



Clearing Permit Decision Report

1. Application details and outcome

1.1. Permit application details

Permit number:	4615/8
Permit type:	Purpose Permit
Applicant name:	Hamersley Iron Pty Ltd
Application received:	1 October 2021
Application area:	750 hectares
Purpose of clearing:	Mineral exploration, hydrogeological drilling, geotechnical investigations, construction camp and associated activities
Method of clearing:	Mechanical Removal
Tenure:	<i>Iron Ore (Mount Bruce) Agreement Act 1972</i> , Mineral Lease 252SA (AML 70/252) Exploration Licences 47/1491, 47/3486, 47/3571 and 47/3702
Location (LGA area/s):	Shire of East Pilbara
Colloquial name:	Koodaideri Project

1.2. Description of clearing activities

Hamersley Iron Pty Ltd proposes to clear up to 750 hectares of native vegetation within a boundary of approximately 17,291 hectares, for the purpose of mineral exploration, hydrogeological drilling, geotechnical investigations, construction camp and associated activities. The application area is located approximately 70 kilometres southeast of Wittenoom, in the Shire of East Pilbara.

The amendment application is to allow for clearing to continue, as the period in which clearing is authorised has lapsed. Work for this project is ongoing.

Clearing permit CPS 4615/1 was granted by the Department of Mines and Petroleum (now the Department of Mines, Industry Regulation and Safety) on 8 December 2011 and was valid from 31 December 2011 to 31 December 2021. The permit authorised the clearing of up to 167 hectares of native vegetation within a boundary of approximately 6,941 hectares, for the purpose of geotechnical investigations, mineral exploration and construction camp.

This permit was amended on 4 April 2013 to increase the amount of clearing approved to 244 hectares, and increase the boundary to 6,945 hectares to allow for additional exploration drilling, geotechnical investigation activities and camp construction. This permit was amended again on 23 May 2013 to correct an error on Plan 4615/2. Clearing Permit CPS 4615/3 was amended on 31 May 2013, to increase the permit boundary from 6,945 hectares to 7,070 hectares. Clearing permit 4615/4 was amended on 22 October 2015 to extend the period in which clearing is authorised, extend the duration of the permit to 31 July 2026, increase the amount of clearing from 244 to 265 hectares, and increase the clearing permit boundary from 7,070 to 7,150 hectares, to allow for additional exploration drilling. Clearing permit 4615/5 was amended on 4 February 2016 to increase the amount of clearing from 265 to 700 hectares and increase the clearing permit boundary from 7,150 to 15,979 hectares. The amendment allowed for additional hydrogeological drilling and associated activities. The amendment area covered the previous clearing permit (CPS 4615/5) and clearing permits CPS 2725/3 and CPS 5315/3, which were previously granted over the area.

CPS 4615/7 was granted on 24 November 2016, amending the permit to increase the amount of clearing authorised from 700 hectares to 750 hectares, increase the permit boundary to 17,291 hectares, extend the permit duration to 31 December 2026, and amend the reporting period and date.

On 1 October 2021, the Permit Holder applied to amend CPS 4615/7 to extend the period in which clearing is authorised to 31 December 2026. The amendment will additionally extend the permit duration to 31 December 2031 to allow sufficient time for the Permit Holder to fulfil rehabilitation and monitoring requirements of the permit. Due to an administrative error, the boundary of Mineral Lease 252SA does not cover the full extent of the amendment area. Hamersley Iron Pty Ltd have requested Exploration Licences 47/1491, 47/3486, 47/3571 and 47/3702 to be added to the permit that covers these areas.

1.3. Decision on application and key considerations

Decision:	Granted
Decision date:	24 March 2022
Decision area:	750 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 1 October 2021. DMIRS advertised the application for public comment for a period of 7 days, and no submissions were received.

The Delegated Officer took into consideration that the proposed amendment relates to extending the period in which clearing is authorised, with no change to the permit boundary or amount of clearing authorised. The amendment is unlikely to result in any significant change to the environmental impacts of the project. The assessment against the ten clearing principles set out in Schedule 5 of the EP Act remains consistent with the previous assessments.

After consideration of the available information, the Delegated Officer determined that the proposed amendment is not likely to lead to an unacceptable risk to the environment. The Delegated Officer decided to grant the clearing permit with the existing permit conditions.

2. Assessment of application

2.1. Avoidance and mitigation measures

While no evidence of avoidance or mitigation measures were provided to support the amendment application, the applicant adequately demonstrated that all reasonable efforts had been taken to avoid and minimise potential impacts of the clearing on environmental values with previous versions of this permit.

2.2. Assessment

The Permit Holder has applied to extend the period in which clearing is authorised to 31 December 2026. Due to the revegetation and rehabilitation requirements under this permit, DMIRS has additionally extended the permit duration by five years, to 31 December 2031. This will allow for the revegetation and rehabilitation requirements to be carried under Condition 11 of the permit.

Based on information provided by the Permit Holder, a total of 243.21 hectares have been cleared under this permit to date.

No new supporting information has been provided by the Permit Holder. A review of the existing information identified that proposed clearing provides habitat for conservation significant flora, with known locations of *Synostemon hamersleyensis* (P1) and *Eremophila* sp. Hamersley Range (P3). Clearing of these species may have an adverse impact on their conservation status. Potential impacts to these Priority flora species as a result of the proposed clearing may be minimised by the existing flora management condition (Rio Tinto, 2015; Rio Tinto, 2016). This condition requires the permit holder to avoid clearing identified *Synostemon hamersleyensis* and *Eremophila* sp. Hamersley Range, and no clearing within 10 metres of identified species is to occur unless first approved by the CEO.

Fauna habitats within the amendment area may provide potential denning and higher use foraging opportunities for several conservation significant fauna species (Rio Tinto, 2016). The gorge/gully habitat is particularly significant for denning (Rio Tinto, 2016). Potential impacts to conservation significant fauna species as a result of the proposed clearing may be minimised by the implementation of an existing restricted clearing condition. This condition restricts clearing within gorge/gully habitat unless for the purpose of access track construction and maintenance.

The amendment area is broadly mapped as Beard vegetation associations 82: Hummock grasslands, low tree steppe; snappy gum over *Triodia wiseana*; and 111: Hummock grasslands, shrub steppe; *Eucalyptus gamophylla* over hard spinifex (GIS Database). Approximately 98-99% of the pre-European extent of these vegetation associations remain uncleared at both the state and bioregional (Pilbara) level (Government of Western Australia, 2019).

There are no permanent watercourses or wetlands within the area proposed to clear (GIS Database). There are numerous ephemeral drainage lines that pass through the application area (GIS Database). Potential impacts to vegetation growing in association with these drainage lines may be minimised by the implementation of an existing watercourse management condition. This condition requires the permit holder to avoid impacts to riparian vegetation where practicable, and ensure surface water flows are maintained or reinstated where drainage lines are impacted.

The nearest conservation area is the Karijini National Park which is located approximately 9.5 kilometres west of the amendment area. Part of the amendment area is located within the former Marillana Pastoral Lease (GIS Database). The proposed clearing is not expected to impact on the environmental values of Karijini National Park or the former Marillana Pastoral Lease (GIS Database).

The proposed clearing is not likely to lead to appreciable land degradation or impacts surface water quality, groundwater quality or lead to increase in flooding.

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*. The assessment of the proposed clearing against the clearing principles remains consistent with the assessments contained in previous decision reports. The existing permit conditions are recommended to be retained on the permit to mitigate potential impacts from the proposed clearing.

There is one native title claim (WC2011/006) over the area under application (DPLH, 2022). 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 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.

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

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 7 February 2022).

Government of Western Australia (2019) 2018 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of March 2019. WA Department of Biodiversity, Conservation and Attractions, Perth. <https://catalogue.data.wa.gov.au/dataset/dbca-statewide-vegetation-statistics>

Rio Tinto (2015) Desktop Flora, Vegetation and Fauna Habitat Assessment at Koodaideri. Native Vegetation Clearing Permit Application Supporting Report. Rio Tinto Iron Ore, December 2015.

Rio Tinto (2016) Flora, Vegetation and Fauna Habitat Assessment at Koodaideri. Native Vegetation Clearing Permit Application Supporting Report. Rio Tinto Iron Ore, August 2016.

3. Glossary

Acronyms:

BC Act	<i>Biodiversity Conservation Act 2016, Western Australia</i>
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, Western Australia</i>
EPA	Environmental Protection Authority, Western Australia
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 (Federal Act)</i>
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, Western Australia</i>
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.