



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: CPS 3939/2  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: Hamersley Iron Pty Ltd

### 1.3. Property details

Property: Iron Ore (Rhodes Ridge) Agreement Authorisation Act 1972,  
Temporary Reserve 70/4193  
Local Government Area: Shire of East Pilbara  
Colloquial name: Ophthalmia Drilling Program

### 1.4. Application

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

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 24 January 2013

## 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*; and  
**18:** Low woodland; Mulga (*Acacia aneura*).

A flora and vegetation survey of the application area was conducted on the 23rd May 2010 by Rio Tinto Iron Ore (Rio Tinto Iron Ore, 2012). Eleven vegetation communities were identified and grouped into the following categories:

#### 1. Vegetation from Slight Slopes

**SS1:** *Eucalyptus leucophloia*, *Corymbia deserticola* low woodland over *Acacia tenuissima*, *Acacia bivenosa* open shrubland over *Keraudrenia velutina* low open shrubland over *Triodia basedowii*, *Triodia pungens* hummock grassland.

**SS2:** *Eucalyptus leucophloia*, *Eucalyptus gamophylla*, *Corymbia deserticola* low woodland over *Acacia sibirica* high open shrubland over *Acacia adsurgens* open shrubland over *Tribulus suberosus*, *Ptilotus rotundifolius*, *Keraudrenia velutina* low open shrubland over *Triodia basedowii*, *Triodia pungens* hummock grassland.

#### 2. Vegetation from the Flats

**F1:** *Acacia pachyacra*, *Acacia pruinocarpa* high shrubland over *Ptilotus obovatus*, *Keraudrenia velutina* shrubland over *Triodia melvillei* very open hummock grassland over *Paraneurachne muelleri*, *Aristida latifolia* very open tussock grassland.

**F2:** *Acacia aneura* high open shrubland over *Solanum lasiophyllum*, *Eremophila caespitosa* low open shrubland over *Aristida contorta* very open bunch grass.

**F3:** *Corymbia candida* subsp. *dipsodes*, *Acacia aneura* low woodland over *Acacia pachyacra* high open shrubland over *Senna pleurocarpa*, *Keraudrenia velutina* low open shrubland over *Chrysopogon fallax*, *Themeda triandra* tussock grassland.

**F4:** *Acacia aneura*, *Acacia pruinocarpa* low woodland over *Acacia sibirica*, *Acacia rhodophloia* open shrubland over *Eremophila forrestii* low shrubland over *Triodia wiseana*, *Triodia basedowii* open hummock grassland.

### 3. Vegetation from Mulga Flats

**MF1:** *Acacia aneura*, *Acacia catenulata*, *Corymbia deserticola* low open forest over *Rulingia luteiflora* high open shrubland over *Eremophila forrestii*, *Senna glaucifolia* open shrubland over *Triodia wiseana*, *Triodia basedowii*, *Triodia pungens* hummock grassland.

**MF2:** *Acacia aneura*, *Acacia pruinocarpa*, *Corymbia deserticola* low open forest over *Acacia pachyacra*, *Rhagodia* sp. Hamersley open shrubland over *Eremophila forrestii* low scattered shrubs over *Triodia pungens* very open hummock grassland over *Bidens bipinnata* (*Bippinate beggartick*) scattered herbs.

**MF3:** *Acacia aneura*, *Corymbia deserticola* low open forest over *Eremophila fraseri* open shrubland over *Triodia melvillei* hummock grassland.

### 4. Flowline Vegetation

**FL1:** *Corymbia hamersleyana*, *Acacia aneura* low woodland over *Rulingia luteiflora*, *Gossypium robinsonii* open scrub over *Triodia pungens*, *Triodia melvillei* very open hummock grassland over *Themeda triandra*, *Aristida latifolia* open tussock grassland.

**FL2:** *Corymbia hamersleyana*, *Acacia aneura* low woodland over *Acacia pyrifolia*, *Eremophila longifolia* open heath over *Tephrosia rosea* low open shrubland over *Triodia pungens* very open hummock grassland over *Themeda triandra*, *Eriachne tenuiculmis* tussock grassland.

**Clearing Description** Hamersley Iron Pty Ltd has applied to clear up to 6 hectares of native vegetation within an application area of approximately 91 hectares. The application area is located approximately 47 kilometres north west of the township of Newman within the Pilbara region of Western Australia (GIS Database).

The clearing is required for an exploration drilling program. This will include clearing for drill lines, drill pads, and access tracks.

**Vegetation Condition** Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994);

To

Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994)

**Comment** The vegetation condition is based on the flora and vegetation survey carried out by Rio Tinto Iron Ore (2012). This was assessed utilising the vegetation condition scale used for the Pilbara and was converted to the Keighery scale for consistency.

Clearing Permit CPS 3939/1 was granted by the Department of Mines and Petroleum (DMP) on 9 December 2010 and authorised the clearing of up to 2.3 hectares of native vegetation within an area totalling approximately 26.8 hectares. On 28 November 2012 Hamersley Iron Pty Ltd applied to increase the amount of clearing approved to 6 hectares within an increased boundary of 91 hectares for the construction of drill lines, drill pads, and access tracks.

## 3. Assessment of application against clearing principles

### Comments

The increase in boundary area will include the same habitat and vegetation types. There are no additional vegetation communities or watercourses.

There are no records of flora or fauna of conservation significance within the proposed amendment application area (Rio Tinto Iron Ore, 2012).

The proposed amendment is not likely to have any significant environmental impacts above those already assessed under Clearing Permit CPS 3939/1. Therefore, the assessment against the clearing principles has not changed and can be found in clearing permit decision report CPS 3939/1.

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

#### Comments

There is one Native Title Claim (WC05/6) over the area under application (GIS Database). This claim has been registered with the National Native Title Tribunal on behalf of the claimant groups. 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 no 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 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.

The clearing permit application was advertised on 10 December 2012 by the Department of Mines and Petroleum inviting submissions from the public. No submissions were received in relation to the application.

**Methodology** GIS Database:

- Aboriginal Sites of Significance
- Native Title Claims - Determined by the Federal Court
- Native Title Claims - Registered with the NNTT

#### 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.
- Rio Tinto Iron Ore (2012) *Flora and Vegetation Survey of the Proposed Evaluation Drilling at Ophthalmia North*. Native Vegetation Clearing Permit Supporting Report. November 2012.

#### 5. Glossary

##### Acronyms:

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