Government of Western Australia
Department of Mines and Petroleum

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 3982/2
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: Brockman 2

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
45.3		Mechanical Removal	Mineral Production and Associated Activities

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	Clearing Description	Vegetation Condition	Comment
Beard Vegetation Associations have been mapped for the whole of Western Australia. Two Beard Vegetation Associations have been mapped within the application area (GIS Database): 82: Hummock grasslands, low tree steppe; snappy gum over *Triodia wiseana*; 175: Short bunch grassland - savannah / grass plain (Pilbara). Astrebla mixed open tussock grassland. A flora and vegetation survey of the proposed 'Brockman 2' application area was undertaken by Rio Tinto botanists between 13 April and 18 April 2010 (Rio Tinto, 2010). A total of 11 vegetation communities have been identified within the application area (Rio Tinto, 2010). These are: 1. Low Open woodland of Eucalypts, over mixed open shrubland / open hummock grassland on the rocky midslopes / Lower slopes of the Hamersley Range; 2. Mixed Acacia shrubland / hummock grassland with emergent *Corymbia hamersleyana* on the stony footslopes of the Hamersley Range; 3: Eucalyptus woodland over mixed shrubland / open tussock grassland in incised to deeply incised gullies on mid to lower slopes of the Hamersley Range; 4: Mixed Acacia shrubland with emergent *Corymbia hamersleyana* on Minor flowlines of	Hamersley Iron Pty Ltd has applied to clear up to 45.3 hectares of native vegetation within a total application area of 45.5 hectares. The proposal is situated at the Brockman 2 project area, located approximately 52 kilometres north-west of Tom Price (GIS Database). Clearing will be required for waste dump extensions, waste dump rehabilitation, and low grade ore stockpiles. Clearing will be done using a dozer, blade down, vegetation will be stockpiled and later used for rehabilitation.	Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994); To: Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994).	The vegetation descriptions were derived from descriptions by Hamersley Iron Pty Ltd (2010). The vegetation condition was described using a scale based on Trudgen (1988) and has been converted to the corresponding condition from the Keighery (1994) scale. Clearing permit CPS 3982/1 was granted by the Department of Mines and Petroleum (DMP) on 11 November 2011, and was valid from 11 December 2010 to 30 December 2015. The clearing permit authorised the clearing of up 45.3 hectares of native vegetation. An application for an amendment to clearing permit CPS 3982/1 was submitted to DMP on 2 August 2012 to modify permit condition 4(a). Hamersley Iron Pty Ltd seeks the amendment to enable vegetative material and topsoil to be stockpiled outside of the area cross-hatched yellow on attached Plan 3982/1. The amount of clearing and the clearing permit boundary that was approved under clearing permit CPS 3982/1 will remain unchanged.

the stony footslopes of the Hamersley Range;

5: Open mixed Acacia shrubland / Hummock grassland vegetation of the stony undulating plain;

6: Mixed Acacia shrubland / Hummock grassland vegetation of the minor drainage lines dissecting the stony undulating plain;

7: Variable mixed Acacia shrubland vegetation of the previously disturbed and rehabilitated stony undulating plain;

8: Variable mixed Acacia shrubland vegetation of the minor drainage lines dissecting previously disturbed and rehabilitated stony undulating plains;

9: Open mixed Acacia shrubland / Hummock grassland vegetation of the stony colluvial plain / lower footslopes of the Hamersley Range;

10: Scattered *Corymbia hamersleyana* low trees, over Mixed Acacia shrubland / open Hummock grassland vegetation of minor drainage lines on the Stony colluvial plain / lower footslopes of the Hamersley Range;

11. Previously disturbed and Rehabilitated Mixed Acacia shrubland vegetation of the stony colluvial plain / lower slopes of the Hamersley Range.

3. Assessment of application against clearing principles

Comments

Hamersley Iron Pty Ltd has applied to amend Condition 4(a) on clearing permit CPS 3982/1 to enable vegetative material and topsoil to be stockpiled outside of the area cross-hatched yellow on Plan 3982/1. The vegetative material and topsoil will still be stockpiled but at designated, previously cleared stockpile locations throughout the larger mine site area. There are no additonal environmental impacts associated with this amendment. Therefore, the assessment against the clearing principles has not changed and can be found in the Clearing Permit Decision Report CPS 3982/1.

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

Comments

There is one native title claim over the area under application: WC97/089 (GIS Database). This claim has been determined by the Federal Court. However, the tenement 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*.

According to available databases, 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 Sites of Aboriginal Significance are damaged through the clearing process. The proponent has identified four areas that are Aboriginal Heritage Sites and form part of the application area (Hamersley Iron Pty Ltd, 2010). The proponent has provided a commitment that no native vegetation clearing will be undertaken until a s.18 under the *Aboriginal Heritage Act 1972* has been received.

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

Hamersley Iron Pty Ltd (2010)
GIS Database:
- Aboriginal Sites of Significance
- Native Title Claims – Determined by the Federal Court

4. References

Hamersley Iron Pty Ltd (2010) Application for a Clearing Permit (Purpose Permit) - Brockman 2 Tenement ML4SA, Documentation Accompanying Clearing Permit Application for CPS 3982/1, Prepared by Hamersley Iron Pty Ltd, September 2010.

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 (2010) Flora and Vegetation Assessment of the Proposed Brockman 2, Pit 1 Waste dump extension (B2P1-WDE) and Pit 1 Rehabilitation re-design (B2P1-WDRR), and the Nammuldi Lens E / F 2 Waste Dump extension (NLEF2-WDE). Including supporting documentation for a Native Vegetation Clearing Permit Application.

Trudgen, M.E. (1998) A Report on Flora and Vegetation of the Port Kennedy Area. Unpublished report prepared for Bowman Bishaw and Associates, West Perth.

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.