



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 3506/3
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: Silvergrass Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
9.6		Mechanical Removal	Mineral Exploration, hydrogeological investigations and fencing

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. The following two Beard vegetation associations have been mapped within the application area (GIS Database):

18: Low woodland; mulga (*Acacia aneura*); and

175: Short bunch grassland - savannah/grass plain (Pilbara) (GIS Database).

The application area was surveyed by Pilbara Flora staff between 24 and 25 July 2008 (Pilbara Flora, 2009). The following vegetation types were identified within the application area.

Alluvial Plains Shrubland: Shrubland of *Acacia aneura* var. *aneura*, *Acacia citrinoviridis* and *Acacia bivenosa* over *Senna artemisioides* subsp. *oligophylla* and *Scaevola spinescens* over *Triodia epactia*, *Enneapogon polyphyllus* and *Aristida contorta*;

Self-mulching Clay Grassland: Grassland of *Polymeria* sp. Hamersley (M.E. Trudgen 11353), *Aristida latifolia* and *Dichanthium fecundum*;

Self-mulching Clay Themeda Grassland: Tussock grassland of *Themeda* sp. Hamersley Station (M.E. Trudgen 11431) and *Aristida latifolia* with occasional dense patches of *Polymeria* sp. Hamersley (M.E. Trudgen 11353) or *Eriachne benthamii*;

Drainage Line High Open Shrubland: High open shrubland of *Vachellia farnesiana* over *Dichanthium fecundum*, *Eriachne benthamii* and *Pimelea holroydii*;

Drainage Line Low Woodland: Low woodland of *Acacia aneura* var. *pilbarana* and *Corymbia hamersleyana* over *Hakea lorea* subsp. *lorea* over *Dichanthium fecundum*; and

Drainage Areas Open Shrubland: Open shrubland of *Vachellia farnesiana* over *Senna sericea* over *Polymeria* sp. Hamersley (M.E. Trudgen 11353) over *Astrebla lappacea* and *Chrysopogon fallax* (Pilbara Flora, 2009).

Clearing Description Silvergrass Project.
Hamersley Iron Pty Ltd proposes to clear up to 9.6 hectares of native vegetation within a total boundary of approximately 90 hectares, for the purpose of mineral exploration, hydrogeological investigations and fencing. The project is located approximately 72 kilometres north-west of Tom Price, in the Shire of Ashburton.

Vegetation Condition Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994);
To
Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).

Comment The proposed clearing is for the purpose of undertaking a drilling programme to define the eastern extent of the Silvergrass West deposit and to establish a hydrogeological monitoring bore (Hamersley Iron Pty Ltd, 2009).
The proposed works will comprise the following:

- Drill lines and access tracks approximately 9 kilometres x 4 metres;
- 118 drill pads and 236 sumps approximately 25 metres x 15 metres;
- 118 drill holes; and
- Fencing for cattle exclusion plots approximately 5 kilometres x 3 kilometres (Hamersley Iron Pty Ltd, 2009).

The application area is located within the *Themeda* Grasslands Threatened Ecological Community (TEC) (GIS Database). The vegetation condition was derived from a vegetation survey conducted by Pilbara Flora (2009).

Clearing Permit CPS 3506/1 was granted by the Department of Mines and Petroleum (DMP) on 24 June 2010, subject to a 28 day appeals period. One appeal was received in relation to the conditions placed on the Permit.

On 15 October 2010, the Minister for Environment upheld the appeal, advising the removal of the offset condition from the permit and the addition of a permit condition focused on achieving the following outcomes:

1. Rehabilitation of the disturbed areas of Themeda Grasslands TEC to achieve comparable species composition and cover with adjacent undisturbed areas; and
2. Research and monitoring to inform best practice environmental management for the Themeda Grasslands TEC.

The amended permit CPS 3506/2 was granted on 25 November 2010, implementing the Minister's decision. Clearing Permit CPS 3506/2 authorised the clearing of 9.6 hectares of native vegetation within a boundary of approximately 90 hectares and was valid from 25 November 2010 to 31 March 2015.

On 21 November 2014, Hamersley Iron Pty Ltd applied to amend CPS 3506/2 to extend the period in which clearing is authorised to 31 July 2020. The permit duration has been extended by a further five years to allow for rehabilitation activities to be completed.

3. Assessment of application against clearing principles

Comments

The amendment to extend the period in which clearing is authorised by five years and the permit duration by ten years is unlikely to result in any significant change to the environmental impacts of the proposed clearing. The size of the area approved to clear (9.6 hectares) and the permit boundaries remain unchanged.

The assessment against the clearing principles remains consistent with the assessment in decision report CPS 3506/2.

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

Comments

There is one native title claim (WC1997/089) over the area under application. This claim has been determined by the Federal Court on behalf of the claimant group. 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 is one registered Aboriginal Site of Significance within the application area (ID 20295) (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.

The application area is located within a *Rights in Water and Irrigation Act 1914* (RIWI Act) Groundwater Area (DoW, 2009; GIS Database). The proponent is required to obtain permits to abstract groundwater in this area.

It is the proponent's responsibility to liaise with the Department of Environment Regulation, the 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

DoW (2009)
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

- DoW (2009) Water Quality Advice. Advice to assessing officer, Native Vegetation Assessment Branch, Department of Mines and Petroleum (DMP). Department of Water, Western Australia.
- Hamersley Iron Pty Ltd (2009) Application for a Clearing Permit (purpose Permit) Mineral Exploration and Hydrogeological Investigations - Tenement ML4SA.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of

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 the <i>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 <i>Wildlife Conservation Act 1950</i> , 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 the Department according to their level of threat using IUCN Red List criteria. For example Carnaby's Cockatoo <i>Calyptorhynchus latirostris</i> is specially protected under the <i>Wildlife Conservation Act 1950</i> as a threatened species with a ranking of Endangered. <u>Rankings:</u> 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 <i>Wildlife Conservation Act 1950</i> , 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 <i>Wildlife Conservation Act 1950</i> , 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 <i>Wildlife Conservation Act 1950</i> , 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.