



Clearing Permit Decision Report

1. Application details and outcome

1.1. Permit application details

Permit number:	4032/5
Permit type:	Purpose Permit
Applicant name:	Hamersley Iron Pty Ltd
Application received:	15 July 2021
Application area:	600 hectares
Purpose of clearing:	Mineral Production and Associated Activities
Method of clearing:	Mechanical Removal
Tenure:	<i>Iron Ore (Hamersley Range) Agreement Act 1963, Mineral Lease 4SA (AML 70/4)</i> <i>Iron Ore (Hamersley Range) Agreement Act 1963, Mineral Lease 246SA (AML 70/246)</i>
Location (LGA area/s):	Shire of Ashburton
Colloquial name:	Eastern Range Project

1.2. Description of clearing activities

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 and associated activities at the existing Eastern Range mine site, located approximately five kilometres south of Paraburdoo.

Clearing permit CPS 4032/1 was granted by the former Department of Mines and Petroleum (now known as the Department of Mines, Industry Regulation and Safety) on 17 March 2011 and authorised the clearing of 450 hectares within a boundary of 1,738 hectares. CPS 4032/2 was granted on 24 October 2013, changing the definition of local provenance in Condition 6(c)(ii) of the original permit. CPS 4032/3 was granted on 22 January 2015, increasing the area of clearing authorised to 600 hectares and increasing 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. CPS 4032/4 was granted on 17 November 2016, amending the annual reporting requirements and extending the permit duration by an additional five months to 31 December 2029.

On 15 July 2021, the Permit Holder applied to amend CPS 4032/4 to extend the period in which clearing is authorised, pursuant to permit condition 5, from 31 December 2022 to 31 December 2025. No other changes are included in the amendment.

1.3. Decision on application and key considerations

Decision:	Grant
Decision date:	14 June 2022
Decision area:	600 hectares of native vegetation

1.4. Reasons for decision

This clearing permit application was made in accordance with section 51KA of the *Environmental Protection Act 1986* (EP Act) and was received by the Department of Mines, Industry Regulation and Safety (DMIRS) on 15 July 2021. DMIRS advertised the application for public comment for a period of 7 days, and no submissions were received.

In making this decision, the Delegated Officer had regard for the site characteristics, relevant datasets, supporting information provided by the applicant including the results of a flora and vegetation survey and fauna survey, the clearing principles set out in Schedule 5 of the EP Act, and any other matters considered relevant to the assessment.

After consideration of the available information, as well as the applicant's minimisation and mitigation measures, the Delegated Officer determined that the proposed clearing is not likely to lead to an unacceptable risk to the

environment. The Delegated Officer decided to grant a clearing permit with the same management conditions as clearing permit CPS 4032/4.

2. Assessment of application

2.1. Avoidance and mitigation measures

The applicant has not provided any additional avoidance or mitigation measures, beyond those already provided in support of the original clearing permit application (CPS 4032/1) and subsequent amendments (4032/2, 4032/3 and 4032/4).

The following key avoidance and mitigation measures were provided by the applicant in support of previous versions of CPS 4032:

- Impacts to both the central and western waterholes (which are known habitat for conservation significant fauna species) continue to be minimised via internal company environmental exclusion zones; and
- Adherence to Rio Tinto's ISO14001 certified 'Iron Environmental Management System (IEMS), which includes Operational Control Procedures (OCP) to manage environmental issues relating to mining and exploration.

The Delegated Officer is satisfied that reasonable efforts have been made to avoid and mitigate the impacts of the proposed clearing.

2.2. Assessment of impacts on environmental values

The permit holder has advised that as of 31 December 2020, 330.31 hectares of native vegetation has been cleared pursuant to clearing permit 4032/4 (Rio Tinto, 2021). The proposed amendment involves extending the period in which clearing is authorised by a further three years, until 31 December 2025 as mining operations at Eastern Range are ongoing. No changes are proposed to the area or amount of authorised clearing.

No new biological information has been provided in support of the amendment application. The environmental values of the application area are well understood, and are described in previous versions of the Decision Report, based on biological studies undertaken by Astron (2014), Rio Tinto (2014), Biota Environmental Sciences (2010), Matiske Consulting Pty Ltd & Ninnox Wildlife Consulting (2010), Rio Tinto (2010) and Specialised Zoological (2010). Similarly, the environmental impacts of the proposed clearing have been previously assessed and conditionally approved via clearing permits CPS 4032/1, 4032/2, 4032/3 and 4032/4.

The amendment application has been assessed against the clearing principles, planning instruments and other matters in accordance with s.51O of the *Environmental Protection Act 1986*. Environmental information has been reviewed, and the assessment of the proposed clearing against the clearing principles remains consistent with the assessment contained in previous versions of the decision report. Extending the period in which clearing is authorised by a further three years is unlikely to change the environmental impacts of the proposed clearing. The conditions currently imposed on clearing permit CPS 4032/4 are considered adequate for amended permit CPS 4032/5 to continue to avoid/minimise the impacts of clearing, minimise the introduction and spread of weeds, minimise impacts to conservation significant fauna species and their habitat, minimise disruption to riparian vegetation and surface water flows, minimise land degradation and require rehabilitation of areas cleared for temporary disturbance.

In granting a three year extension to the period in which clearing is authorised, the Delegated Officer has also considered it pertinent to extend the permit duration by three years, to ensure there is sufficient time during the life of the permit to fulfil the rehabilitation and monitoring requirements of permit condition 10.

2.3. Relevant planning instruments and other matters

The clearing permit amendment application was advertised on 30 July 2021 by the Department of Mines, Industry Regulation and Safety inviting submissions from the public. No submissions were received in relation to this application.

There are two native title claims (WC2010/011 and WC2010/016) over the area under application (DPLH, 2022). These claims have been determined by the Federal Court on behalf of the claimant groups. 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 (DPLH, 2022). 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.

Mining at Eastern Range (23E–42E deposits) was referred to the EPA in April 1998. The EPA decided no formal assessment was required and provided public advice in May 1998. A subsequent expansion of the Eastern Range Project was referred to the EPA in November 2004. 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' (Rio Tinto, 2020).

The Greater Paraburdoo Iron Ore Hub Proposal was referred to the EPA on 2 November 2018. On 7 December 2018 the EPA set the level of assessment as 'Public Environmental Review' (Assessment No. 2189). The proposal is an expansion of the existing operations at Paraburdoo and Eastern Range which is not subject to a Ministerial Statement issued under Part IV of the EP Act. The proposal will involve clearing an additional 4,300 hectares of native vegetation (in addition to the 1,415 ha authorised under Part V clearing permits) within a development envelope of 17,422 ha. The proposal currently being assessed by the EPA excludes activities that are part of or required for continuation of the existing mining operations at Paraburdoo and Eastern Range (this includes clearing permit 4032/4) (Rio Tinto, 2020).

The Greater Paraburdoo Iron Ore Hub Proposal was referred to the Department of the Environment and Energy (DotEE), now the Department of Agriculture, Water and the Environment) on 6 December 2018 (EPBC Act reference: EPBC 2018/8341). It was determined to be a controlled action under the EPBC Act on 24 January 2019 as it was considered likely to have a significant impact on 'threatened species and communities' listed as Matters of National Environmental Significance (MNES). The Proposal is being assessed under an accredited assessment between the Commonwealth and Western Australian governments (Rio Tinto, 2020).

It is the proponent's responsibility to liaise with the Department of Water and Environmental Regulation and the Department of Biodiversity, Conservation and Attractions, to determine whether a Works Approval, Water Licence, Bed and Banks Permit, or any other licences or approvals are required for the proposed works.

Appendix A - References and databases

1. GIS datasets

Publicly available GIS Databases used (sourced from www.data.wa.gov.au):

- Aboriginal Heritage Places (DPLH-001)
- Cadastre Address (LGATE-002)
- DBCA – Lands of Interest (DBCA-012)
- DBCA Legislated Lands and Waters (DBCA-011)
- Directory of Important Wetlands in Australia – Western Australia (DBCA-045)
- Environmentally Sensitive Areas (DWER-046)
- IBRA Vegetation Statistics
- Regional Parks (DBCA-026)

Restricted GIS Databases used:

- Threatened Flora (TPFL)
- Threatened Flora (WAHerb)
- Threatened Fauna
- Threatened Ecological Communities and Priority Ecological Communities
- Threatened Ecological Communities and Priority Ecological Communities (Buffers)

2. References

Astron (2014) Eastern Range Level 1 and Targeted Fauna Survey. Unpublished report prepared for Rio Tinto Iron Ore, Western Australia. June 2014.

Biota Environmental Sciences (2010) Eastern Ranges Targeted Fauna Survey. Unpublished report prepared for Rio Tinto, Western Australia. December 2010.

Department of Planning, Lands and Heritage (DPLH) (2022) Aboriginal Heritage Inquiry System. Department of Planning, Lands and Heritage. <https://espatial.dplh.wa.gov.au/AHIS/index.html?viewer=AHIS> (Accessed 28 April 2022).

- Mattiske Consulting Pty Ltd & Ninnox Wildlife Consulting (2010) Review of Likelihood of Fauna Species of Conservation Significance Utilising Habitats at Eastern Range. Unpublished report prepared for Rio Tinto Iron Ore, Western Australia. October 2010.
- Rio Tinto (2010) Flora and Vegetation Assessment of the Eastern Ranges LOM Study Area (ERSA): Including supporting documentation for a Native Vegetation Clearing Permit Application (SO-10-05940). Unpublished report, Western Australia. October 2010.
- Rio Tinto (2014) Flora and Vegetation Assessment of the Eastern Ranges Study Area. Report prepared by Rio Tinto Pty Ltd, November 2014.
- Rio Tinto (2020) Environmental Review Document: Greater Paraburdoo Iron Ore Hub Proposal Assessment No: 2189, EPBC 2018/8341, Hamersley Iron Pty Limited, Perth, Western Australia. May 2020.
- Rio Tinto (2021) CPS 4032/4 – 2020 Annual Report. Unpublished report prepared for the Department of Mines, Industry Regulation and Safety (DMIRS) by Rio Tinto, Perth, Western Australia. 30 June 2021.
- Specialised Zoological (2010) A Summary of the Occurrence of the Pilbara Leaf-nosed Bat at Eastern Ranges and Surrounds. Unpublished report prepared for Rio Tinto Iron Ore, Western Australia. September 2010.

3. Glossary

Acronyms:

BC Act	<i>Biodiversity Conservation Act 2016</i> , Western Australia
BoM	Bureau of Meteorology, Australian Government
DAA	Department of Aboriginal Affairs, Western Australia (now DPLH)
DAFWA	Department of Agriculture and Food, Western Australia (now DPIRD)
DAWE	Department of Agriculture, Water and the Environment, Australian Government
DBCA	Department of Biodiversity, Conservation and Attractions, Western Australia
DER	Department of Environment Regulation, Western Australia (now DWER)
DMIRS	Department of Mines, Industry Regulation and Safety, Western Australia
DMP	Department of Mines and Petroleum, Western Australia (now DMIRS)
DoEE	Department of the Environment and Energy (now DAWE)
DoW	Department of Water, Western Australia (now DWER)
DPaW	Department of Parks and Wildlife, Western Australia (now DBCA)
DPIRD	Department of Primary Industries and Regional Development, Western Australia
DPLH	Department of Planning, Lands and Heritage, Western Australia
DRF	Declared Rare Flora (now known as Threatened Flora)
DWER	Department of Water and Environmental Regulation, Western Australia
EP Act	<i>Environmental Protection Act 1986</i> , Western Australia
EPA	Environmental Protection Authority, 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:

{DBCA (2019) Conservation Codes for Western Australian Flora and Fauna. Department of Biodiversity, Conservation and Attractions, Western Australia}:-

T **Threatened species:**

Listed by order of the Minister as Threatened in the category of critically endangered, endangered or vulnerable under section 19(1), or is a rediscovered species to be regarded as threatened species under section 26(2) of the *Biodiversity Conservation Act 2016* (BC Act).

Threatened fauna is that subset of 'Specially Protected Fauna' listed under schedules 1 to 3 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for Threatened Fauna.

Threatened flora is that subset of 'Rare Flora' listed under schedules 1 to 3 of the *Wildlife Conservation (Rare Flora) Notice 2018* for Threatened Flora.

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 in the immediate future, as determined in accordance with criteria set out in the ministerial guidelines*”.

Listed as critically endangered under section 19(1)(a) of the BC Act in accordance with the criteria set out in section 20 and the ministerial guidelines. Published under schedule 1 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for critically endangered fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for critically endangered flora.

EN Endangered species
Threatened species considered to be “*facing a very high risk of extinction in the wild in the near future, as determined in accordance with criteria set out in the ministerial guidelines*”.

Listed as endangered under section 19(1)(b) of the BC Act in accordance with the criteria set out in section 21 and the ministerial guidelines. Published under schedule 2 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for endangered fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for endangered flora.

VU Vulnerable species
Threatened species considered to be “*facing a high risk of extinction in the wild in the medium-term future, as determined in accordance with criteria set out in the ministerial guidelines*”.

Listed as vulnerable under section 19(1)(c) of the BC Act in accordance with the criteria set out in section 22 and the ministerial guidelines. Published under schedule 3 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for vulnerable fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for vulnerable flora.

Extinct Species:

EX Extinct species
Species where “*there is no reasonable doubt that the last member of the species has died*”, and listing is otherwise in accordance with the ministerial guidelines (section 24 of the BC Act).

Published as presumed extinct under schedule 4 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for extinct fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for extinct flora.

EW Extinct in the wild species
Species that “*is known only to survive in cultivation, in captivity or as a naturalised population well outside its past range; and it has not been recorded in its known habitat or expected habitat, at appropriate seasons, anywhere in its past range, despite surveys over a time frame appropriate to its life cycle and form*”, and listing is otherwise in accordance with the ministerial guidelines (section 25 of the BC Act).

Currently there are no threatened fauna or threatened flora species listed as extinct in the wild. If listing of a species as extinct in the wild occurs, then a schedule will be added to the applicable notice.

Specially protected species:

Listed by order of the Minister as specially protected under section 13(1) of the BC Act. Meeting one or more of the following categories: species of special conservation interest; migratory species; cetaceans; species subject to international agreement; or species otherwise in need of special protection.

Species that are listed as threatened species (critically endangered, endangered or vulnerable) or extinct species under the BC Act cannot also be listed as Specially Protected species.

MI Migratory species
Fauna that periodically or occasionally visit Australia or an external Territory or the exclusive economic zone; or the species is subject of an international agreement that relates to the protection of migratory species and that binds the Commonwealth; and listing is otherwise in accordance with the ministerial guidelines (section 15 of the BC Act).

Includes 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 fauna subject to the *Convention on the Conservation of Migratory Species of Wild Animals* (Bonn Convention), an environmental treaty under the United Nations Environment Program. Migratory species listed under the BC Act are a subset of the migratory animals, that are known to visit Western

Australia, protected under the international agreements or treaties, excluding species that are listed as Threatened species.

Published as migratory birds protected under an international agreement under schedule 5 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

- CD Species of special conservation interest (conservation dependent fauna)**
Fauna of special conservation need being species dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened, and listing is otherwise in accordance with the ministerial guidelines (section 14 of the BC Act).
Published as conservation dependent fauna under schedule 6 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.
- OS Other specially protected species**
Fauna otherwise in need of special protection to ensure their conservation, and listing is otherwise in accordance with the ministerial guidelines (section 18 of the BC Act).
Published as other specially protected fauna under schedule 7 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.
- P Priority species:**
- Possibly threatened species that do not meet survey criteria, or are otherwise data deficient, are added to the Priority Fauna or Priority Flora Lists under Priorities 1, 2 or 3. These three categories are ranked in order of priority for survey and evaluation of conservation status so that consideration can be given to their declaration as threatened fauna or flora.
- Species that are adequately known, are rare but not threatened, or meet criteria for near threatened, or that have been recently removed from the threatened species or other specially protected fauna lists for other than taxonomic reasons, are placed in Priority 4. These species 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.
- (c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened 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 the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.