



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 7598/1
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Forrest and Forrest Pty Ltd

1.3. Property details

Property: LOT 152 ON PLAN 220265, TALANDJI
Colloquial name: MINDEROO STATION
Local Government Authority: ASHBURTON, SHIRE OF
DER Region: North West
Localities: TALANDJI

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
10.44		Mechanical Removal	Extractive Industry

1.5. Decision on application

Decision on Permit Application: Refuse

Decision Date: 28 May 2019

Reasons for Decision: The clearing permit application received on 28 April 2017 has been assessed against the clearing principles, planning instruments and other matters in accordance with s51O of the *Environmental Protection Act 1986*. It has been concluded that the proposed clearing may be at variance to principles (a) and (b) and is not likely to be at variance to any of the remaining clearing principles.

The Delegated Officer determined that the clearing is unlikely to have any significant environmental impacts. The Delegated Officer considers that development approval is a relevant matter to be considered when determining this clearing permit application and given that the applicant has not been granted development approval to construct the weirs associated with this project, and that sufficient time has been provided to the applicant in order to obtain this approval, the Delegated Officer has decided to refuse to grant a clearing permit.

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description	Clearing Description	Vegetation Condition	Comment
The application area has been mapped as Beard vegetation association 585 which is described as 'Shrublands; snakewood and <i>Acacia victoriae</i> scrub / Hummock grasslands, shrub-steppe; kanji over soft spinifex and <i>Triodia basedowii</i> (Shepherd <i>et al.</i> , 2001).	The applicant proposes to clear 10.44 hectares of native vegetation within Lot 152 on Deposited Plan 220265 (Minderoo Pastoral Station), Talandji, for the purpose of extracting granite for the construction of pastoral weirs.	Very Good; Vegetation structure altered; obvious signs of disturbance (Keighery, 1994). To Excellent; Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994).	The condition and description of the vegetation was determined via aerial imagery and a photograph provided by the applicant (Forrest and Forrest Pty Ltd, 2017).

3. Assessment of application against clearing principles

(a) Native vegetation should not be cleared if it comprises a high level of biological diversity.

Comments

Proposed clearing may be at variance to this Principle

The applicant proposes to clear 10.44 hectares of native vegetation within Lot 152 on Deposited Plan 220265 (Minderoo Pastoral Station), Talandji, for the purpose of extracting granite for the construction of pastoral weirs.

The majority of the application area is mapped as the Boolaloo Land System, which is described as 'Granite hills, domes and/or fields and sandy plains with shrubby spinifex grasslands'. The rest of the application area (300 metres of the access track) is mapped as the Uaroo Land System, described as 'Broad sandy plains supporting shrubby hard and soft spinifex grasslands' (Department of Parks and Wildlife (Parks and Wildlife), 2017a).

Five flora species, listed as priority species by the Department of Biodiversity, Conservation and Attraction (DBCA), have been recorded within the local area (40 kilometre radius).

The application area has some similarities to the known habitat for one of the priority flora species, being red sandy plain and grassland, however, there is low likelihood of this species being present in the application area (Parks and Wildlife, 2017a).

As discussed in Principle (b) four fauna species, listed specially protected under the *Biodiversity Conservation Act 2016* (BC Act) within the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* have been recorded within the local area, being northern quoll (*Dasyurus hallucatus*), grey falcon (*Falco hypoleucos*), Pilbara olive python (*Liasis olivaceus* subsp. *barroni*) and curlew sandpiper (*Calidris ferruginea*) (Parks and Wildlife, 2007-). Based on habitat preferences and known ranges of these species the application area may contain significant habitat for the northern quoll and Pilbara olive python.

No priority ecological communities have been recorded within the application area.

Given that the application area contains vegetation in very good to excellent (Keighery, 1994) condition and that it may contain significant habitat for the northern quoll and Pilbara olive python, the application area may contain a high level of biodiversity. Therefore the proposed clearing may be at variance to this Principle. Clearing outside of northern quoll breeding season (April to August) and completing a preclearance trapping and relocation survey would ensure that no northern quolls or Pilbara olive pythons are harmed during the clearing process.

(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.

Comments

Proposed clearing may be at variance to this Principle

Four fauna species, listed as specially protected under the BC Act within the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* have been recorded within the local area, being northern quoll (*Dasyurus hallucatus*), grey falcon (*Falco hypoleucos*), Pilbara olive python (*Liasis olivaceus* subsp. *barroni*) and curlew sandpiper (*Calidris ferruginea*) (Parks and Wildlife, 2007-).

The majority of the application area is mapped as the Boolaloo Land System, which is described as 'Granite hills, domes and/or fields and sandy plains with shrubby spinifex grasslands'. The rest of the application area (300 metres of the access track) is mapped as the Uaroo Land System, described as 'Broad sandy plains supporting shrubby hard and soft spinifex grasslands' (Parks and Wildlife, 2017a).

The northern quoll occupies a variety of habitats across its current range including rocky areas, eucalypt forest and woodlands, dry rainforests and vine thickets, sandy lowlands and beaches, shrublands, grasslands and deserts (Commonwealth of Australia, 2011). Habitat usually includes some form of rocky area or structurally diverse woodland or forest used for shelter with surrounding vegetated habitats used for foraging and dispersal. Shelter habitat is important for breeding and refuge from fire and/or predation (Commonwealth of Australia, 2011).

Little is understood about the characteristics of foraging or dispersal habitat for the northern quoll. However, on current knowledge, foraging or dispersal habitat is recognised to be any land comprising predominately native vegetation in the immediate area (within two kilometres) of denning / shelter habitat, quoll records or land comprising predominately native vegetation that is connected to denning / shelter habitat within the species range. (Commonwealth of Australia, 2011). Habitats critical to survival for the northern quoll are areas that provide shelter for breeding, refuge from fire and/or predation and/or potential poisoning from cane toads (Commonwealth of Australia, 2011).

The application area falls within the range of the northern quoll and there is a 2014 record 18 kilometres south-east and two records from 2011 and 2012 approximately 30-40 kilometres south-east, which are from the former Department of Parks and Wildlife northern quoll research program. The proximity of these confirmed records to the application area indicates that there is potential for northern quoll to be present within or to periodically utilise the application area (Parks and Wildlife, 2017b).

Northern quoll are known to inhabit a wide range of habitat types across their distribution, but rocky areas are

considered important habitat for the species' long term survival. A recent review (Cramer *et al.*, 2016) of northern quoll records in the Pilbara found that the majority of them were from the Robe, Capricorn and Boolaloo land systems, which are comprised of limonite, granite and sandstone low plateaux, mesas, hills and ridges. They are often found in areas associated with permanent water. Based on mapping, the application area is largely comprised of the Boolaloo land system and it is less than five kilometres from a watercourse, and therefore, it is possible that northern quoll inhabit the application area based on the proximity to water (Parks and Wildlife, 2017b).

The application area is also within the known distribution of the Pilbara olive python and there are two recent (2009) records for the species within the vicinity (15 kilometres). The species is usually found in close proximity to water and rocky outcrops (Parks and Wildlife, 2017b).

The Grey Falcon inhabits woodland, shrubland and grassland in the arid and semi-arid zones, especially wooded watercourses (NSW Scientific Committee, 2009). It also hunts in treeless areas and frequents tussock grassland and open woodland. Based on the mapped vegetation type, the application area may contain suitable hunting ground for the grey falcon, however, it is unlikely to be significant as breeding habitat.

The curlew sandpiper mainly occurs on intertidal mudflats in sheltered coastal areas, therefore, the application area does not contain suitable habitat for this species.

Given the above, the application area may be at variance to this Principle. Clearing outside of northern quoll breeding season (April to August) and completing a preclearance trapping and relocation survey would ensure that no northern quolls or Pilbara olive pythons are harmed during the clearing process.

(c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened flora.

Comments Proposed clearing is not likely to be at variance to this Principle

No threatened flora has been recorded within the local area (40 kilometre radius). Therefore the application area is not likely to contain threatened flora.

The proposed clearing is not likely to be at variance to this Principle.

(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.

Comments Proposed clearing is not likely to be at variance to this Principle

No threatened ecological communities (TEC) have been recorded within the local area (40 kilometre radius). Therefore the application area is not likely to comprise of, or be necessary for the maintenance of a TEC.

The proposed clearing is not likely to be at variance to this Principle.

(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.

Comments Proposed clearing is not likely to be at variance to this Principle

The application area is located within the Pilbara Interim Biogeographic Regionalisation of Australia (IBRA) bioregion. This IBRA bioregion has approximately 99.58 per cent of its pre-European vegetation extent remaining (Government of Western Australia, 2018).

The vegetation under application is mapped as Beard vegetation association 585 of which there is approximately 99.99 per cent of its pre-European extent remaining within the Pilbara bioregion (Government of Western Australia, 2018).

The area under application is located within the Shire of Ashburton, within which there is approximately 99.74 per cent of pre-European extent remaining (Government of Western Australia, 2018).

The local area retains approximately 99 per cent native vegetation.

The national objectives and targets for biodiversity conservation in Australia have a target to prevent clearance of ecological communities with an extent below 30 percent of that present pre-1750, below which species loss appears to accelerate exponentially at an ecosystem level (Commonwealth of Australia, 2001).

The application area may contain significant habitat for the northern quoll and Pilbara olive python and therefore may be a significant remnant. However the application area is not located within an area that has been extensively cleared. Therefore, the proposed clearing is not likely to be at variance to this Principle.

	Pre-European (ha)	Current Extent (ha)	Remaining (%)	Extent DBCA Managed Lands (%)
IBRA Bioregion*				
Pilbara	17,808,657	17,733,584	99.58	10
Shire*				
Shire of Ashburton	10,087,789	10,061,094	99.74	17
Beard Vegetation Association in Bioregion*				
585	144,812	144,801	99.99	63

(f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.

Comments **Proposed clearing is not likely to be at variance to this Principle**
 No watercourses or wetlands have been identified within the application area. The nearest watercourse is mapped approximately 2.3 kilometres south east of the application area.

The then Department of Water advised that there are no 'defined' watercourses within the application area (DoW, 2017).

The proposed clearing is not likely to be at variance to this Principle.

(g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.

Comments **Proposed clearing is not likely to be at variance to this Principle**
 The majority of the application area is mapped as the Boolaloo Land System, which is described as 'Granite hills, domes and tor fields and sandy plains with shrubby spinifex grasslands'. The remainder of the application area (300 metres of the access track) is mapped as the Uaroo Land System, which is described as 'Broad sandy plains supporting shrubby hard and soft spinifex grasslands' (Parks and Wildlife, 2017a).

'Interpretation of the available satellite imagery suggests that the application area is mainly the Hills, Tors and Hill slopes land unit. This has occasional pockets of skeletal sandy soils that support *Triodia wiseana* and sparse herbs and shrubs' (Commissioner of Soil and Land Conservation, 2017).

'The land degradation risks associated with this proposed land clearing and rock quarrying is assessed to be low' (Commissioner of Soil and Land Conservation, 2017).

The proposed clearing is not likely to be at variance to this Principle.

(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.

Comments **Proposed clearing is not likely to be at variance to this Principle**
 Cane River Nature Reserve and an area of unallocated Crown land (former Nanutarra Pastoral Station) which is proposed to be included into conservation estate are located approximately 2.8 kilometres east of the application area.

Given the highly vegetated nature of the local area and distance to these conservation areas the proposed clearing is not likely to impact on the environmental values of these areas.

The proposed clearing is not likely to be at variance to this Principle.

(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.

Comments **Proposed clearing is not likely to be at variance to this Principle**
 No watercourses or wetlands have been identified within the application area. The nearest watercourse is mapped approximately 2.3 kilometres south east of the application area. Therefore, the proposed clearing is not likely to impact on the quality of surface water.

Groundwater salinity within the application area is mapped as 1,000-3,000 total dissolved solids, milligrams per litre. This level of groundwater salinity is considered to be moderately saline to marginal.

The local area surrounding the application areas retains approximately 99 per cent native vegetation and therefore, the proposed clearing is not likely to increase groundwater salinity.

The then Department of Water (DoW) advised that the proposed clearing is unlikely to impact on groundwater resources in the area (DoW, 2017).

The proposed clearing is not likely to be at variance to this Principle.

(j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.

Comments

Proposed clearing is not likely to be at variance to this Principle

The majority of the application area is mapped as the Boolaloo Land System, which is described as 'Granite hills, domes and tor fields and sandy plains with shrubby spinifex grasslands'. The remainder of the application area (300 metres of the access track) is mapped as the Uaroo Land System, described as 'Broad sandy plains supporting shrubby hard and soft spinifex grasslands' (Parks and Wildlife, 2017a).

Given the porous nature of the mapped soils the proposed clearing is not likely to increase the incidence or intensity of flooding.

In addition, the Commissioner of Soil and Land Conservation has advised that 'The land degradation risks associated with this proposed land clearing and rock quarrying is assessed to be low' (Commissioner of Soil and Land Conservation, 2017).

The proposed clearing is not likely to be at variance to this principle.

Planning instruments and other relevant matters.

Comments This application is one of four applications from Forrest and Forrest Pty Ltd for Minderoo Pastoral Station. A summary of the other three applications is provided below:

CPS 7577/1 - 90 hectares (within a footprint area of 537 hectares) of native vegetation for the purpose of access tracks and weir construction.

CPS 7611/1 – 126.8 hectares of native vegetation for the purpose of horticulture.

CPS 7626/1 – 0.8822 hectares of native vegetation for extracting granite to repair an existing weir.

The granite proposed to be cleared under this application is to construct the ten weirs as applied for under Forrest and Forrest Pty Ltd's clearing permit application (ref CPS 7577/1).

The application area occurs within the Pilbara groundwater and surface water area, which are proclaimed areas under the *Rights in Water and Irrigation Act 1914*. The former DoW advised that it had received and issued a groundwater licence and bed and banks permit in association with this project. DoW further advised that all activities associated with the clearing including infrastructure, laydown areas, refuelling and topsoil storage should be compatible with the DoW's Land Use Compatibility Tables (DoW, 2017).

On 26 May 2017, a then Department of Environment Regulation Delegated Officer wrote to the Thalanyji Native Title Claimant and Buurabalayji Thanlanyji Aboriginal Corporation, providing notice as required by section 24GB s9 of the *Native Title Act 1993*, and providing an opportunity to comment on the applications. To date, a response has not been received.

The applicant has advised that the granite proposed to be extracted is solely for the use of constructing the weirs and other pastoral related infrastructure and therefore, an extractive industry licence is not required.

The application was advertised online on 30 May 2017 for a 21 day submission period. A publication summary was advertised in *The West Australian* on Monday 5 June 2017. No submissions were received in relation to this application.

No Aboriginal Sites of Significance have been mapped within the application area.

The original application, submitted on 15 May 2017, was for an area of 640 hectares for the purpose of extracting granite for the construction of pastoral weirs. On 28 July 2017 the Department of Water and Environmental Regulation wrote to the applicant advising that a targeted northern quoll and Pilbara olive python survey was required. Advice was also sought on why such a large area of extraction was required. On 20 November 2017 an email was received from a consultant providing a shapefile for a reduced area of 10.44 hectares.

On 14 December 2017 the Department wrote to the applicant requesting evidence of development approval to be provided to the Department.

On 21 August 2018 the Department wrote to the applicant requesting an update on the SAT hearing and was advised it had been delayed and was under consideration by the Minister the Hon Ben Wyatt.

On 4 December 2018 the Department wrote to the applicant requesting an update on the SAT hearing and was advised it had been delayed and was under consideration by the Minister the Hon Ben Wyatt.

On 18 January 2019 the Department wrote to the applicant requesting an update on the SAT hearing and was advised it had been delayed and was under consideration by the Minister the Hon Ben Wyatt.

On 25 February 2019 the Department contacted the applicant advising that a decision will be made on this application. On 8 March 2019 the Department wrote to the applicant advising that in 30 days the Delegated Officer intended to refuse the clearing permit application.

On 26 March 2019 and 9 April 2019 the Department contacted the applicant to confirm if a response to the intent to refuse letter would be provided. No response has been received by the Department and the Delegated Officer has therefore decided to refuse this application.

4. References

- Commissioner of Soil and Land Conservation (2017) Land Degradation Advice for Clearing Permit Application CPS 7598/1. Department of Primary Industries and Regional Development (DWER Ref: A1485581).
- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- Commonwealth of Australia (2011) *Environment Protection and Biodiversity Conservation Act 1999* referral guidelines for the endangered northern quoll, *Dasyurus hallucatus*, EPBC Act Policy Statement 3.25, Commonwealth of Australia, Canberra.
- Department of Parks and Wildlife (2007-) NatureMap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife. URL: <http://naturemap.dpaw.wa.gov.au/>. Accessed June 2017.
- Department of Parks and Wildlife (Parks and Wildlife) (2017a) Species and Communities Branch flora advice for Clearing Permit Application CPS 7598/1 (DER Ref: A1457029).
- Department of Parks and Wildlife (Parks and Wildlife) (2017b) Species and Communities Branch fauna advice for Clearing CPS 7598/1

Permit Application CPS 7598/1 (DER Ref: A1458708).
Department of Water (DoW) (2017) *Rights in Water and Irrigation Act 1914* advice for Clearing Permit Application CPS 7598/1 (DER Ref: A1457902).
Forrest and Forrest Pty Ltd (2017) Photo of the application area provided by the applicant on 30 June 2017 (DER Ref: A1464421).
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.
NSW Scientific Committee (2009) Grey Falcon *Falco hypoleucos*. Review of current information in NSW. July 2009. Unpublished report arising from the Review of the Schedules of the Threatened Species Conservation Act 1995. NSW Scientific Committee, Hurstville.
Shepherd, D.P., Beeston, G.R. and Hopkins, A.J.M. (2001) *Native Vegetation in Western Australia, Extent, Type and Status*. Resource Management Technical Report 249. Department of Agriculture, Western Australia.