



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 4594/8
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 1968, Mineral Lease 246SA (AML 70/246)
Local Government Area: Shire of Ashburton
Colloquial name: Western Range Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
251.4		Mechanical Removal	Mineral exploration, geotechnical investigations, hydrogeological investigations, construction camp and associated activities.

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 30 April 2020

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description The vegetation of the application area is broadly mapped as the following Beard vegetation associations:

- 82: Hummock grasslands, low tree steppe; snappy gum over *Triodia wiseana*;
- 163: Shrublands; eremophila and cassia dwarf scrub;
- 181: Shrublands; mulga & snakewood scrub; and
- 567: Hummock grasslands, shrub steppe; mulga & kanji over soft spinifex & *Triodia basedowii*.

A flora and vegetation survey of the permit area was conducted by Biota in June, September and October 2009; May and September 2011; and by Astron in August 2013. These surveys identified the following 28 vegetation types within the permit application area (Astron, 2013; Biota, 2009; Biota, 2012a; Biota, 2012b):

Hills and Ridges

1. AanAprAteTe: *Acacia aneura*, *Acacia pruinocarpa* tall open shrubland to low woodland over *Acacia tetragonophylla* scattered shrubs over *Triodia epactia* hummock grassland on crests and slopes;
2. AprGbERsppTe: *Acacia pruinocarpa*, *Grevillea berryana* tall open shrubland over *Eremophila fraseri* subsp. *fraseri*, *Eremophila canaliculata*, *Eremophila cuneifolia* scattered low shrubs over *Triodia epactia* hummock grassland on crests and slope;
3. AteAsyERcTe: *Acacia tetragonophylla*, *Acacia synchronicia* scattered tall shrubs over *Eremophila cuneifolia* scattered shrubs over *Triodia epactia* hummock grassland on footslopes and scattered low ridges;
4. AteERfTw: *Acacia tetragonophylla* scattered tall shrubs over *Eremophila fraseri* subsp. *fraseri* scattered shrubs over *Triodia wiseana* hummock grassland on low calcrete hills;
5. AanAteCAsppTw: *Acacia aneura* low open woodland over *Acacia tetragonophylla* tall open shrubland over *Cassia* spp. scattered shrubs over *Triodia wiseana* open hummock to hummock grassland;
6. AanAteERfTeTw: *Acacia aneura*, *Acacia tetragonophylla* tall open shrubland over *Eremophila fraseri* subsp. *fraseri* scattered shrubs over *Triodia epactia*, *Triodia wiseana* open hummock grassland on low ridges and hills;
7. AteTw: *Acacia tetragonophylla* tall open shrubland over *Triodia wiseana* hummock grassland;
8. AanCAoERsppARc: *Acacia aneura* tall open scrub over *Cassia oligophylla*, *Eremophila* spp. open heath over *Aristida contorta* open bunch grassland;
9. DpERcTe: *Dodonaea pachyneura*, *Eremophila cryptothrix* tall shrubland over *Triodia epactia* hummock grassland;

Stony Plains

10. AanAteTe: *Acacia aneura*, *Acacia tetragonophylla* tall shrubland over *Triodia epactia* open hummock grassland low undulating hills and stony plains;
11. AanAteCAspp: *Acacia aneura*, *Acacia tetragonophylla* tall open shrubland over *Cassia* spp. scattered low shrubs;
12. AanAxAteERcTa: *Acacia aneura*, *Acacia xiphophylla* tall open shrubland over *Acacia tetragonophylla*, *Eremophila cuneifolia* shrubland over *Triodia angusta* hummock grassland;
13. AxAteERcCAspp: *Acacia xiphophylla* tall open shrubland over *Acacia tetragonophylla* open shrubland over *Eremophila cuneifolia*, *Cassia* spp. scattered low shrubs;
14. AanAxAteERcCAspp: *Acacia aneura*, *Acacia xiphophylla* tall open shrubland over *Acacia tetragonophylla* open shrubland over *Eremophila cuneifolia*, *Cassia* spp. scattered low shrubs;
15. AanAxAteERcTa: *Acacia aneura*, *Acacia xiphophylla* tall open shrubland over *Acacia tetragonophylla*, *Eremophila cuneifolia* shrubland over *Triodia angusta* hummock grassland on calcrete plains;

Drainage Lines

16. EvAcMgCEspp: *Eucalyptus victrix* woodland to scattered trees over *Acacia coriacea* subsp. *pendens*, *Melaleuca glomerata* tall shrubland over **Cenchrus* spp. open tussock grassland;
17. AanAxTe: *Acacia aneura*, *Acacia xiphophylla* tall open scrub over mixed open shrubland over *Triodia epactia* open hummock grassland;
18. AanAwTe: *Acacia aneura*, *Acacia pruinocarpa* tall open shrubland to low woodland over *Acacia tetragonophylla* scattered shrubs over *Triodia epactia* hummock grassland;
19. AciAanCEspp: *Acacia citrinoviridis*, *Acacia aneura* tall shrubland over **Cenchrus* spp. open tussock grassland to tussock grassland in moderate creeks;
20. AciCEsppTe: *Acacia citrinoviridis* low woodland over **Cenchrus* spp. open tussock to closed tussock grassland with *Triodia epactia* scattered to very open hummock grassland in floodbanks and floodplains associated with major unnamed creek;
21. AanAxTa: *Acacia aneura*, *Acacia xiphophylla* tall open scrub over *Triodia angusta* open hummock grassland in moderate creeks;
22. EcEvAamMgCYPv: *Eucalyptus camaldulensis*, *Eucalyptus victrix* open forest over *Acacia ampliceps*, *Melaleuca glomerata* tall shrubland over *Cyperus vaginatus* open sedgeland to sedgeland;
23. EvTER: *Eucalyptus victrix* scattered trees over *Tephrosia rosea* var. *glabrior* scattered low shrubs;
24. CfAciDpERcTe: *Corymbia ferriticola* low open woodland over *Acacia citrinoviridis*, *Dodonaea pachyneura*, *Eremophila cryptothrix* tall shrubland over *Triodia epactia* open hummock grassland;
25. AciAanAwTe: *Acacia citrinoviridis*, *Acacia aneura* low open woodland to low woodland over *Acacia wanyu* tall open shrubland over *Triodia epactia* very open hummock grassland;
26. AciAanAwTw: *Acacia citrinoviridis*, *Acacia aneura* low open woodland to low woodland over *Acacia wanyu* tall open shrubland over *Triodia wiseana* very open hummock grassland in moderate creeks;
27. CfAciAanTe: *Corymbia ferriticola* scattered low trees to low open woodland over *Acacia citrinoviridis*, *Acacia aneura* tall shrubland over *Triodia epactia* open hummock grassland in converging rocky gullies and creeks; and
28. AanAxTe: *Acacia aneura*, *Acacia xiphophylla* tall open scrub over *Triodia epactia* open hummock grassland in minor flowlines.

* denotes a weed species.

Clearing Description	Western Range Project. Hamersley Iron Pty Ltd proposes to clear up to 251.4 hectares of native vegetation within a boundary of approximately 7,683 hectares, for the purposes of mineral exploration, geotechnical investigations, hydrogeological investigations, construction camp and associated activities. The project is located approximately 20 kilometres west-southwest of Paraburdoo, within the Shire of Ashburton.
Vegetation Condition	Pristine: No obvious signs of disturbance (Keighery, 1994); To Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994).
Comment	The vegetation condition was derived from a vegetation survey conducted by Astron (2013) and Biota (2009; 2012a; 2012b). The Completely Degraded vegetation condition only applies to a small number of cleared exploration access tracks within the amended permit boundary area. The majority of the application area is considered to be in Excellent condition on the Keighery scale (Hamersley Iron, 2018). Clearing Permit CPS 4594/1 was granted by the Department of Mines and Petroleum (now Department of Mines, Industry Regulation and Safety) on 15 December 2011 and was valid from 7 January 2012 to 30 November 2021. The permit authorised the clearing of up to 202 hectares of native vegetation within a boundary of approximately 5,018 hectares, for the purpose of mineral exploration, geotechnical investigations, hydrogeological drilling and access tracks. CPS 4594/2 was granted on 12 February 2015, amending the permit to increase the total clearing area by approximately 18 hectares and to increase the total boundary by approximately 488 hectares.

CPS 4594/3 was granted on 21 April 2017, amending the permit to increase the duration of the clearing by four years and amend the annual reporting date.

CPS 4594/4 was granted on 5 July 2018, amending the permit to update the purpose of clearing to 'mineral exploration, geotechnical investigations, hydrogeological investigations and associated activities,' increase the permit boundary by 2.3 hectares and the amount of approved clearing by 1.4 hectares.

CPS 4594/4 was amended on 18 October 2018 to increase the permit boundary by approximately 2,056 hectares, increase the amount of clearing by 30 hectares, and add construction camp to the purpose of the permit. The CPS number assigned to this amendment clearing permit was 4594/7 due to system errors (CPS 4594/5 and 4594/6 therefore does not exist).

Hamersley Iron Pty Ltd has applied to amend CPS 4594/7 to extend the duration of the permit to 31 December 2028.

3. Assessment of application against Clearing Principles

Comments

Hamersley Iron Pty Ltd has applied to extend the duration of the permit to 31 December 2028. The amount of clearing authorised and the permit boundary remain unchanged. The proposed amendment is not likely to have any environmental impacts.

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 decision reports.

Methodology

Planning Instrument, Native Title, previous EPA decision or other matter.

Comments

There is one native title claim over the area under application (DPLH, 2020). This claim has been determined by the Federal Court on behalf of the claimant group. 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 4 registered Aboriginal Sites of Significance within the application area (DPLH, 2020). 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 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.

The amendment application was advertised on 30 March 2020 by the Department of Mines, Industry Regulation and Safety inviting submissions from the public. No submissions were received in relation to this application.

Methodology DPLH (2020)

4. References

- Astron, (2013) Western Ranges Level 1 Vegetation, Flora and Fauna Survey. Report prepared for Rio Tinto Iron Ore Ltd by Astron Environmental Services, August 2013.
- Biota (2009) Western Range Phase 1 Vegetation and Flora Summary Report. Report prepared for Rio Tinto Iron Ore Ltd by Biota Environmental Services, December 2009.
- Biota (2012a) Western Range Additional Area Vegetation and Flora Report. Report prepared for Rio Tinto Iron Ore Ltd by Biota Environmental Services, March 2012.
- Biota (2012b) Western Range Phase 2 Vegetation and Flora Report. Report prepared for Rio Tinto Iron Ore Ltd by Biota Environmental Services, February 2012.
- DPLH (2020) Aboriginal Heritage Enquiry System. Department of Planning, Lands and Heritage. <http://maps.daa.wa.gov.au/AHIS/> (Accessed 14 April 2020).
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.

5. Glossary

Acronyms:

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)
DBCA	Department of Biodiversity, Conservation and Attractions, Western Australia
DEC	Department of Environment and Conservation, Western Australia (now DBCA and DWER)
DoEE	Department of the Environment and Energy, Australian Government
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)
DPIRD	Department of Primary Industries and Regional Development, Western Australia
DPLH	Department of Planning, Lands and Heritage, Western Australia
DRF	Declared Rare Flora
DoE	Department of the Environment, Australian Government (now DoEE)
DoW	Department of Water, Western Australia (now DWER)
DPaW	Department of Parks and Wildlife, Western Australia (now DBCA)
DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities (now DoEE)
DWER	Department of Water and Environmental Regulation, Western Australia
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:

{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 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.