Government of **Western Australia**
Department of **Mines and Petroleum**

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 4149/2
Permit type: Purpose

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: Giles Point Project

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 17 March 2016

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description The clearing permit application area has been broadly mapped as the following Beard vegetation association (GIS Database):

82: Hummock grasslands, low tree steppe; snappy gum over *Triodia wiseana*

A flora and vegetation survey of the aplication area was undertaken by Rio Tinto Iron Ore on 22 and 24 May 2010 (Rio Tinto Iron Ore, 2010). A total of 9 vegetation communities were identified within the application area (Rio Tinto, 2010):

F1 *Corymbia hamersleyana, Eucalyptus gamophylla* low woodland over *Acacia trudgeniana* high open shrubland over *Androcalva luteiflora*, *Gastrolobium grandiflorum* open shrubland over *Keraudrenia veluntina* low shrubland over *Triodia melvillei*, *Triodia basedowii* very open hummock grassland over *Paraneurachne muelleri*, *Themeda triandra* tussock grassland;

F2 *Eucalyptus leucophloia*, *Eucalyptus kingsmillii*, *Corymbia deserticola* low open forest over *Acacia adsurgens*, *Acacia pruinocarpa*, *Acacia aneura* high open shrubland over *Keraudrenia velutina* low shrubland over *Triodia melvillei*, *Triodia basedowii* hummock grassland over *Paraneurachne muelleri, Amphipogon caricinus* very open tussock grassland. Mixed Acacia shrubland / hummock grassland with emergent *Corymbia hamersleyana* on the stony footsteps of the Hamersley range;

F3 *Eucalyptus xerothermica*, *Eucalyptus gamophylla*, *Corymbia deserticola* low open forest over *Acacia aneura* high open shrubland over *Senna pleurocarpa* low open shrubland over *Triodia melvillei* very open hummock grassland over *Chrysopogon fallax*, *Paraneurachne muelleri* tussock grassland;

F4 *Acacia aneura* low woodland over *Androcalva luteiflora* shrubland over *Ptilotus obovatus*, *Eremophila forrestii* low open heath over *Chrysopogon fallax*, *Aristida latifolia*, *Digitaria brownii,* tussock grassland over *Aristida contorta* very open bunch grass.

F5 *Acacia aneura*, *Corymbia deserticola* low open forest over *Acacia pachyacra* high open shrubland over *Rhagodia* sp. Hamersley, *Senna sp.* Meekatharra open shrubland over *Themeda triandra*, *Chrysopogon fallax* tussock grasslands;

SS1 *Eucalyptus leucophloia*, *Eucalyptus gamophylla*, low open forrest over *Acacia bivenosa* open shrubland over *Ptilotus rotundifolius* low open shrubland over *Triodia basedowii*, *Triodia melvillei* hummock grassland over *Cymbopogon ambiguus* scattered tussock grass;

SS2 *Corymbia hamersleyana*, *Eucalyptus leucophloia, Hakea lorea* low woodland over *Androcalva luteiflora*, *Acacia bivenosa* open shrubland over *Keraudrenia velutina* low open shrubland over *Triodia basedowii* hummock grassland;

SS3 *Eucalyptus gamophylla*, *Eucalyptus kingsmillii*, *Corymbia deserticola* low open forest over *Acacia adsurgens* × *rhodophloia*, *Acacia ancistrocarpa* high shrubland over *Keraudrenia veluntina* low open shrubland over *Triodia basedowii* hummock grassland; and

MF1 *Corymbia hamersleyana*, *Hakea lorea*, *Eucalyptus gamophylla* low woodland over *Androcalva luteiflora*, *Gossypium robinsonii* open scrub over *Corchorus lasiophyllum* low open shrubland over *Triodia basedowii* very open hummock grassland over *Eriachne tenuiculmis*, *Cymbopogon ambiguus*, *Themeda triandra* open tussock grassland.

Clearing Description Giles Point Project.
Hamersley Iron Pty Ltd proposes to clear up to 2.1 hectares of native vegetation within a total boundary of approximately 25 hectares, for the purpose of mineral exploration. The project is located approximately 54 kilometres northwest of Newman, in the Shire of East Pilbara.

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 (Kieghery, 1994).

Comment Vegetation descriptions were provided by Rio Tinto Iron Ore (2010). The vegetation condition was originally described by Rio Tinto Iron Ore (2010) using a scale based on Trudgen (1998) and has been converted to the corresponding condition from the Kieghery (1994) scale.

Clearing permit CPS 4149/1 was granted by the Department of Mines and Petroleum on 10 February 2011, authorising the clearing of up to 2.1 hectares of native vegetation within a boundary of approximately 25 hectares.

On 8 Feburary 2016, the permit holder applied to amend CPS 4149/1 to extend the permit duration by five years to 31 July 2021. However, to allow compliance with rehabilitation conditions the Department of Mines and Petroleum has extended the duration to 31 July 2026. No clearing is to occur after 31 July 2021.

3. Assessment of application against clearing principles

Comments The amendment to extend the permit duration is unlikely to result in any significant change to the environmental impacts of the proposed clearing. The size of the area approved to clear (2.1 hectares) and the permit boundaries remain unchanged.

The assessment against the clearing principles remains consistent with the assessment contained in decision report CPS 4149/1.

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

Comments: There is one native title claim (WC2005/006) over the area under application (DAA, 2016). This claim has been registered with the Native Title Tribunal 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 that intersects with the application area (DAA, 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 the proponent's responsibility to liaise with the Department of Environment Regulation, the Department of Water, and the Department of Parks and Wildlife, 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: DAA (2016)

4. References

DAA (2016) Aboriginal Heritage Inquiry System. Department of Aboriginal Affairs. http://maps.dia.wa.gov.au/AHIS2/ (Accessed 1 March 2016)

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 (2010) Flora and Vegetation Survey for Proposed Evaluation Drilling at Giles Point. Native Vegetation Clearing Permit Supporting Report. Rio Tinto Iron Ore Pty Ltd, Western Australia, August 2010.

Trudgen, M.E. (1998) A Report on Flora and Vegetation of the Port Kennedy Area. Bowman Bishaw and Associates, Western Australia.

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	*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
PEC	Priority Ecological Community, Western Australia
RIWI Act	*Rights in Water and Irrigation Act 1914*, 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.