



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 4032/4
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 246SA (AML 70/246)
Iron Ore (Hamersley Range) Agreement Act 1963, Mineral Lease 4SA (AML 70/4)
Local Government Area: Shire of Ashburton
Colloquial name: Eastern Range Project

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 17 November 2016

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description Vegetation within the application areas has been mapped as the following Beard vegetation associations: (GIS Database).

- **82:** Hummock grasslands, low tree steppe; snappy gum over *Triodia wiseana*; and
- **181:** Shrublands; mulga and snakewood scrub.

Rio Tinto (2010) defined and mapped a total of 53 vegetation associations within the original permit boundary and these are detailed in Decision Report CPS 4032/2.

Additional surveys were conducted by Rio Tinto (2014) during May, June and July 2014 of the expanded permit boundary for CPS 4032/3. Sixty two intact and two disturbed vegetation units were identified within the additional area and these are detailed in Decision Report CPS 4032/3.

Clearing Description Eastern Range Project. Hamersley Iron Pty Ltd proposes to clear up to 600 hectares of native vegetation within a boundary of approximately 3,914 hectares for the purpose of mineral production. The project is located approximately 5 kilometres south of Paraburdoo within the Shire of Ashburton.

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

To

Pristine: No obvious signs of disturbance (Keighery, 1994).

Comment The vegetation condition was converted from Trudgen (1988) to Keighery (1994).

The proposed clearing will enable the ongoing mining operations at the Eastern Range Project. Vegetation will be cleared for open pits, waste dumps, stockpiles, haul roads and other related infrastructure (Hamersley Iron, 2010). Topsoil and vegetation from cleared areas will be stockpiled for use in later rehabilitation.

The majority of the additional area appears to have not been burnt for over ten years (Rio Tinto, 2014).

Clearing permit CPS 4032/1 was granted on 17 March 2011 authorising the clearing of 450 hectares within a boundary of 1,738 hectares. This permit was amended on 24 October 2013 to change the definition of local provenance in Condition 6(c)(ii) of the permit to reflect the current standard wording of the definition. On 22 January 2015 CPS 4032/2 was amended to increase the amount of clearing authorised to 600 hectares and increase the permit boundary to 3,914 hectares to cover the area previously covered by CPS 235/1. The duration of permit was also extended to 31 July 2029.

Hamersley Iron Pty Ltd has applied to amend CPS 4032/3 to change the annual reporting date and period and

extend the duration of the permit to 31 December 2029.

3. Assessment of application against clearing principles

Comments

Hamersley Iron Pty Ltd has applied to amend the annual reporting date to 30 June, change the reporting period to calendar year and extend the duration of the permit by an additional five months to 31 December 2029. The amount of clearing authorised and the permit boundary remain unchanged.

The proposed amendment is unlikely to result in any significant change to the environmental impacts of the proposed clearing. The assessment against the clearing principles remains consistent with the assessment contained in the previous decision reports.

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

Comments

There are two Native Title Claims (WC2010/011 and WC2010/016) over the area under application (Department of Aboriginal Affairs, 2016). 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 are numerous registered Aboriginal Sites of Significance within the application area (Department of Aboriginal Affairs, 2016). 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 noted that the proposed clearing may impact on a protected matter under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). The proponent may be required to refer the project to the (Federal) Department of the Environment and Energy for environmental impact assessment under the *EPBC Act*. The proponent is advised to contact the Department of the Environment and Energy for further information regarding notification and referral responsibilities under the *EPBC Act*.

The expansion of the Eastern Range Project has been previously referred to the EPA. On 21 December 2004 the EPA set the level of assessment as 'Not Assessed - Public Advice Given and Managed Under Part V of the EP Act'.

It is the proponent's 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 Department of Aboriginal Affairs (2016)

4. References

- Department of Aboriginal Affairs (2016) Aboriginal Heritage Inquiry System. Department of Aboriginal Affairs. <http://maps.dia.wa.gov.au/AHIS2/> (Accessed on 7 November 2016).
- Hamersley Iron (2010) Application for a Clearing Permit (Purpose Permit) Mining Operations - Tenement AML70/4SA & AML 70/246.
- 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 (2014) Flora and Vegetation Assessment of the Eastern Ranges Study Area. Report prepared by Rio Tinto Pty Ltd, November 2014.
- Trudgen, M.E. (1998) A Report on Flora and Vegetation of the Port Kennedy Area. Report prepared for Bowman Bishaw and Associates, West Perth.

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)
DEE	Department of the Environment and Energy, Australian Government
DER	Department of Environment Regulation, Western Australia
DMP	Department of Mines and Petroleum, Western Australia
DRF	Declared Rare Flora
DoE	Department of the Environment, Australian Government (now DEE)
DoW	Department of Water, Western Australia
DPaW	Department of Parks and Wildlife, Western Australia
DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities (now DEE)

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
TEC	Threatened Ecological Community

Definitions:

{DPaW (2015) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia}:-

- T** **Threatened species:**
Published as Specially Protected under the *Wildlife Conservation Act 1950*, listed under Schedules 1 to 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora (which may also be referred to as Declared Rare Flora).

Threatened fauna is that subset of ‘Specially Protected Fauna’ declared to be ‘likely to become extinct’ pursuant to section 14(4) of the Wildlife Conservation Act.

Threatened flora is flora that has been declared to be ‘likely to become extinct or is rare, or otherwise in need of special protection’, pursuant to section 23F(2) of the Wildlife Conservation Act.

The assessment of the conservation status of these species is based on their national extent and ranked according to their level of threat using IUCN Red List categories and criteria as detailed below.
- CR** **Critically endangered species**
Threatened species considered to be facing an extremely high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.
- EN** **Endangered species**
Threatened species considered to be facing a very high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.
- VU** **Vulnerable species**
Threatened species considered to be facing a high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.
- EX** **Presumed extinct species**
Species which have been adequately searched for and there is no reasonable doubt that the last individual has died. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Presumed Extinct Fauna and Wildlife Conservation (Rare Flora) Notice for Presumed Extinct Flora.
- IA** **Migratory birds protected under an international agreement**
Birds that are subject to an agreement between the government of Australia and the governments of Japan (JAMBA), China (CAMBA) and The Republic of Korea (ROKAMBA), and the Bonn Convention, relating to the protection of migratory birds. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 5 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- CD** **Conservation dependent fauna**
Fauna of special conservation need being species dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 6 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- OS** **Other specially protected fauna**
Fauna otherwise in need of special protection to ensure their conservation. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 7 of the Wildlife Conservation (Specially Protected Fauna) Notice.

- P** **Priority species**
 Species which are poorly known; or
 Species that are adequately known, are rare but not threatened, and require regular monitoring. Assessment of Priority codes is based on the Western Australian distribution of the species, unless the distribution in WA is part of a contiguous population extending into adjacent States, as defined by the known spread of locations.
- P1** **Priority One - Poorly-known species:**
 Species that are known from one or a few locations (generally five or less) which are potentially at risk. All occurrences are either: very small; or on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, road and rail reserves, gravel reserves and active mineral leases; or otherwise under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes. Such species are in urgent need of further survey.
- P2** **Priority Two - Poorly-known species:**
 Species that are known from one or a few locations (generally five or less), some of which are on lands managed primarily for nature conservation, e.g. national parks, conservation parks, nature reserves and other lands with secure tenure being managed for conservation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes. Such species are in urgent need of further survey.
- P3** **Priority Three - Poorly-known species:**
 Species that are known from several locations, and the species does not appear to be under imminent threat, or from few but widespread locations 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 locations but do not meet adequacy of survey requirements and known threatening processes exist that could affect them. Such species are in need of further survey.
- 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 are close to qualifying for Vulnerable, but are not listed as Conservation Dependent.
 (c) Species that have been removed from the list of threatened species during the past five years for reasons other than taxonomy.

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.