



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 3233/3

Permit type: Purpose

1.2. Proponent details

Proponent's name: Hamersley Iron Pty 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: Brockman 2

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant

Decision Date: 12 February 2015

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. Two Beard vegetation associations are located within the application area (Government of Western Australia, 2013; GIS Database):

82: Hummock Grasslands, low tree steppe; snappygum over *Triodia wiseana*.

567: Hummock grasslands, shrub steppe; mulga & kanji over soft spinifex & *T. basedowii*;

A vegetation and flora survey has been conducted over the amended application area by botanists from Rio Tinto Iron Ore Pty Ltd (Rio Tinto, 2012). As a result of these flora surveys seven vegetation types were identified within the application area.

Hilltops and Slopes

AbTw - *Acacia bivenosa*, *Senna glutinosa* subsp. *glutinosa* and *Maireana georgei* low open shrubland over *Triodia wiseana* scattered hummock grasses.

EIIApTw - *Eucalyptus leucophloia* subsp. *leucophloia* scattered low trees over *Eucalyptus gamophylla* open mallees over *Acacia pruinocarpa* scattered shrubs over *Triodia wiseana* and *Triodia brizoides* hummock grassland over *Eriachne mucronata* scattered tussock grasses.

EIIHcTw - *Eucalyptus leucophloia* subsp. *leucophloia* and *Corymbia hamersleyana* low open woodland over *Hakea chordophylla* scattered tall shrubs over *Acacia maitlandii* and *Senna glutinosa* subsp. *glutinosa* shrubland over *Triodia wiseana* open hummock grassland.

EIIETw - *Eucalyptus leucophloia* subsp. *leucophloia* scattered low trees over *Eucalyptus gamophylla* open mallees over *Acacia maitlandii* and *Acacia monticola* scattered shrubs over *Triodia wiseana* open hummock grassland over *Eriachne mucronata* and *Cymbopogon ambiguus* very open tussock grassland.

EIIETw - *Eucalyptus leucophloia* subsp. *leucophloia* scattered low trees over *Senna glutinosa* subsp. *glutinosa*, *Acacia maitlandii* and *Acacia ancistrocarpa* open shrubland over *Triodia wiseana* open hummock grassland over *Eriachne mucronata*, *Paraneurachne muelleri* and *Aristida contorta* very open tussock grassland.

Gorges and Breakaways

EIIAmTp - *Eucalyptus leucophloia* subsp. *leucophloia* and *Corymbia ferritcola* scattered low trees over *Acacia monticola*, *Acacia hamersleyana* and *Dodonaea pachyneura* open shrubland over *Triodia pungens*, *Triodia brizoides* and *Triodia epactia* open hummock grassland.

EIIETwEm - *Eucalyptus leucophloia* subsp. *leucophloia*, *Corymbia ferritcola* and *Corymbia hamersleyana* scattered low trees over *Triodia wiseana* very open hummock grassland over *Eriachne mucronata*, *Themeda triandra* and *Cymbopogon ambiguus* very open tussock grassland.

Clearing Description	Brockman 2 Mineral Exploration Project. Hamersley Iron Pty Ltd proposes to clear up to 27.5 hectares of native vegetation within a total boundary of approximately 186 hectares for the purpose of mineral exploration. The project is located approximately 50 kilometres north-west of Tom Price in the Shire of Ashburton.
Vegetation Condition	Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994) To Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).
Comment	The vegetation descriptions were derived from descriptions by Rio Tinto (2012). Clearing Permit CPS 3233/1 was granted by the Department of Mines and Petroleum (DMP) on 24 September 2009 and authorised the clearing of 3.5 hectares of native vegetation within an area of approximately 34 hectares. On 26 November 2013, Hamersley Iron Pty Ltd applied to amend CPS 3233/1 in order to increase the permit clearing area to 27.5 hectares. This amendment was approved by the DMP on 17 April 2014. On 15 December 2014, Hamersley Iron Pty Ltd applied to amend CPS 3233/2 to change the reporting date from 1 October each year to 31 July each year. The applicant also requested that the permit expiry date be changed to 31 July 2025 to align with their other permits.

3. Assessment of application against clearing principles

Comments

The amendment to change the annual reporting date to 31 July and the permit expiry date to 31 July 2025 is unlikely to result in any significant change to the environmental impacts of the proposed clearing. The size of the area approved to clear (27.5 hectares) and the permit boundary remain unchanged.

The assessment against the clearing principles remains consistent with the assessment contained in decision report CPS 3233/2.

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

Comments

There is one Native Title Claim (WC1997/089) over the area under application (GIS Database). This claim has been determined by the Federal Court of Australia. However, the 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 several registered Aboriginal Sites of Significance within the application area (GIS Database). 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 proponents' responsibility to liaise with the Department of Environment Regulation, Department of Parks and Wildlife and the Department of Water, 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

GIS Database:
- Aboriginal Sites of Significance
- Native Title Claims - Determined by the Federal Court
- Native Title Claims - Filed at the Federal Court
- Native Title Claims - Registered with the NNTT

4. References

- Government of Western Australia (2013) 2012 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). WA Department of Environment and Conservation, 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.
- Rio Tinto (2012) Flora and Vegetation Survey of Brockman 2 and Brockman 3 - Native Vegetation Clearing Permit Supporting Report. Rio Tinto Iron Ore.

5. Glossary

Acronyms:

BoM Bureau of Meteorology, Australian Government
DAA Department of Aboriginal Affairs, Western Australia
DAFWA Department of Agriculture and Food, Western Australia

DEC	Department of Environment and Conservation, Western Australia (now DPaW and DER)
DER	Department of Environment Regulation, Western Australia
DMP	Department of Mines and Petroleum, Western Australia
DRF	Declared Rare Flora
DotE	Department of the Environment, Australian Government
DoW	Department of Water, Western Australia
DPaW	Department of Parks and Wildlife, Western Australia
DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities (now DotE)
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
s.17	Section 17 of <i>the Environment Protection Act 1986</i> , Western Australia
TEC	Threatened Ecological Community

Definitions:

{DPaW (2013) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia}:-

- T Threatened species:**
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna or the Wildlife Conservation (Rare Flora) Notice for Threatened Flora (which may also be referred to as Declared Rare Flora).

Threatened Fauna and Flora are further recognised by DPaW according to their level of threat using IUCN Red List criteria. For example Carnaby's Cockatoo *Calyptorhynchus latirostris* is specially protected under the *Wildlife Conservation Act 1950* as a threatened species with a ranking of Endangered.

Rankings:
CR: Critically Endangered - considered to be facing an extremely high risk of extinction in the wild.
EN: Endangered - considered to be facing a very high risk of extinction in the wild.
VU: Vulnerable - considered to be facing a high risk of extinction in the wild.
- X Presumed Extinct species:**
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Presumed Extinct Fauna and Wildlife Conservation (Rare Flora) Notice for Presumed Extinct Flora (which may also be referred to as Declared Rare Flora).
- IA Migratory birds protected under an international agreement:**
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice.
Birds that are subject to an agreement between governments of Australia and Japan, China and The Republic of Korea relating to the protection of migratory birds and birds in danger of extinction.
- S Other specially protected fauna:**
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 4 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- P1 Priority One - Poorly-known species:**
Species that are known from one or a few collections or sight records (generally less than five), all on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, Shire, rail reserves and Main Roads WA road, gravel and soil reserves, and active mineral leases and under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes.
- P2 Priority Two - Poorly-known species:**
Species that are known from one or a few collections or sight records, some of which are on lands not under imminent threat of habitat destruction or degradation, e.g. national parks, conservation parks, nature reserves, State forest, unallocated Crown land, water reserves, etc. Species may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes.
- P3 Priority Three - Poorly-known species:**
Species that are known from collections or sight records from several localities not under imminent threat, or from few but widespread localities 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 localities but do not meet adequacy of survey requirements and known threatening processes exist that could affect them.

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 do not qualify for Conservation Dependent, but that are close to qualifying for Vulnerable.
- (c) Species that have been removed from the list of threatened species during the past five years for reasons other than taxonomy.

P5

Priority Five - Conservation Dependent species:

Species that are not threatened but are subject to a specific conservation program, the cessation of which would result in the species becoming threatened within five years.

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.