



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 3343/4
Permit type: Purpose Permit

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: Nammuldi Lens EF Waste Dump

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 13 September 2012

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 have been mapped within the application area (GIS Database):

82: Hummock grasslands, low tree steppe; snappy gum over *Triodia wiseana* (Kendrick, 2001).

175: Short bunched grassland - savannah/grass plain (Pilbara) (Kendrick, 2001).

Rio Tinto (2009) conducted a vegetation survey over the application area and surrounding vegetation between the 18 to the 21 March, 2009. Sixteen vegetation types have been identified within the application area (Rio Tinto, 2009). These are:

Vegetation of the Stony Footslopes

- 1) Mixed *Acacia* open shrubland over *Triodia wiseana* hummock grassland; and
- 2) *Corymbia deserticola* low open woodland, over mixed *Acacia* tall open shrubland / shrubland / low open shrubland, over *Triodia wiseana* open hummock grassland.

Vegetation of the Gravely Transition from Footslopes to Flat Plain

- 3) Scattered mixed low trees and tall shrubs, over mixed *Malvaceae* and *Acacia* spp shrubland to low open shrubland over *Triodia epactia* hummock grassland; and
- 4) Mixed *Acacia* open shrubland, over *Triodia epactia* hummock grassland.

Vegetation of the Internally Draining Clay Plain

Triodia epactia Hummock Grassland / Mixed Tussock Grassland

- 5) *Corymbia deserticola*, *Hakea lorea*, open woodland, over mixed open shrubland, over *Triodia epactia* hummock grassland / mixed tussock grassland; and
- 6) Scattered *Hakea lorea* low trees over *Chrysopogon fallax* / *Triodia epactia*, mixed tussock / hummock grassland; and
- 7) *Eucalyptus xerothermica* low open woodland, over mixed *Acacia* and *Malvaceae* spp. open shrubland / low open shrubland over *Triodia epactia* and *Chrysopogon fallax* mixed tussock grassland.

Eremophila lanceolata Shrubland / Tussock Grassland

- 8) *Acacia aneura* low woodland, over *Eremophila lanceolata* and mixed *Malvaceae* spp. low shrubland, over mixed tussock grassland;

- 9) *Eremophila lanceolata*, *Sida platycalyx* and *Sida fibulifera* low shrubland, over mixed tussock grassland; and
 10) *Eremophila lanceolata*, *Sida platycalyx* and *Sida fibulifera* low shrubland over open mixed tussock grassland.

Chrysopogon fallax Tussock Grassland

- 11) *Eucalyptus xerothermica* and *Hakea lorea* scattered low trees, over mixed low open shrubland, over *Chrysopogon fallax* tussock grassland; and
 12) Scattered low trees, over mixed low open shrubland, over *Aristida inaequiglumis* and *Chrysopogon fallax* mixed tussock grassland.

Acacia aneura Woodland

- 13) *Acacia aneura* low open forest, over *Malvaceae* spp. mixed low shrubland, over *Panicum laevinode* and *Setaria dielsii* mixed tussock grassland; and
 14) *Acacia aneura* low woodland / tall open shrubland, over *Malvaceae* spp. mixed low shrubland, over mixed *Chrysopogon fallax* grassland.

Vegetation of the Minor Creek Lines / Minor Drainage Lines

- 15) Mixed *Acacia* shrubland / open heath, over *Triodia epactia* open hummock grassland; and
 16) *Eucalyptus gamophylla* mallee over *Triodia epactia* open hummock grassland.

Disturbed Vegetation Types

- 1) Typically mixed tussock grasses and scattered mixed shrubs - Track in area still in use; and
 2) Typically mixed tussock grasses and scattered mixed shrubs - Track in area has been disused for quite some time, and as a result only minimal evidence remains.

Clearing Description	<p>Hamersley Iron Pty Ltd is proposing to clear up to 90.48 hectares of native vegetation within a boundary of 90.48 hectares. The application area is located approximately 46 kilometres north-west of Tom Price (GIS Database). The proposed clearing is for the purpose of mineral production, which will involve the relocation of a waste dump due to the presence of high grade detrital deposits in the previously designed waste dump area (Rio Tinto, 2009).</p> <p>Clearing will be done using a dozer, blade down. Vegetation and topsoil will be stockpiled and used in rehabilitation (Rio Tinto, 2009).</p>
Vegetation Condition	<p>Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994);</p> <p style="text-align: center;">to</p> <p>Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994).</p>
Comment	<p>The vegetation descriptions were derived from descriptions by Rio Tinto (2009).</p> <p>Clearing permit CPS 3343/3 was granted on 17 November 2011, and was valid from 23 January 2010 to 30 November 2018. The clearing permit authorised the clearing of 90.48 hectares of native vegetation. An application for an amendment to clearing permit CPS 3343/3 was submitted by Hamersley Iron Pty Ltd on 2 August 2012. The proponent has requested to amend Condition 4(a) on the Clearing Permit to enable vegetative material and topsoil to be stockpiled outside of the clearing permit boundary on existing cleared areas. The permit has been extended by another 5 years to allow the implementation of a rehabilitation condition.</p>

3. Assessment of application against clearing principles

Comments

Hamersley Iron Pty Ltd has applied to amend Condition 4(a) on the Clearing Permit to enable vegetative material and topsoil to be stockpiled outside of the clearing permit boundary on existing cleared areas. The permit has been extended by another 5 years to allow the implementation of a rehabilitation condition. There are no additional environmental impacts associated with this amendment. Therefore, the assessment of the clearing principles is consistent with the assessment in Clearing Permit decision report CPS 3343/3.

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

Comments

There is one native title claim over the area under application (GIS Database). This claim (WC97/89) was determined by the Federal Court on 1 March 2007 (GIS Database). 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 is one known Aboriginal site of Significance within the application area, which is now subject to a Section 18 approval under the *Aboriginal Heritage Act 1972* (GIS Database; Rio Tinto, 2009). It is the proponent's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no other Aboriginal sites of Significance are damaged through the clearing process.

It is the proponent's responsibility to liaise with the Department of Environment and Conservation 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

4. References

- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Kendrick, P. (2001) Pilbara (PIL3 - Hamersley subregion). In a Biodiversity Audit of Western Australia's 53 Biogeographical Subregions. Department of Conservation and Land Management, pp 568-580.
- Rio Tinto (2009) Flora and Vegetation Assessment for the Proposed Brockman 2 Landfill (B2L) site and Nammuldi Waste dump for Pit LEF (NLEFWD) & Supporting Documentation for the Native Vegetation Clearing Permit Application (Purpose Permit). Rio Tinto, Western Australia.

5. Glossary

Acronyms:

BoM	Bureau of Meteorology, Australian Government
CALM	Department of Conservation and Land Management (now DEC), Western Australia
DAFWA	Department of Agriculture and Food, Western Australia
DEC	Department of Environment and Conservation, Western Australia
DEH	Department of Environment and Heritage (federal based in Canberra) previously Environment Australia
DEP	Department of Environment Protection (now DEC), Western Australia
DIA	Department of Indigenous Affairs
DLI	Department of Land Information, Western Australia
DMP	Department of Mines and Petroleum, Western Australia
DoE	Department of Environment (now DEC), Western Australia
DoIR	Department of Industry and Resources (now DMP), Western Australia
DOLA	Department of Land Administration, Western Australia
DoW	Department of Water
EP Act	Environmental Protection Act 1986, Western Australia
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999 (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
RIWI Act	Rights in Water and Irrigation Act 1914, Western Australia
s.17	Section 17 of the Environment Protection Act 1986, Western Australia
TEC	Threatened Ecological Community

Definitions:

{Atkins, K (2005). *Declared rare and priority flora list for Western Australia, 22 February 2005*. Department of Conservation and Land Management, Como, Western Australia} :-

- P1** **Priority One - Poorly Known taxa:** taxa which are known from one or a few (generally <5) populations which are under threat, either due to small population size, or being on lands under immediate threat, e.g. road verges, urban areas, farmland, active mineral leases, etc., or the plants are under threat, e.g. from disease, grazing by feral animals, etc. May include taxa with threatened populations on protected lands. Such taxa are under consideration for declaration as 'rare flora', but are in urgent need of further survey.
- P2** **Priority Two - Poorly Known taxa:** taxa which are known from one or a few (generally <5) populations, at least some of which are not believed to be under immediate threat (i.e. not currently endangered). Such taxa are under consideration for declaration as 'rare flora', but are in urgent need of further survey.
- P3** **Priority Three - Poorly Known taxa:** taxa which are known from several populations, at least some of which are not believed to be under immediate threat (i.e. not currently endangered). Such taxa are under consideration for declaration as 'rare flora', but are in need of further survey.
- P4** **Priority Four – Rare taxa:** taxa which are considered to have been adequately surveyed and which, whilst being rare (in Australia), are not currently threatened by any identifiable factors. These taxa require monitoring every 5–10 years.
- R** **Declared Rare Flora – Extant taxa (= Threatened Flora = Endangered + Vulnerable):** taxa which have been adequately searched for, and are deemed to be in the wild either rare, in danger of extinction, or otherwise in need of special protection, and have been gazetted as such, following approval by the Minister for the Environment, after recommendation by the State's Endangered Flora Consultative Committee.

- X **Declared Rare Flora - Presumed Extinct taxa:** taxa which have not been collected, or otherwise verified, over the past 50 years despite thorough searching, or of which all known wild populations have been destroyed more recently, and have been gazetted as such, following approval by the Minister for the Environment, after recommendation by the State's Endangered Flora Consultative Committee.

{Wildlife Conservation (Specially Protected Fauna) Notice 2005} [Wildlife Conservation Act 1950] :-

- Schedule 1 **Schedule 1 – Fauna that is rare or likely to become extinct:** being fauna that is rare or likely to become extinct, are declared to be fauna that is need of special protection.
- Schedule 2 **Schedule 2 – Fauna that is presumed to be extinct:** being fauna that is presumed to be extinct, are declared to be fauna that is need of special protection.
- Schedule 3 **Schedule 3 – Birds protected under an international agreement:** being birds that are subject to an agreement between the governments of Australia and Japan relating to the protection of migratory birds and birds in danger of extinction, are declared to be fauna that is need of special protection.
- Schedule 4 **Schedule 4 – Other specially protected fauna:** being fauna that is declared to be fauna that is in need of special protection, otherwise than for the reasons mentioned in Schedules 1, 2 or 3.

{CALM (2005). *Priority Codes for Fauna*. Department of Conservation and Land Management, Como, Western Australia} :-

- P1 **Priority One: Taxa with few, poorly known populations on threatened lands:** Taxa which are known from few specimens or sight records from one or a few localities on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, active mineral leases. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P2 **Priority Two: Taxa with few, poorly known populations on conservation lands:** Taxa which are known from few specimens or sight records from one or a few localities on lands not under immediate threat of habitat destruction or degradation, e.g. national parks, conservation parks, nature reserves, State forest, vacant Crown land, water reserves, etc. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P3 **Priority Three: Taxa with several, poorly known populations, some on conservation lands:** Taxa which are known from few specimens or sight records from several localities, some of which are on lands not under immediate threat of habitat destruction or degradation. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P4 **Priority Four: Taxa in need of monitoring:** Taxa which are considered to have been adequately surveyed, or for which sufficient knowledge is available, and which are considered not currently threatened or in need of special protection, but could be if present circumstances change. These taxa are usually represented on conservation lands.
- P5 **Priority Five: Taxa in need of monitoring:** Taxa which are not considered threatened but are subject to a specific conservation program, the cessation of which would result in the species becoming threatened within five years.

Categories of threatened species (*Environment Protection and Biodiversity Conservation Act 1999*)

- EX **Extinct:** A native species for which there is no reasonable doubt that the last member of the species has died.
- EX(W) **Extinct in the wild:** A native species which:
(a) is known only to survive in cultivation, in captivity or as a naturalised population well outside its past range; or
(b) has not been recorded in its known and/or expected habitat, at appropriate seasons, anywhere in its past range, despite exhaustive surveys over a time frame appropriate to its life cycle and form.
- CR **Critically Endangered:** A native species which is facing an extremely high risk of extinction in the wild in the immediate future, as determined in accordance with the prescribed criteria.
- EN **Endangered:** A native species which:
(a) is not critically endangered; and
(b) is facing a very high risk of extinction in the wild in the near future, as determined in accordance with the prescribed criteria.
- VU **Vulnerable:** A native species which:
(a) is not critically endangered or endangered; and
(b) is facing a high risk of extinction in the wild in the medium-term future, as determined in accordance with the prescribed criteria.
- CD **Conservation Dependent:** A native species which is the focus of a specific conservation program, the cessation of which would result in the species becoming vulnerable, endangered or critically endangered within a period of 5 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.

