



## CLEARING PERMIT

*Granted under section 51E of the Environmental Protection Act 1986*

<b>Purpose Permit number:</b>	CPS 4344/1
<b>Permit Holder:</b>	Hamersley Iron Pty Ltd
<b>Duration of Permit:</b>	1 August 2011 – 1 August 2016

The Permit Holder is authorised to clear native vegetation subject to the following conditions of this Permit.

### PART I – CLEARING AUTHORISED

**1. Purpose for which clearing may be done**

Clearing for the purpose of road reconstruction and maintenance.

**2. Land on which clearing is to be done**

Unallocated Crown Land, Newman (PIN 11455504)

**3. Area of Clearing**

The Permit Holder must not clear more than 1.5 hectares of native vegetation within the area shaded yellow on attached Plan 4344/1.

**4. Application**

This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

**5. Type of clearing authorised**

This Permit authorises the Permit Holder to clear native vegetation for activities to the extent that the Permit Holder has the power to clear native vegetation for those activities under the *Land Administration Act 1997* or any other written law.

**6. Compliance with Assessment Sequence and Management Procedures**

Prior to clearing any native vegetation under conditions 1, 2 and 3 of this Permit, the Permit Holder must comply with the Assessment Sequence and the Management Procedures set out in Part II of this Permit.

### PART II – ASSESSMENT SEQUENCE AND MANAGEMENT PROCEDURES

**7. Avoid, minimise etc clearing**

In determining the amount of native vegetation to be cleared authorised under this Permit, the Permit Holder must have regard to the following principles, set out in order of preference:

- avoid the clearing of native vegetation;
- minimise the amount of native vegetation to be cleared; and
- reduce the impact of clearing on any environmental value.

## 8. Weed control

- (a) When undertaking any clearing or other activity authorised under this Permit, the Permit Holder must take the following steps to minimise the risk of the introduction and spread of *weeds*:
- (i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
  - (ii) ensure that no *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
  - (iii) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.
- (b) At least once in each 12 month period for the term of this Permit, the Permit Holder must remove or kill any *weeds* growing within areas cleared under this Permit.

## 9. Flora management

- (a) Prior to undertaking any clearing authorised under this Permit, the Permit Holder shall engage a botanist to inspect that area for the presence of rare flora species *Lepidium catapycnon*.
- (b) Where *Lepidium catapycnon* is identified in relation to condition 9(a) of this Permit, the Permit Holder shall ensure that:
- (i) all records of rare flora are submitted to the CEO; and
  - (ii) no clearing occurs within 50 metres of identified rare flora, unless approved by the CEO.

## PART III - RECORD KEEPING AND REPORTING

### 10. Records must be kept

The Permit Holder must maintain the following records for activities done pursuant to this Permit:

- (a) In relation to the clearing of native vegetation authorised under this Permit:
- (i) the species composition, structure and density of the cleared area;
  - (ii) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings;
  - (iii) the date that the area was cleared; and
  - (iv) the size of the area cleared (in hectares).
- (b) In relation to flora management pursuant to condition 9 of this Permit:
- (i) the location of each rare flora species recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees; and
  - (ii) a copy of the botanist's flora survey report.

### 11. Reporting

- (a) The Permit Holder must provide to the CEO on or before 31 July of each year, a written report:
- (i) of records required under condition 10 of this Permit; and
  - (ii) concerning activities done by the Permit Holder under this Permit between 1 July and 30 June of the preceding year.
- (b) Prior to 1 May 2016, the Permit Holder must provide to the CEO a written report of records required under condition 10 of this Permit where these records have not already been provided under condition 11(a) of this Permit.

## DEFINITIONS

The following meanings are given to terms used in this Permit:

*botanist* means a person with specific training and/or experience in the ecology and taxonomy of Western Australian flora.

*fill* means material used to increase the ground level, or fill a hollow;

*mulch* means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation; and

*weeds* means a species listed in Appendix 3 of the "Environmental Weed Strategy" published by the Department of Conservation and Land Management (1999), and plants declared under section 37 of the *Agriculture and Related Resources Protection Act 1976*.



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Kelly Faulkner  
MANAGER  
NATIVE VEGETATION CONSERVATION BRANCH

*Officer delegated under Section 20  
of the Environmental Protection Act 1986*

7 July 2011

# Plan 4344/1



## LEGEND

- Road Centrelines
- Cadastre
- Clearing Instruments
- Areas Approved to Clear
- Local Government Authorities
- Newman 1.4m Orthomosaic - Landgate 2003
- Localities



Scale 1:20000

Approximate when reproduced as is

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortions in instrument measurements.

*[Signature]* Date 7/2/11

K. Faulkner

Officer with delegated authority under Section 20 of the Environmental Protection Act 1985.

Information derived from this map should be confirmed with the data custodian as developed by the agency responsible in the legend.



Department of Environment and Conservation  
Our environment, our future  
WA Govt. Expiry: 2011



## 1. Application details

### 1.1. Permit application details

Permit application No.: 4344/1  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: Hamersley Iron Pty Ltd

### 1.3. Property details

Property: UNALLOCATED CROWN LAND ( NEWMAN 6753)  
Local Government Area: Shire of East Pilbara  
Colloquial name: Eagle Rock Falls Track

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
1.5		Mechanical Removal	Road construction or maintenance

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 7 July 2011

## 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 Association 82 - Hummock grasslands, low tree steppe; snappy gum over <i>Triodia wiseana</i>  (Shepherd, 2009)	The proposed clearing consists of 1.5 hectares over a 6.5 hectare area spanning approximately 1.2 kilometres of Eagle Rock Falls Access Track, Newman.  The proposed works are to reinstate an existing access track from Kalgan pool to the Hope Downs junction and will include widening the track to a standard 6 metre width and shaping/reforming the existing track to increase drainage and safety for the general public (Hamersley Iron, 2011). In addition, a small section of new track is to be constructed in order to avoid known heritage sites (Hamersley Iron, 2011).  The vegetation is considered to range from excellent to very good (Keighery, 1994) condition, with edge effects and disturbance due to historic clearing for the existing cleared track.	Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994)  To  Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994)	The vegetation condition was determined through aerial imagery and a flora survey that included the application area (Mattiske Consulting Pty Ltd, 2009).

## 3. Assessment of application against clearing principles

### Comments

The proposal is to clear up to a total 1.5 hectares of native vegetation within a larger footprint area of 6.3 hectares, which covers a distance of approximately 1.2 kilometres.

The vegetation under application is considered to be in excellent to very good (Keighery, 1994) condition, with some disturbance related to the existing cleared track and associated edge effects. Weed management conditions will minimise the risk of weed invasion into the relatively undisturbed surrounding vegetation.

The local area (30 kilometre radius) is approximately 95% vegetated. The mapped Beard vegetation association retains approximately 100% of its pre-European extent in the Pilbara IBRA bioregion (Shepherd, 2009) and the vegetation types under application are well represented in the surrounding vegetation.

The area under application is within a wider study area surveyed by Mattiske Consulting Pty Ltd (2009) in April and September 2008 and April 2009 for the Hope Downs 4 pipeline corridor.

One rare flora (DRF), *Lepidium catapycnon*, has been recorded in the local area within the same vegetation

and soil types that occur within the application area. Mattiske Consulting Pty Ltd (2009) did not identify this species in the Hope Downs 4 pipeline corridor, however concluded that the potential may still exist for it to occur. *L. catapycnon* is reported to be a disturbance opportunistic species (Mattiske Consulting Pty Ltd, 2009) and as such, suitable habitat may occur in the vicinity of the existing track. Information currently available is not sufficient to determine that this species does not occur within the application area. Flora management conditions will mitigate potential impact to this species.

The combination of vegetation and soil types that support records of priority flora in the local area are not present within the application area and Mattiske Consulting Pty Ltd (2009) recorded no priority flora within the Hope Downs 4 pipeline corridor survey area.

Given the small scale (1.5 hectare) of the proposed clearing and the extent and quality of surrounding vegetation, the vegetation under application is not considered to be significant habitat for fauna in a local or regional context.

Numerous drainage lines (minor, non-perennial watercourses) intersect the application area and the eastern end is approximately 75 metres north of a minor, non-perennial river. The proposed clearing is likely to include riparian vegetation.

Considering the linearity of the application area and small scale (1.5 hectares) of the proposal, the clearing as proposed is not likely to result in appreciable land degradation, deterioration of surface or groundwater quality, nor cause or exacerbate the incidence or intensity of flooding.

Given the above, the proposed clearing is at variance to Principle (f), may be at variance to Principle (c) and is not likely to be at variance to the remaining clearing principles.

#### Methodology

##### References:

Hamersley Iron, 2011  
Keighery, 1994  
Mattiske Consulting Pty Ltd, 2009  
Shepherd, 2009

##### GIS Databases:

- Hydrography, linear - DoW 13/7/06
- Newman 1.4m Orthomosaic - Landgate 2003
- Pre-European vegetation - DA 01/01
- SAC Biodatasets - 23/05/11
- Soils, Statewide - 30/11/99

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

##### Comments

The Department of Regional Development and Lands (DRDL) have granted the applicant approval to;

- perform maintenance of the track situated on unallocated Crown land (UCL) that includes the application area;
- widen the portion of the track under application; and
- use water from Hope Downs 4 on the UCL to reduce dust and during grading (DRDL, 2011).

The proposed clearing is within the Pilbara surface and groundwater areas proclaimed under the Rights in Water and Irrigation Act 1914. Any taking or diversion of surface water for purposes other than domestic and/or stock watering or abstraction of groundwater is subject to licensing by the Department of Water (DoW, 2011). Where the clearing area intersects a waterway not within the proponent's tenement, the normal regulatory instruments under the RIWI Act may apply (DoW, 2011). Any interference with the bed or banks of a watercourse in this proclaimed area will require a permit from DoW (DoW, 2011).

The application area is within the Nyiyaparli people Native Title claimants' area of interest. The Nyiyaparli people and their representatives have been advised of the proposal. No comment has been received.

There are no known Aboriginal Sites of Significance within the application area. The application area has been subject to a heritage survey and no sites fall within the application area (Hamersley Iron, 2011).

#### Methodology

##### References:

DoW, 2011  
DRDL, 2011  
Hamersley Iron, 2011

##### GIS Databases:

- Aboriginal Sites of Significance - DIA 02/10
- Cadastre - Landgate 12/09
- RIWI Act, Areas - DoW 05/04/02

## 4. References

- DoW (2011) Application to clear native vegetation CPS 4344/1 - Rights in Water and Irrigation Act advice. Department of Water, Western Australia. Received 02/06/2011. DEC Ref: A400938
- DRDL (2011) Hope Downs 4 Joint Venture - Proposed diversion of public access to Eagle Rock Falls. Department of Regional Development and Lands, Western Australia. DEC Ref: A392902
- Hamersley Iron (2011) Native Vegetation Clearing Application CPS 4344/1 supporting information. DEC Ref: A392902
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Mattiske Consulting (2009) Flora and Vegetation Survey on the Hope Downs 4 Mine Pipeline Corridor to Ophthalmia Dam. Prepared for Pilbara Iron by Mattiske Consulting Pty Ltd, June 2009. DEC Ref: A392902
- Shepherd, D.P. (2009) Adapted from: Shepherd, D.P., Beeston, G.R., and Hopkins, A.J.M. (2001), Native Vegetation in Western Australia. Technical Report 249. Department of Agriculture Western Australia, South Perth.

## 5. Glossary

Term	Meaning
BCS	Biodiversity Coordination Section of DEC
CALM	Department of Conservation and Land Management (now BCS)
DAFWA	Department of Agriculture and Food
DEC	Department of Environment and Conservation
DEP	Department of Environmental Protection (now DEC)
DoE	Department of Environment
DoIR	Department of Industry and Resources
DRF	Declared Rare Flora
EPP	Environmental Protection Policy
GIS	Geographical Information System
ha	Hectare (10,000 square metres)
TEC	Threatened Ecological Community
WRC	Water and Rivers Commission (now DEC)