

# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 7627/1  
 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 Track

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
0.82		Mechanical Removal	Access Track

### 1.5. Decision on application

Decision on Permit Application: Grant  
 Decision Date: 3 August 2017

## 2. Site Information

### 2.1. Existing environment and information

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

<b>Vegetation Description</b>	<p>Beard vegetation associations have been mapped for the whole of Western Australia and are useful to look at vegetation in a regional context. The following vegetation association has been mapped within the permit area (GIS Database):</p> <p>82: Hummock grasslands, low tree steppe; snappy gum over <i>Triodia wiseana</i>.</p> <p>A flora and vegetation survey undertaken by Ecoscape in 2013 covered a small area in the west on the permit boundary (Fortescue Metals Group, 2017). The survey identified the following two vegetation types in this area:</p> <p>ChAbTw: <i>Corymbia hamersleyana</i>, <i>Eucalyptus leucophloia</i> subsp. <i>leucophloia</i> and <i>E. xerothermica</i> low open woodland over <i>Acacia bivenosa</i> and <i>Petalostylis labicheoides</i> tall sparse shrubland over <i>Triodia wiseana</i> low hummock grassland; and</p> <p>EITw: <i>Eucalyptus leucophloia</i> subsp. <i>leucophloia</i> low open woodland over <i>Triodia wiseana</i> and <i>Triodia</i> sp. Robe River low sparse hummock grassland.</p> <p>Based on the landforms presents, it is likely that these vegetation types extend over the rest of the permit area.</p>
<b>Clearing Description</b>	<p>Hendrix East Track</p> <p>Fortescue Metals Group Ltd proposes to clear up to 0.82 hectares of native vegetation within a boundary of approximately 4.165 hectares for the purposes of an access track. The project is located approximately 95 kilometres south, south-east of Pannawonica within the Shire of Ashburton.</p>
<b>Vegetation Condition</b>	Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994).
<b>Comment</b>	The vegetation condition was determined by the assessing officer using aerial imagery.

## 3. Assessment of application against clearing principles

### Comments

Fortescue Metals Group Ltd has applied to clear 0.82 hectares to allow for the clearing of an access track for their Hendrix East exploration project. According to available databases, there are no records of any Threatened or Priority Ecological Communities within the permit area (GIS Database). The vegetation of the permit area is common and well represented throughout the bioregion (Government of Western Australia, 2016; GIS Database).

According to available databases, there are no records of Threatened or Priority flora species within the permit

area (GIS Database). There are several records of Priority flora species from the local area (20 kilometre radius) including the Priority 1 species *Sida* sp. Hamersley Range (GIS Database). *Sida* sp. Hamersley Range is restricted to the western Pilbara and is found at the bases of breakaways and cliffs, steep sloped drainage gullies or gorges in hill landforms (Astron Environmental Services, 2013; Western Australian Herbarium, 2017). Whilst this species may be present, the proposed clearing would only remove a small amount of suitable habitat (GIS Database). The proposed clearing of 0.82 hectares is not likely to have a significant impact on habitat for any of the Priority flora species in the local area.

The fauna habitat within the permit area has been broadly described as being hilltops, ridges and cliffs (Fortescue Metals Group, 2017). Based on known records and the habitat present, the Northern Quoll (*Dasyurus hallucatus*), Ghost Bat (*Macroderma gigas*) and Pilbara Leaf-nosed Bat (*Rhinonicteris aurantia*) may all utilise the application area (Fortescue Metals Group, 2017). The permit area avoids the rocky cliffs which are likely to be more significant for denning and roosting (GIS Database). The proposed clearing of 0.82 hectares for an access track is not likely to have an impact on the availability of foraging habitat for this species in the local area. The vegetation within the permit area is not likely to represent significant habitat for native fauna species.

There are no watercourses within the permit area and the vegetation present is not riparian vegetation (GIS Database). The proposed clearing of 0.82 hectares will not impact on the quality of surface and groundwater in the local area and will not cause an increase in the incidence or intensity of flooding.

The permit area is mapped as comprising the Newman land system which is not prone to erosion (Van Vreeswyk et al., 2004; GIS Database).

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

**Methodology** Astron Environmental Services (2013)  
Fortescue Metals Group (2017)  
Government of Western Australia (2016)  
Van Vreeswyk et al. (2004)  
Western Australian Herbarium (2017)

GIS Database:  
- Hydrography, linear  
- Imagery  
- Landsystems Rangelands  
- Pre-European Vegetation  
- Threatened and Priority Ecological Communities (TEC/PEC) Boundaries  
- Threatened and Priority Flora

#### **Planning instrument, Native Title, Previous EPA decision or other matter.**

##### **Comments**

There is one native title claim over the area under application (WC2001/005) (Department of Planning, Lands and Heritage, 2017). This claim has been registered with the National Native Title Tribunal on behalf of the claimant group. However, the mining tenements have 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 (Department of Planning, Lands and Heritage, 2017). 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 application was advertised on 26 June 2017 by the Department of Mines and Petroleum (now Department of Mines, Industry Regulation and Safety) inviting submissions from the public. No submissions were received in relation to this application.

**Methodology** Department of Planning, Lands and Heritage (2017)

#### **4. References**

Astron Environmental Services (2013) Level 2 Flora and Vegetation Assessment, Western Hub (The Edge). Report prepared

for Fortescue Metals Group Limited, by Astron Environmental Services, October 2013.

Department of Planning, Lands and Heritage (2017) Aboriginal Heritage Enquiry System. Department of Planning, Lands and Heritage. <http://maps.daa.wa.gov.au/AHIS/> (Accessed 28 July 2017).

Fortescue Metals Group (2017) Hendrix East Track ML4SA. Native Vegetation Clearing Permit Application Supporting Document. Fortescue Metals Group Ltd, May 2017.

Government of Western Australia (2016) 2016 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of October 2016. WA Department of Parks and Wildlife, Perth.

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.; Hennig, P. (2004) An inventory and condition survey of the Pilbara Region, Western Australia, Technical Bulletin No. 92 Department of Agriculture Western Australia, South Perth.

Western Australian Herbarium (2017) FloraBase - The Western Australian Flora. Department of Biodiversity Conservation and Attractions. <http://florabase.dpaw.wa.gov.au/> (Accessed 26 July 2017).

## 5. Glossary

### Acronyms:

<b>BoM</b>	Bureau of Meteorology, Australian Government
<b>DAA</b>	Department of Aboriginal Affairs, Western Australia (now DPLH)
<b>DAFWA</b>	Department of Agriculture and Food, Western Australia (now DPIRD)
<b>DBCA</b>	Department of Biodiversity Conservation and Attractions, Western Australia
<b>DEC</b>	Department of Environment and Conservation, Western Australia (now DBCA and DWER)
<b>DEE</b>	Department of the Environment and Energy, Australian Government
<b>DER</b>	Department of Environment Regulation, Western Australia (now DWER)
<b>DMIRS</b>	Department of Mines, Industry Regulation and Safety, Western Australia
<b>DMP</b>	Department of Mines and Petroleum, Western Australia (now DMIRS)
<b>DPIRD</b>	Department of Primary Industries and Regional Development, Western Australia
<b>DPLH</b>	Department of Planning, Lands and Heritage, Western Australia
<b>DRF</b>	Declared Rare Flora
<b>DoE</b>	Department of the Environment, Australian Government (now DEE)
<b>DoW</b>	Department of Water, Western Australia (now DWER)
<b>DPaW</b>	Department of Parks and Wildlife, Western Australia (now DBCA)
<b>DSEWPaC</b>	Department of Sustainability, Environment, Water, Population and Communities (now DEE)
<b>DWER</b>	Department of Water and Environmental Regulation, Western Australia
<b>EPA</b>	Environmental Protection Authority, Western Australia
<b>EP Act</b>	<i>Environmental Protection Act 1986</i> , Western Australia
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Federal Act)
<b>GIS</b>	Geographical Information System
<b>ha</b>	Hectare (10,000 square metres)
<b>IBRA</b>	Interim Biogeographic Regionalisation for Australia
<b>IUCN</b>	International Union for the Conservation of Nature and Natural Resources – commonly known as the World Conservation Union
<b>PEC</b>	Priority Ecological Community, Western Australia
<b>RIWI Act</b>	<i>Rights in Water and Irrigation Act 1914</i> , Western Australia
<b>TEC</b>	Threatened Ecological Community

### Definitions:

{DPaW (2017) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia}:-

#### **T**

##### **Threatened species:**

Published as Specially Protected under the *Wildlife Conservation Act 1950*, listed under Schedules 1 to 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora (which may also be referred to as Declared Rare Flora).

**Threatened fauna** is that subset of 'Specially Protected Fauna' declared to be 'likely to become extinct' pursuant to section 14(4) of the Wildlife Conservation Act.

**Threatened flora** is flora that has been declared to be 'likely to become extinct or is rare, or otherwise in need of special protection', pursuant to section 23F(2) of the Wildlife Conservation Act.

The assessment of the conservation status of these species is based on their national extent and ranked according to their level of threat using IUCN Red List categories and criteria as detailed below.

#### **CR**

##### **Critically endangered species**

Threatened species considered to be facing an extremely high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation

(Rare Flora) Notice for Threatened Flora.

- EN Endangered species**  
Threatened species considered to be facing a very high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.
- VU Vulnerable species**  
Threatened species considered to be facing a high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.
- EX Presumed extinct species**  
Species which have been adequately searched for and there is no reasonable doubt that the last individual has died. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Presumed Extinct Fauna and Wildlife Conservation (Rare Flora) Notice for Presumed Extinct Flora.
- IA Migratory birds protected under an international agreement**  
Birds that are subject to an agreement between the government of Australia and the governments of Japan (JAMBA), China (CAMBA) and The Republic of Korea (ROKAMBA), and the Bonn Convention, relating to the protection of migratory birds. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 5 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- CD Conservation dependent fauna**  
Fauna of special conservation need being species dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 6 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- OS Other specially protected fauna**  
Fauna otherwise in need of special protection to ensure their conservation. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 7 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- P Priority species**  
Species which are poorly known; or  
Species that are adequately known, are rare but not threatened, and require regular monitoring. Assessment of Priority codes is based on the Western Australian distribution of the species, unless the distribution in WA is part of a contiguous population extending into adjacent States, as defined by the known spread of locations.
- P1 Priority One - Poorly-known species:**  
Species that are known from one or a few locations (generally five or less) which are potentially at risk. All occurrences are either: very small; or on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, road and rail reserves, gravel reserves and active mineral leases; or otherwise under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes. Such species are in urgent need of further survey.
- P2 Priority Two - Poorly-known species:**  
Species that are known from one or a few locations (generally five or less), some of which are on lands managed primarily for nature conservation, e.g. national parks, conservation parks, nature reserves and other lands with secure tenure being managed for conservation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes. Such species are in urgent need of further survey.
- P3 Priority Three - Poorly-known species:**  
Species that are known from several locations, and the species does not appear to be under imminent threat, or from few but widespread locations with either large population size or significant remaining areas of apparently suitable habitat, much of it not under imminent threat. Species may be included if they are comparatively well known from several locations but do not meet adequacy of survey requirements and known threatening processes exist that could affect them. Such species are in need of further survey.
- P4 Priority Four - Rare, Near Threatened and other species in need of monitoring:**  
(a) Rare. Species that are considered to have been adequately surveyed, or for which sufficient knowledge is available, and that are considered not currently threatened or in need of special protection, but could be if present circumstances change. These species are usually represented on

conservation lands.

(b) Near Threatened. Species that are considered to have been adequately surveyed and that are close to qualifying for Vulnerable, but are not listed as Conservation Dependent.

(c) Species that have been removed from the list of threatened species during the past five years for reasons other than taxonomy.

**Principles for clearing native vegetation:**

- (a) Native vegetation should not be cleared if it comprises a high level of biological diversity.
- (b) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia.
- (c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.
- (d) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community.
- (e) Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.
- (f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.
- (g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.
- (h) Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.
- (i) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.
- (j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.