



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 8183/1  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: Fortescue Metals Group Ltd

### 1.3. Property details

Property: Temporary Reserve 70/4266 pursuant to *Iron Ore (Rhodes Ridge) Agreement Authorisation Act 1972*  
Temporary Reserve 70/4881 pursuant to *Iron Ore (Rhodes Ridge) Agreement Authorisation Act 1972*

Local Government Area: Shire of East Pilbara  
Colloquial name: Mindy Mindy Project

### 1.4. Application

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

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 25 October 2018

## 2. Site Information

### 2.1. Existing environment and information

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

**Vegetation Description** The vegetation of the application area is broadly mapped as the following Beard vegetation associations (GIS Database):

18: Low woodland; mulga (*Acacia aneura*);  
29: Sparse low woodland; mulga, discontinuous in scattered groups; and  
82: Hummock grasslands, low tree steppe; snappy gum over *Triodia wiseana*.

A flora and vegetation survey has not been conducted over the permit area.

**Clearing Description** Mindy Mindy Project.  
Fortescue Metals Group Ltd proposes to clear up to 7.37 hectares of native vegetation within a boundary of approximately 90.42 hectares, for the purpose of an access road. The project is located approximately 50 kilometres northeast of Newman, within the Shire of East Pilbara.

**Vegetation Condition** Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994);

to

Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).

**Comment** 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 up to 7.37 hectares to allow for clearing for an access road to their Mindy Mindy exploration prospect. The proposed clearing will require clearing of both new tracks and re-clearing of old tracks (Fortescue Metals Group Ltd, 2018; GIS Database).

According to available databases, there are no records of any Threatened or Priority Ecological Communities (TECs/PECs) within the permit area (GIS Database). The permit area is within 5 kilometres of the 'Kumina

Land System' PEC (GIS Database). The permit area is mapped as occurring on the Boolgeeda, Newman and Spearhole land systems (GIS Database). The proposed clearing will not impact this PEC. The land systems within the permit area are generally not prone to erosion, and the proposed clearing of 7.37 hectares for an access road is not likely to cause appreciable land degradation (Van Vreeswyk et al., 2004).

According to available databases, there are no records of any Threatened or Priority flora 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 *Eremophila* sp. Hamersley Range, *Eremophila* sp. West Angelas and *Vittadinia* sp. Coondewanna Flats (GIS Database). *Eremophila* sp. Hamersley Range and *Eremophila* sp. West Angelas both generally inhabit areas high in the landscape and on the side of hills (Western Australian Herbarium, 2018). The landscape within the permit area is generally flat plains and is not likely to provide suitable habitat for these two species (GIS Database). *Vittadinia* sp. Coondewanna Flats is found in areas lower in the landscape on plains and also within drainage lines (Western Australian Herbarium, 2018). Potential habitat for *Vittadinia* sp. Coondewanna Flats may be present within the permit area. Habitat for other priority flora species is also present within the permit boundary. The flora habitat present within the permit area is common throughout the local area, and the proposed clearing of 7.37 hectares is not likely to have a significant impact on priority flora species.

No fauna surveys have been conducted over the application area. Based on known distributions and the habitat present, a number of conservation significant fauna species may utilise the permit area (Fortescue Metals Group Ltd, 2018; GIS Database). The permit area avoids any rocky cliffs and gully areas which are likely to provide more significant habitat for species such as the Pilbara Olive Python (*Liasis olivaceus* subsp. *barroni*), Ghost Bat (*Macroderma gigas*) and Pilbara Leaf-nosed Bat (*Rhinioncteris aurantia*) (GIS Database). The proposed clearing of 7.37 hectares for an access road is not likely to have an impact on the availability of foraging habitat for fauna species in the local area. The vegetation within the permit area is not likely to represent significant habitat for native fauna species.

There are numerous minor ephemeral watercourses that pass through the permit area (GIS Database). Whilst the proposed clearing will impact riparian vegetation, the majority of the clearing will involve the re-clearing of previous access tracks. The proposed clearing of 7.37 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 not located within any conservation areas and will not impact on any ecological linkages to conservation areas (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 at variance to Principle (f), is not likely to be at variance to Principles (a), (b), (c), (d), (g), (h), (i) and (j) and is not at variance to Principle (e).

**Methodology** Fortescue Metals Group Ltd (2018)  
Van Vreeswyk et al. (2004)  
Western Australian Herbarium (2018)

GIS Database:  
- DPaW Tenure  
- Hydrography, Linear  
- Imagery  
- Landsystem Rangelands  
- Pre-European Vegetation  
- Public Drinking Water Source Areas  
- Soils, Statewide  
- Threatened and Priority Ecological Communities boundaries  
- Threatened and Priority Ecological Communities buffers  
- Threatened and Priority Flora  
- Threatened Fauna

### **Planning Instrument, Native Title, previous EPA decision or other matter.**

#### **Comments**

There is one Native Title claim over the area under application (DPLH, 2018). This claim 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 registered Aboriginal Sites of Significance within the application area (DPLH, 2018). It is the proponent's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

It is the proponent's responsibility to liaise with the Department of Water and Environmental Regulation and the Department of Biodiversity Conservation and Attractions, to determine whether a Works Approval, Water Licence, Bed and Banks Permit, or any other licences or approvals are required for the proposed works.

The amendment application was advertised on 17 September 2018 by the Department of Mines, Industry Regulation and Safety inviting submissions from the public. No submissions were received in relation to this application.

**Methodology** DPLH (2018)

#### 4. References

- DPLH (2018) Aboriginal Heritage Enquiry System. Department of Planning, Lands and Heritage. <http://maps.daa.wa.gov.au/AHIS/> (Accessed 23 October 2018).
- Fortescue Metals Group Ltd (2018) Native Vegetation Clearing Assessment Report – Mindy Mindy Project, 17 August 2018.
- 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., Hennig, P., and Leighton, K.A. (2004) An Inventory and Condition Survey of the Pilbara Region, Western Australia. Department of Agriculture, Western Australia.
- Western Australian Herbarium (2018) FloraBase - the Western Australian Flora. Department of Biodiversity, Conservation and Attractions. <https://florabase.dpaw.wa.gov.au/> (Accessed 21 September 2018).

#### 5. Glossary

##### Acronyms:

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

##### Definitions:

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

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

**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 1950*.

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.