amendment, and all proposed clearing under this Permit has been completed, the Delegated Officer was satisfied that the applicant has made a reasonable effort to avoid and minimise potential impacts of clearing on environmental values.

3.2. Assessment of impacts on environmental values

A review of current environmental information (Appendix A) reveals that the assessment against the clearing principles has not changed significantly from previous Clearing Permit Decision Reports .

3.3. Relevant planning instruments and other matters

The amendment application was advertised on 30 May 2025 by the Department of Energy, Mines, Industry Regulation and Safety inviting submissions from the public. No submissions were received in relation to this application.

There is one native title claim (WCD2015/003 - Puutu Kunti Kurrama People and Pinikura People #1 and #2) over the area under application (DPLH, 2025). This claim has been determined by the Federal Court on behalf of the claimant group. However, the state agreement 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, 2025). 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.

Other relevant authorisations required for the proposed land use include:

- A Programme of Work approved under the *Mining Act 1978*.

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.

End

Appendix A. Site characteristics

A.1. Site characteristics

Characteristic	Details
Local context	<p>The application area is part of an expansive tract of native vegetation in the extensive land use zone of Western Australia. It is located within the Hamersley subregion of the Pilbara bioregion, approximately 114 kilometres northwest of Tom Price in the Shire of Ashburton (GIS Database).</p> <p>The application area is within the Mt Stuart Pastoral Lease. It is also surrounded by predominantly iron ore mining operations. Approximately 99% of the local area (50 kilometre radius from the application area) remains uncleared (GIS Database).</p>
Ecological linkage	The application area is not considered a significant ecological linkage. The vegetation immediately surrounding the application area and the majority of the region remains uncleared (GIS Database).
Conservation areas	<p>The application area is not located within any DBCA legislated conservation areas (GIS Database). The nearest legislated conservation area is the Cane River Conservation Park located approximately 92 kilometres northwest of the application area (GIS Database).</p>
Vegetation description	<p>The vegetation of the application area is broadly mapped as the following Beard vegetation association:</p> <p>82: Hummock grassland with scattered bloodwoods & snappy gum (GIS Database).</p> <p>No flora or vegetation surveys have conducted over the application area (DMIRS, 2020).</p>
Climate and landform	<p>The climate of the Hamersley subregion of the Pilbara bioregion is described as semi-desert tropical, with the nearest weather station (Wyloo) recording an average rainfall of approximately 292.2 millimetres per year (BoM, 2025; CALM, 2002).</p> <p>The application area is mapped at elevations of 300-480 metres Australian height datum (GIS Database). Land system mapping broadly describes the application area as plateaux, ridges and mountains (DPIRD, 2025; GIS Database).</p>
Soil description	<p>The soils within the application area are broadly mapped as the following:</p> <p>285Ne (Newman System): Rugged jaspilite plateaux, ridges and mountains supporting hard spinifex grasslands (DPIRD, 2025).</p>
Land degradation risk	The Newman land system is characterised by stony soils, with surface mantles of ironstone pebbles, cobbles, stones and outcrops (van Vreeswyk et al., 2004). Soils with a stony mantle are generally not susceptible to erosion (van Vreeswyk et al., 2004).
Waterbodies	The desktop assessment indicated that no permanent or non-perennial watercourses or waterbodies intersect the application area (GIS Database).
Hydrogeography	<p>The application area is not within any mapped Public Drinking Water Source Areas (PDWSA) or legislated surface water areas. The nearest PDWSA is the Bungaroo Creek Water Reserve located approximately 38 kilometres to the north-northwest of the application area (GIS Database).</p> <p>The application area is located within the Pilbara Groundwater Area and the Pilbara Surface Water Area, both proclaimed under the <i>Rights in Water and Irrigation Act 1914</i> (GIS Database).</p> <p>The groundwater salinity of the application area is mapped as being 500-1,000 total dissolved solids milligrams per litre, which is described as freshwater (NWGA, 2023; GIS Database).</p>
Flora	<p>The desktop assessment indicated that there are no threatened flora and 32 priority flora records in the local area (50 kilometre radius from the application area), with the nearest priority flora record being located approximately 0.7 kilometres from the application area (GIS Database).</p> <p>No flora or vegetation surveys have conducted over the application area (DMIRS, 2020).</p>
Ecological communities	<p>No flora or vegetation surveys have conducted over the application area (DMIRS, 2020).</p> <p>There are two Threatened Ecological Communities (TECs) known to occur within the Pilbara bioregion, being the:</p> <ul style="list-style-type: none"> Ethel Gorge aquifer stygobiont community (Critically Endangered); and Themeda grasslands (<i>Themeda</i> sp. Hamersley Station (M.E. Trudgen 11431)) on cracking clays (Hamersley Station, Pilbara) (DBCA, 2023). <p>There are four Priority Ecological Communities (PECs) mapped within a 50 kilometre radius of the application area (GIS Database) These are the:</p> <ul style="list-style-type: none"> Stygofaunal Community of the Bungaroo Aquifer (Priority 1); Brockman Iron cracking clay communities of the Hamersley Range (Priority 1); Kumina Land System (Priority 3); and <i>Triodia pisolitica</i> assemblages of mesas of the West Pilbara (Priority 3) (GIS Database).
Fauna	The desktop assessment indicated that there are 13 conservation significant fauna records in the local area (50 kilometre radius from the application area), with the nearest conservation significant fauna record being located approximately 7.2 kilometres from the application area (GIS Database).

	<p>These records consist of two bat species, three other mammal species, four bird species, three reptile species and one fish species (GIS Database).</p> <p>No fauna surveys have conducted over the application area (DMIRS, 2020).</p>
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A.2. Vegetation extent

	Pre-European area (ha)	Current extent (ha)	Extent remaining (%)	Current extent in all DBCA managed land (ha)	Current extent in all DBCA Managed Land (proportion of pre-European extent) (%)
IBRA Bioregion - Pilbara	17,808,657.04	17,731,764.88	99.57	1,801,714.98	10.12
Beard vegetation associations - State					
82	2,565,901.28	2,553,206.19	99.51	295,377.96	11.51
Beard vegetation associations - Bioregion (Pilbara)					
82	2,563,583.23	2,550,888.14	99.50	295,377.96	11.52

Government of Western Australia (2019)

Appendix B. Assessment against the clearing principles

Assessment against the clearing principles	Variance level	Is further consideration required?
Environmental value: biological values		
<p>Principle (a): <i>"Native vegetation should not be cleared if it comprises a high level of biodiversity."</i></p> <p><u>Assessment:</u></p> <p>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, Priority Ecological Communities or conservation significant fauna.</p> <p>So that flora and fauna habitats are not permanently lost, the rehabilitation condition (Condition 8) of CPS 6164/2 should be retained on the amended Permit.</p> <p>The introduction or spread of weeds has the potential to lower the biodiversity of the local area, therefore the weed control condition (Condition 7) of CPS 6164/2 should be retained on the amended Permit.</p>	<p>Not likely to be at variance</p> <p>(as per CPS 6164/2)</p>	No
<p>Principle (b): <i>"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."</i></p> <p><u>Assessment:</u></p> <p>As no additional clearing is proposed under this amendment, significant fauna habitats are unlikely to be impacted.</p> <p>So that fauna habitats are not permanently lost, the rehabilitation condition (Condition 8) of CPS 6164/2 should be retained on the amended Permit.</p>	<p>Not likely to be at variance</p> <p>(as per CPS 6164/2)</p>	No
<p>Principle (c): <i>"Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened flora."</i></p> <p><u>Assessment:</u></p> <p>A desktop search within a 50 kilometre radius of the application area did not identify any threatened flora species (GIS Database). As no additional clearing is proposed under this amendment, threatened flora are unlikely to be impacted.</p> <p>So that flora habitats are not permanently lost, the rehabilitation condition (Condition 8) of CPS 6164/2 should be retained on the amended Permit.</p>	<p>Not likely to be at variance</p> <p>(as per CPS 6164/2)</p>	No
<p>Principle (d): <i>"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."</i></p> <p><u>Assessment:</u></p>	<p>Not likely to be at variance</p>	No

Assessment against the clearing principles	Variance level	Is further consideration required?
As no additional clearing is proposed under this amendment, native vegetation that comprises the whole or a part of, or is necessary for the maintenance of, a threatened ecological community is unlikely to be impacted.	(as per CPS 6164/2)	
Environmental value: significant remnant vegetation and conservation areas		
<p><u>Principle (e):</u> <i>"Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared."</i></p> <p><u>Assessment:</u></p> <p>The local area has not been extensively cleared (GIS Database). The extent of the native vegetation in the local area is consistent with the national objectives and targets for biodiversity conservation in Australia (Commonwealth of Australia, 2001; Appendix A.2).</p>	<p>Not at variance</p> <p>(as per CPS 6164/2)</p>	No
<p><u>Principle (h):</u> <i>"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></p> <p><u>Assessment:</u></p> <p>Given the distance (92 kilometres) to the nearest conservation area, the proposed clearing is not likely to have an impact on the environmental values of nearby conservation areas.</p>	<p>Not likely to be at variance</p> <p>(as per CPS 6164/2)</p>	No
Environmental value: land and water resources		
<p><u>Principle (f):</u> <i>"Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland."</i></p> <p><u>Assessment:</u></p> <p>Given no water courses or wetlands are recorded within the application area, the proposed clearing is unlikely to impact any vegetation growing within association with a watercourse or wetland.</p>	<p>Not likely to be at variance</p> <p>(as per CPS 6164/2)</p>	No
<p><u>Principle (g):</u> <i>"Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation."</i></p> <p><u>Assessment:</u></p> <p>The mapped soils are not generally susceptible to erosion. The proposed clearing of up to 3.42 hectares is not likely to have an appreciable impact on land degradation.</p>	<p>Not likely to be at variance</p> <p>(as per CPS 6164/2)</p>	No
<p><u>Principle (i):</u> <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."</i></p> <p><u>Assessment:</u></p> <p>Given there are no Public Drinking Water Source Areas (PDWSA) within or in close proximity to the application area and there are no watercourses or wetlands within the application area, the proposed clearing is unlikely to cause deterioration in the quality of surface or underground water.</p>	<p>Not likely to be at variance</p> <p>(as per CPS 6164/2)</p>	No
<p><u>Principle (j):</u> <i>"Native vegetation should not be cleared if the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding."</i></p> <p><u>Assessment:</u></p> <p>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 increase the incidence or intensity of flooding.</p>	<p>Not likely to be at variance</p> <p>(as per CPS 6164/2)</p>	No

Appendix C. Vegetation condition rating scale

Vegetation condition is a rating given to a defined area of vegetation to categorise and rank disturbance related to human activities. The rating refers to the degree of change in the vegetation structure, density and species present in relation to undisturbed vegetation of the same type. The degree of disturbance impacts upon the vegetation's ability to regenerate. Disturbance at a site can be a cumulative effect from a number of interacting disturbance types.

Considering its location, the scale below was used to measure the condition of the vegetation proposed to be cleared. This scale has been extracted from Trudgen, M.E. (1991) *Vegetation condition scale* in National Trust (WA) 1993 Urban Bushland Policy. National Trust of Australia (WA), Wildflower Society of WA (Inc.), and the Tree Society (Inc.), Perth.

Measuring vegetation condition for the Eremaean and Northern Botanical Provinces (Trudgen, 1991)

Condition	Description
Excellent	Pristine or nearly so, no obvious signs of damage caused by human activities since European settlement.
Very good	Some relatively slight signs of damage caused by human activities since European settlement. For example, some signs of damage to tree trunks caused by repeated fire, the presence of some relatively non-aggressive weeds, or occasional vehicle tracks.
Good	More obvious signs of damage caused by human activity since European settlement, including some obvious impact on the vegetation structure such as that caused by low levels of grazing or slightly aggressive weeds.
Poor	Still retains basic vegetation structure or ability to regenerate it after very obvious impacts of human activities since European settlement, such as grazing, partial clearing, frequent fires or aggressive weeds.
Very poor	Severely impacted by grazing, very frequent fires, clearing or a combination of these activities. Scope for some regeneration but not to a state approaching good condition without intensive management. Usually with a number of weed species present including very aggressive species.
Completely degraded	Areas that are completely or almost completely without native species in the structure of their vegetation; i.e. areas that are cleared or 'parkland cleared' with their flora comprising weed or crop species with isolated native trees or shrubs.

Appendix D. Sources of information**D.1. GIS databases**

Publicly available GIS Databases used (sourced from www.data.wa.gov.au):

- 10 Metre Contours (DPIRD-073)
- Aboriginal Heritage Places (DPLH-001)
- Contours (DPIRD-073)
- Clearing Regulations - Environmentally Sensitive Areas (DWER-046)
- Clearing Regulations - Schedule One Areas (DWER-057)
- DBCA - Lands of Interest (DBCA-012)
- DBCA - Legislated Lands and Waters (DBCA-011)
- DBCA Fire History (DBCA-060)
- Esri World Imagery
- Groundwater Salinity Statewide (DWER-026)
- Hydrographic Catchments – Catchments (DWER-028)
- Hydrography – Inland Waters – Waterlines
- Hydrography, Linear (DWER-031)
- IBRA Vegetation Statistics
- Native Title (ILUA) (LGATE-067)
- Native Vegetation Extent (DPIRD-005)
- Pre-European Vegetation (DPIRD-006)
- RIWI Act, Groundwater Areas (DWER-034)
- RIWI Act, Surface Water Areas and Irrigation Districts (DWER-037)
- Soil Landscape Mapping – Best Available (DPIRD-027)
- Soil Landscape Mapping – Rangelands (DPIRD-064)
- WA Now Aerial Imagery

Restricted GIS Databases used:

- Threatened and Priority Flora (TPFL)
- Threatened and Priority Flora (WAHerb)
- Threatened and Priority Fauna
- Threatened and Priority Ecological Communities
- Threatened and Priority Ecological Communities (Buffers)

D.2. References

Bureau of Meteorology (BoM) (2025) Bureau of Meteorology Website – Climate Data Online, Wyloo. Bureau of Meteorology. <https://reg.bom.gov.au/climate/data/> (Accessed 23 May 2025).

Commonwealth of Australia (2001) *National Objectives and Targets for Biodiversity Conservation 2001-2005*, Canberra.

Conservation and Land Management (CALM) (2002) *A Biodiversity Audit of Western Australia's 53 Biogeographic Subregions in 2002*. Department of Conservation and Land Management, Western Australia.

Department of Biodiversity, Conservation and Attractions (DBCA) (2023) Threatened Ecological Communities List May 2023. Department of Biodiversity, Conservation and Attractions. <https://www.dbca.wa.gov.au/wildlife-and-ecosystems/threatened-ecological-communities/list-threatened-ecological-communities> (Accessed 23 May 2025).

Department of Mines, Industry Regulation and Safety (DMIRS) (2020) Clearing Permit Decision Report, CPS 6164/2. Department of Mines, Industry Regulation and Safety, July 2020.

Department of Planning, Lands and Heritage (DPLH) (2025) Aboriginal Cultural Heritage Inquiry System. Department of Planning, Lands and Heritage. <https://espatial.dplh.wa.gov.au/ACHIS/index.html?viewer=ACHIS> (Accessed 23 May 2025).

Department of Primary Industries and Regional Development (DPIRD) (2025) NRInfo Digital Mapping. Department of Primary Industries and Regional Development. Government of Western Australia. <https://dpiird.maps.arcgis.com/apps/webappviewer/index.html?id=662e8cbf2def492381fc915aaf3c6a0f> (Accessed 23 May 2025).

Fortescue Ltd (Fortescue) (2024) Annual Report for native vegetation clearing: Period 1 July 2023 to 30 June 2024, CPS 5839/2; CPS 5974/4; CPS 6164/2; CPS 6171/2; CPS 6710/1; CPS 7111/2; CPS 7155/1; CPS 7772/2; CPS 8183/1; CPS 8247/1; CPS 10032/1; CPS 10050/1; CPS 10167/1, CPS10212/1, received 13 August 2024.

Fortescue Ltd (Fortescue) (2025a) Application to amend Native Clearing Permit CPS 6164/2 – Extension of Expiry Date, Supporting Information. Received 25 March 2025.

Fortescue Ltd (Fortescue) (2025b) Clearing permit amendment application form, CPS 6164/3, received 25 March 2025.

Fortescue Metals Group Limited (Fortescue) (2016) Annual Report for native vegetation clearing permits: CPS 3828/4, 4674/1, 4947/1, 5340/1, 5361/3, 5839/1, 5974/1, 6164/1, 6171/1 and 6818/1, received 27 July 2016.

Government of Western Australia (2019) 2018 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of March 2019. WA Department of Biodiversity, Conservation and Attractions. <https://catalogue.data.wa.gov.au/dataset/dbca-statewide-vegetation-statistics>

National Water Grid Authority (NWGA) (2023) Crack the H2O code with our water science glossary. Department of Climate Change, Energy, the Environment and Water, Canberra. [Crack the H2O code with our water science glossary | National Water Grid Authority](#) (Accessed 23 May 2025).

Trudgen, M.E. (1991) Vegetation condition scale in National Trust (WA) 1993 Urban Bushland Policy. National Trust of Australia (WA), Wildflower Society of WA (Inc.), and the Tree Society (Inc.), Perth.

van Vreeswyk, A. M. E., Payne, A. L., Leighton, K. A. and Hennig, P. (2004) An inventory and condition survey of the Pilbara Region, Western Australia. Technical Bulletin No. 92. Department of Agriculture, South Perth, Western Australia.

4. Glossary

Acronyms:

BC Act	<i>Biodiversity Conservation Act 2016</i> , Western Australia
BoM	Bureau of Meteorology, Australian Government
DAA	Department of Aboriginal Affairs, Western Australia (now DPLH)
DAFWA	Department of Agriculture and Food, Western Australia (now DPIRD)
DCCEEW	Department of Climate Change, Energy, the Environment and Water, Australian Government
DBCA	Department of Biodiversity, Conservation and Attractions, Western Australia
DEMIRS	Department of Energy, Mines, Industry Regulation and Safety
DER	Department of Environment Regulation, Western Australia (now DWER)
DMIRS	Department of Mines, Industry Regulation and Safety, Western Australia (now DEMIRS)
DMP	Department of Mines and Petroleum, Western Australia (now DEMIRS)
DoEE	Department of the Environment and Energy (now DCCEEW)
DoW	Department of Water, Western Australia (now DWER)
DPaW	Department of Parks and Wildlife, Western Australia (now DBCA)
DPIRD	Department of Primary Industries and Regional Development, Western Australia
DPLH	Department of Planning, Lands and Heritage, Western Australia
DRF	Declared Rare Flora (now known as Threatened Flora)
DWER	Department of Water and Environmental Regulation, Western Australia
EP Act	<i>Environmental Protection Act 1986</i> , Western Australia
EPA	Environmental Protection Authority, 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:

{**DBCA (2023) Conservation Codes for Western Australian Flora and Fauna.** Department of Biodiversity, Conservation and Attractions, Western Australia}:

T **Threatened species:**

Listed by order of the Minister as Threatened in the category of critically endangered, endangered or vulnerable under section 19(1), or is a rediscovered species to be regarded as threatened species under section 26(2) of the Biodiversity Conservation Act 2016 (BC Act).

Threatened fauna is the species of fauna that are listed as critically endangered, endangered or vulnerable threatened species.

Threatened flora is the species of flora that are listed as critically endangered, endangered or vulnerable threatened species.

The assessment of the conservation status of threatened species is in accordance with the BC Act listing criteria and the requirements of [Ministerial Guideline Number 1](#) and [Ministerial Guideline Number 2](#) that adopts the use of the International Union for Conservation of Nature (IUCN) [Red List of Threatened Species Categories and Criteria](#), and is based on the national distribution of the species.

CR Critically endangered species

Threatened species considered to be “*facing an extremely high risk of extinction in the wild in the immediate future, as determined in accordance with criteria set out in the ministerial guidelines*”.

Listed as critically endangered under section 19(1)(a) of the BC Act in accordance with the criteria set out in section 20 and the ministerial guidelines.

EN Endangered species

Threatened species considered to be “*facing a very high risk of extinction in the wild in the near future, as determined in accordance with criteria set out in the ministerial guidelines*”.

Listed as endangered under section 19(1)(b) of the BC Act in accordance with the criteria set out in section 21 and the ministerial guidelines.

VU Vulnerable species

Threatened species considered to be “*facing a high risk of extinction in the wild in the medium-term future, as determined in accordance with criteria set out in the ministerial guidelines*”.

Listed as vulnerable under section 19(1)(c) of the BC Act in accordance with the criteria set out in section 22 and the ministerial guidelines.

Extinct Species:

EX Extinct species

Species where “*there is no reasonable doubt that the last member of the species has died*”, and listing is otherwise in accordance with the ministerial guidelines (section 24 of the BC Act).

EW Extinct in the wild species

Species that “*is known only to survive in cultivation, in captivity or as a naturalised population well outside its past range; and it has not been recorded in its known habitat or expected habitat, at appropriate seasons, anywhere in its past range, despite surveys over a time frame appropriate to its life cycle and form*”, and listing is otherwise in accordance with the ministerial guidelines (section 25 of the BC Act).

Currently there are no threatened fauna or threatened flora species listed as extinct in the wild.

Specially protected species:

Listed by order of the Minister as specially protected under section 13(1) of the BC Act. Meeting one or more of the following categories: species of special conservation interest; migratory species; cetaceans; species subject to international agreement; or species otherwise in need of special protection.

Species that are listed as threatened species (critically endangered, endangered or vulnerable) or extinct species under the BC Act cannot also be listed as Specially Protected species.

MI Migratory species

Fauna that periodically or occasionally visit Australia or an external Territory or the exclusive economic zone; or the species is subject of an international agreement that relates to the protection of migratory species and that binds the Commonwealth; and listing is otherwise in accordance with the ministerial guidelines (section 15 of the BC Act).

Migratory species include birds that are subject to an agreement between the government of Australia and the governments of Japan (JAMBA), China (CAMBA) or The Republic of Korea (ROKAMBA), and fauna subject to the *Convention on the Conservation of Migratory Species of Wild Animals* (Bonn Convention), an environmental treaty under the United Nations Environment Program. Migratory species listed under the BC Act are a subset of the migratory animals, that are known to visit Western Australia, protected under the international agreements or treaties, excluding species that are listed as Threatened species.

- CD Species of special conservation interest (conservation dependent fauna)**
Species of special conservation need that are dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened, and listing is otherwise in accordance with the ministerial guidelines (section 14 of the BC Act).
Currently only fauna are listed as species of special conservation interest.
- OS Other specially protected species**
Species otherwise in need of special protection to ensure their conservation, and listing is otherwise in accordance with the ministerial guidelines (section 18 of the BC Act).
Currently only fauna are listed as species otherwise in need of special protection.
- P Priority species:**
Priority is not a listing category under the BC Act. The Priority Flora and Fauna lists are maintained by the department and are published on the department's website.
All fauna and flora are protected in WA following the provisions in Part 10 of the BC Act. The protection applies even when a species is not listed as threatened or specially protected, and regardless of land tenure (State managed land (Crown land), private land, or Commonwealth land).
Species that may possibly be threatened species that do not meet the criteria for listing under the BC Act because of insufficient survey or are otherwise data deficient, are added to the Priority Fauna or Priority Flora Lists under Priorities 1, 2 or 3. These three categories are ranked in order of prioritisation for survey and evaluation of conservation status so that consideration can be given to potential listing as threatened.
Species that are adequately known, meet criteria for near threatened, or are rare but not threatened, or that have been recently removed from the threatened species list or conservation dependent or other specially protected fauna lists for other than taxonomic reasons, are placed in Priority 4. These species require regular monitoring.
Assessment of priority status 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 – known from few locations, none on conservation lands**
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, for example, 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 for threatened listing and appear to be under immediate threat from known threatening processes. These species are in urgent need of further survey.
- P2 Priority Two - Poorly-known species – known from few locations, some on conservation lands**
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, for example, 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 for threatened listing and appear to be under threat from known threatening processes. These species are in urgent need of further survey.
- P3 Priority Three - Poorly-known species – known from several locations**
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. These species need 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 a conservation dependent specially protected species.
(c) Species that have been removed from the list of threatened species or lists of conservation dependent or other specially protected species, during the past five years for reasons other than taxonomy.
(d) Other species in need of monitoring.

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.
- (c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened 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 the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.