



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 5247/2
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Western Areas Limited

1.3. Property details

Property: Mining Lease 77/219
Local Government Area: Shire of Kondinin
Colloquial name: Forrestania Nickel Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
10		Mechanical Removal	Mineral Exploration

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 15 February 2018

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description 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 Beard vegetation associations are located within the application area (GIS Database):

511: Medium woodland; salmon gum and morel; and
1413: Shrublands; acacia, casuarina and melaleuca thicket.

A Level 1 flora and vegetation survey conducted by Botanica Consulting (Botanica) on 23 September 2011 identified the following seven vegetation communities within the application area:

1. Heath of *Allocasuarina campestris*/*Melaleuca hamata*/*Acacia eremophila* over low grass of *Borya constricta*. The upper storey species included *Allocasuarina campestris*, *Melaleuca hamata*, *Acacia eremophila* and *Santalum acuminatum*. The mid-storey species included *Lepidosperma* sp. A2 Inland Flat (G.J. Keighery 7000), *Melaleuca laxiflora*, *Schoenus calcutus*, *Baeckea crispiflora* and *Goodenia pinifolia*. The understorey only comprised of the species *Borya constricta*.
2. Forest of *Eucalyptus melanoxylon* and *Eucalyptus urna* over thicket of *Melaleuca pauperiflora* subsp. *fastigiata*. The upper storey included *Eucalyptus melanoxylon* and *Eucalyptus urna*. The mid-storey species included *Melaleuca pauperiflora* subsp. *fastigiata* and *Acacia hemiteles*. The understorey species included *Exocarpos aphyllus*, *Olearia muelleri*, *Templetonia sulcata*, *Sclerolaena uniflora*, *Eremophila ionantha* and *Acacia merrallii*.
3. Low woodland of *Eucalyptus salmonophloia* over mallee of *Eucalyptus cylindrocarpa*/*Eucalyptus cylindriflora*/*Eucalyptus pileata*. The species in the upper storey included *Eucalyptus salmonophloia*, *Eucalyptus salubris*, *Eucalyptus urna* and *Eucalyptus melanoxylon*. The mid-storey included *Eucalyptus cylindrocarpa*, *Eucalyptus cylindriflora*, *Eucalyptus pileata*, *Melaleuca pauperiflora* subsp. *fastigiata*, *Melaleuca adnata* and *Atriplex vesicaria*. The understorey species included *Daviesia benthamii*, *Acacia erinacea*, *Wilsonia humilis*, *Eremophila ionantha*, *Acacia deficiens*, *Dodonaea stenozyga*, *Exocarpos aphyllus* and *Grevillea huegelii*.
4. Open low scrub of *Acacia hemiteles* over very open low grass of *Aristida contorta*. The upper storey species included *Acacia hemiteles*, *Allocasuarina helmsii* and *Santalum acuminatum*. The mid-storey included *Calytrix* sp. (sterile) and *Acacia erinacea*. The understorey species included *Aristida contorta*, *Daucus glochidiatus* and *Thryptomene kochii*.
5. Open mallee of *Eucalyptus livida* over heath of *Allocasuarina acutivalvis*. The upper storey species included *Eucalyptus livida*, *Grevillea pterosperma*, *Eucalyptus eremophila* and *Acacia lasiocalyx*. The mid-storey species included *Allocasuarina acutivalvis*, *Acacia sulcata*, *Melaleuca cordata*, *Santalum acuminatum*, *Banksia sphaerocarpa* var. *dolichostyla* (DRF) and *Allocasuarina corniculata*. The understorey species included *Lepidosperma* sp. North Ironcap (Russell Barrett), *Drummondia hassellii*, *Caladenia flava*, *Schoenus calcutus* and *Waitzia acuminata*.
6. Mallee of *Eucalyptus eremophila* and *Eucalyptus urna* over heath of *Daviesia nematophylla* and *Melaleuca*

adnata. The upper storey species included *Eucalyptus gracilis*, *Eucalyptus cylindrocarpa* and *Eucalyptus celastroides*. The mid-storey species included *Daviesia nematophylla*, *Melaleuca adnata*, *Melaleuca hamata* and *Melaleuca pauperiflora* subsp. *fastigiata*. The understorey species included *Acacia erinacea*, *Sclerolaena uniflora* and *Wilsonia humilis*.

7. Heath of *Allocasuarina campestris* and *Hakea kippistiana*. The upper storey species included *Eucalyptus eremophila* and *Eucalyptus livida*. The mid-storey species included *Allocasuarina acutivalvis*, *Melaleuca adnata* and *Hakea kippistiana*. The understorey species included *Hibbertia eatoniae*, *Acacia sulcata*, *Grevillea oncogyne* and *Trymalium myrtillus* subsp. *myrtillus*.

Clearing Description	Forrestania Nickel Project. Western Areas Limited (Western Areas) proposes to clear up to 10 hectares of native vegetation within an application area of approximately 220 hectares for the purpose of mineral exploration. The project area is located near the existing Forrestania Nickel Project and is located approximately 75 kilometres east, north east of Hyden within the Shire of Kondinin.
Vegetation Condition	Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).
Comment	Vegetation condition was determined by Botanica (2011). The survey area was in very good condition with the only disturbance from historic exploration tracks and drilling (Botanica, 2011). According to Western Areas (2012), there are many old grid lines that have been rehabilitated. The purpose of the application is for mineral exploration and includes access tracks and drill pads. Clearing will be by mechanical means. Vegetation and topsoil will be stockpiled for use in rehabilitation. Clearing permit CPS 5247/1 was granted by the Department of Mines and Petroleum (now the Department of Mines, Industry Regulation and Safety) on 31 January 2013 and authorised the clearing of 10 hectares of native vegetation within a boundary of approximately 220 hectares.

3. Assessment of application against Clearing Principles

Comments

The Permit Holder has applied to amend the clearing permit to extend the duration of the permit from 23 February 2018 to 23 February 2022 and amend the company name to Western Areas Limited to reflect the company name change. The amount of clearing authorised and the permit boundary will remain unchanged.

The proposed amendment is unlikely to result in any significant change to the environmental impacts of the proposed clearing. The assessment against the clearing principles remains consistent with the assessment contained in decision report CPS 5247/1.

Methodology

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

Comments

The permit area is within the South West Native Title Settlement area (DPLH, 2018). This settlement resolves Native Title rights and interests over an area of approximately 200,000 square kilometres within the south west of Western Australia. 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.

Methodology DPLH (2018)

4. References

- Botanica (2011) Level 1 Flora and Vegetation Survey of Beautiful Sunday Tenement: M77/219. Unpublished Report Prepared by Botanica Consulting for Western Areas NL, September 2011.
- DPLH (2018) Aboriginal Heritage Enquiry System. Department of Planning, Lands and Heritage.
<http://maps.daa.wa.gov.au/AHIS/> (Accessed 8 January 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.
- Western Areas (2012) Supporting Document for Clearing Permit (Purpose) Application Mining Tenements M77/219. Unpublished Report Prepared by Western Areas NL, August 2012.

5. Glossary

Acronyms:

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)
DBCA	Department of Biodiversity Conservation and Attractions, Western Australia
DEC	Department of Environment and Conservation, Western Australia (now DBCA and DWER)
DEE	Department of the Environment and Energy, Australian Government
DER	Department of Environment Regulation, Western Australia (now DWER)
DMIRS	Department of Mines, Industry Regulation and Safety, Western Australia
DMP	Department of Mines and Petroleum, Western Australia (now DMIRS)
DPIRD	Department of Primary Industries and Regional Development, Western Australia
DPLH	Department of Planning, Lands and Heritage, Western Australia
DRF	Declared Rare Flora
DoE	Department of the Environment, Australian Government (now DEE)
DoW	Department of Water, Western Australia (now DWER)
DPaW	Department of Parks and Wildlife, Western Australia (now DBCA)
DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities (now DEE)
DWER	Department of Water and Environmental Regulation, Western Australia
EPA	Environmental Protection Authority, Western Australia
EP Act	<i>Environmental Protection Act 1986</i> , 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:

{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 <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). Threatened fauna is that subset of ‘Specially Protected Fauna’ declared to be ‘likely to become extinct’ pursuant to section 14(4) of the <i>Wildlife Conservation Act 1950</i> . 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 <i>Wildlife Conservation Act 1950</i> . 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 <i>Wildlife Conservation Act 1950</i> , 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 <i>Wildlife Conservation Act 1950</i> , 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.