



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 8415/1  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: Hinckley Range Pty Ltd

### 1.3. Property details

Property: Miscellaneous Licence 69/27  
Local Government Area: Shire of Ngaanyatjarraku  
Colloquial name: Wingellina Nickel Project

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
0.342		Mechanical Removal	Access road, water bores, sumps and turkey nest

### 1.5. Decision on application

Decision on Permit Application: Granted  
Decision Date: 2 May 2019

## 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 association: 19: Low woodland; mulga between sandridges (GIS Database).

A flora and vegetation survey was conducted over the application area by Stantec from 18 to 20 November 2018. The following four vegetation associations were recorded within the application area (Stantec, 2019):

#### **Triodia pungens – Triodia basedowii Hummock grassland**

**Triodia pungens – Eucalyptus gamophylla** - Tall open mallee featuring *Eucalyptus gamophylla* and *Eucalyptus socialis* over low open mallee shrubland featuring scattered *Aluta maisonneuvei*, *Acacia maitlandii* and *A. ligulata* with occasional *Senna artemisioides* subsp. *filifolia* over *Triodia basedowii* and *T. pungens* hummock grassland;

**Acacia maitlandii – Triodia pungens** - Mixed open mulga–mallee shrublands featuring *Acacia maitlandii*, *Eucalyptus gamophylla* and *Senna artemisioides* subsp. *filifolia* over open mixed hummock grassland featuring *Triodia pungens* and *T. basedowii* with emergent tussock forming \**Cenchrus ciliaris* and *Monachather paradoxus*; and

**Triodia basedowii – Eucalyptus gamophylla** - Sparse mulga–mallee shrublands featuring *Acacia maitlandii*, *Eucalyptus gamophylla* and *Senna artemisioides* subsp. *filifolia* over dense hummock grasslands dominated by *Triodia basedowii* and *T. pungens* with emergent tussock grasses including; *Cymbopogon obtectus* and \**Cenchrus ciliaris*.

#### **\*Cenchrus ciliaris Tussock grassland**

**Cenchrus ciliaris – Eremophila longifolia** - Open shrublands featuring *Eremophila longifolia*, *A. ligulata* and *Senna artemisioides* subsp. *filifolia* over tussock grasslands featuring *Cenchrus ciliaris*, *Cymbopogon obtectus* and *Aristida contorta* with emergent suffrutex *Boerhavia schomburgkiana*

**Clearing Description** Wingellina Nickel Project.  
Hinckley Range Pty Ltd proposes to clear up to 0.342 hectares of native vegetation within a boundary of approximately 1.22 hectares, for the purposes of an access road, water bores, sumps and turkey nest. The project is located approximately 644 kilometres East of Eucla, within the Shire of Ngaanyatjarraku.

**Vegetation Condition** Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994);

To:

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

**Comment**

The vegetation condition was derived from a vegetation survey conducted by Stantec (2019).

### 3. Assessment of application against Clearing Principles

**Comments**

The clearing permit application area is located within the Central subregion of the Interim Biogeographic Regionalisation for Australia (IBRA) Great Victoria Desert Bioregion (GIS Database). The Central subregion is described as arid active sand-ridge desert with extensive dune fields of deep Quaternary aeolian sands, and occasional breakaways and quartzite hills (CALM, 2002). Vegetation is primarily tree steppe of *Eucalyptus gongylocarpa*, Mulga and *E. youngiana* over hummock grassland dominated by *Triodia basedowii* on the aeolian sands. *Acacia* dominates colluvial soils with *Eremophila* and *Santalum* spp., halophytes are confined to edges of salt lakes and saline drainage systems (CALM, 2002). The region is rich and diverse in both its flora and fauna, however, most species are wide ranging and usually occur in at least one, and often several adjoining subregions (CALM, 2002).

The landforms, vegetation associations and fauna habitat types found within the application area are well represented within the region (Stantec, 2019; GIS Database). No known Threatened or Priority Ecological Communities, and no known Threatened or Priority flora species have been identified within the application area (Stantec, 2019; GIS Database). The application area is unlikely to represent an area of higher biodiversity than surrounding areas, in either a local or regional context.

Clearing activities may spread or introduce weeds, which have the potential to out-compete native flora and reduce the biodiversity of an area. Potential impacts to biodiversity as a result of the proposed clearing may be minimised by the implementation of a weed management condition.

A targeted fauna survey was undertaken by Stantec (2019) during November 2018. Two broad habitats were identified within the application area:

1. Hummock Grassland which is comprised of the *Triodia pungens* – *Eucalyptus gamophylla*, *Acacia maitlandii*–*Triodia pungens* and *Triodia basedowii* – *Eucalyptus gamophylla* vegetation types; and
2. Tussock Grassland which comprised *Cenchrus ciliaris* – *Aristidea contorta* and *Cenchrus ciliaris*–*Eremophila longifolia* vegetation types.

The Hummock grassland habitat type could provide favourable habitat for the bilby, brush-tailed mulgara and great desert skink (Stantec, 2019). Approximately 32 per cent of the Hummock grassland habitat was burnt in early 2018 (Stantec, 2019), however suitable habitat for these species occurs extensively outside the application area. Given that no conservation significant species were identified during the survey, the proposed clearing of 0.342 hectares is unlikely to impact significant fauna habitat on a local or regional scale.

The application area is located within an area known as the Ranges of the Western Desert, which is listed on the Register of National Estate for its unique natural values (GIS Database). The ranges of the Western Desert covers an area of approximately eight million hectares (GIS Database). The area of the proposed clearing (0.342 hectares) is unlikely to have any significant impact on the natural values of this area.

The nearest DBCA managed land is the Gibson Desert Nature Reserve which is located approximately 257 kilometres north-east of the application area, at its nearest point (GIS Database).

There are no permanent or ephemeral water bodies located within the application area (GIS Database). The application area is not located within a Public Drinking Water Source Area (GIS Database). The proposed clearing of native vegetation is not susceptible to erosion and the proposed clearing is not likely to cause deterioration in the quality of surface or underground water or increase the incidence or intensity of flooding (GIS Database).

The low impact nature of the proposed clearing of up to 0.342 hectares for exploration activities within a total application area of approximately 1.22 hectares, is unlikely to have any significant impact on the biological diversity of the region.

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

**Methodology**

CALM (2002)  
Stantec (2019)

GIS Database:  
- DPaW Tenure

- Hydrography, Lakes
- Hydrography, Linear
- IBRA Australia
- Imagery
- Landsystem Rangelands
- Pre-European Vegetation
- Public Drinking Water Source Areas
- Register of National Estate
- 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, 2019). This has been determined by the Federal Court 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, 2019). 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 8 April 2019 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 (2019)

## 4. References

- CALM (2002) A Biodiversity Audit of Western Australia's 53 Biogeographic Subregions in 2002. Department of Conservation and Land Management, Western Australia.
- DPLH (2019) Aboriginal Heritage Enquiry System. Department of Planning, Lands and Heritage. <http://maps.daa.wa.gov.au/AHIS/> (Accessed 17 April 2019).
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Stantec (2019) Wingellina Nickel Project Tenement L69/27: Targeted Flora and Fauna Survey. Prepared for Hinckley Range Pty Ltd by Stantec Australia Pty Ltd, February 2019.

## 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:**

{DBCA (2019) 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 that subset of ‘Specially Protected Fauna’ listed under schedules 1 to 3 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for Threatened Fauna.

**Threatened flora** is that subset of ‘Rare Flora’ listed under schedules 1 to 3 of the *Wildlife Conservation (Rare Flora) Notice 2018* for Threatened Flora.

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 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. Published under schedule 1 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for critically endangered fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for critically endangered flora.

### **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. Published under schedule 2 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for endangered fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for endangered flora.

### **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. Published under schedule 3 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for vulnerable fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for vulnerable flora.

## **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).

Published as presumed extinct under schedule 4 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for extinct fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for extinct flora.

**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. If listing of a species as extinct in the wild occurs, then a schedule will be added to the applicable notice.

**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).

Includes 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 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.

Published as migratory birds protected under an international agreement under schedule 5 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

**CD****Species of special conservation interest (conservation dependent fauna)**

Fauna of special conservation need being species 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).

Published as conservation dependent fauna under schedule 6 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

**OS****Other specially protected species**

Fauna 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).

Published as other specially protected fauna under schedule 7 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

**P****Priority species:**

Possibly threatened species that do not meet survey criteria, 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 priority for survey and evaluation of conservation status so that consideration can be given to their declaration as threatened fauna or flora.

Species that are adequately known, are rare but not threatened, or meet criteria for near threatened, or that have been recently removed from the threatened species or other specially protected fauna lists for other than taxonomic reasons, are placed in Priority 4. These species 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.