



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 5161/1  
Permit type: Purpose

### 1.2. Proponent details

Proponent's name: Brockman Resources Limited

### 1.3. Property details

Property: Iron Ore (Hope Downs) Agreement Act 1992, Mining Lease 282SA (AM 70/282)  
Local Government Area: Shire of East Pilbara  
Colloquial name: Sirius Project

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
0.89		Mechanical Removal	Access Tracks

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 23 August 2012

## 2. Site Information

### 2.1. Existing environment and information

#### 2.1.1. Description of the native vegetation under application

**Vegetation Description** Beard vegetation associations have been mapped for the whole of Western Australia. One Beard vegetation association has been mapped within the application area:

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

The application consists of two tracks, one covering approximately 0.81 hectares and the other covering approximately 0.08 hectares. A flora and vegetation survey was conducted over the larger track by Botanica Consulting (2012). This survey identified the following two vegetation associations within the application area (Botanica Consulting):

- Open low woodland of *Corymbia hamersleyana* over open low scrub of *Acacia marramamba* over mid-dense hummock grass of *Triodia pungens*; and

- Open low woodland of *Eucalyptus camaldulaensis* subsp. *obtusata* over low scrub of *Acacia marramamba*/*Acacia rhodophloia* over tall grass of *Cenchrus ciliaris*.

**Clearing Description** Brockman Resources Limited has applied to clear up to 0.89 hectares of native vegetation for the purpose of constructing an access tracks for proposed exploration activities.

The access tracks will be cleared using a grader or dozer with a raised blade.

**Vegetation Condition** Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).

**Comment** The application area is located within the Pilbara region of Western Australia and is situated approximately 17 kilometres north of Newman.

## 3. Assessment of application against clearing principles

### Comments

The proposal to clear up to 0.89 hectares of native vegetation for the purpose of constructing access tracks is unlikely to have any significant environmental impacts. There are no Threatened or Priority flora and no Threatened or Priority Ecological Communities within the vicinity of the application area (Botanica, 2012; GIS Database).

While the application area dissects riparian vegetation, the small scale and low impact nature of the proposed clearing renders it unlikely to significantly impact upon the conservation values of this vegetation or the fauna habitat values present. Potential water erosion and flooding as a result of the proposed clearing may be minimised by the implementation of a watercourse management condition.

Part of the application area occurs within the River land system which has high to very high susceptibility to erosion when vegetation cover is removed (Van Vreeswyk et al., 2004; GIS Database). Given the small scale, it is considered unlikely that the proposed clearing will cause appreciable land degradation.

**Methodology** Botanica (2012)  
Van Vreeswyk et al. (2004)  
GIS Database:  
- DEC Tenure  
- Hydrography, linear  
- Public Drinking Water Source Areas (PDWSAs)  
- Rangeland Land System Mapping  
- Threatened Ecological Sites Buffered  
- Threatened and Priority Flora

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

##### **Comments**

There is one Native Title Claim (WC06/6) over the area under application (GIS Database). This claim has been registered with the Native Title Tribunal 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 no registered Aboriginal Sites of Significance within the application area (GIS Database). 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 and Conservation and the Department of Water, to determine whether a Works Approval, Water Licence, Bed and Banks Permit, or any other licences or approvals are required for the proposed works.

Brockman Resources Limited has applied to clear 0.89 hectares of native vegetation on Hamersley HMS Pty Ltd tenure for the purpose of constructing access tracks to enable access to Exploration Lease 47/1599. Hamersley Iron HMS Pty Ltd and Brockman Exploration Pty Ltd have signed a Deed of Access and Indemnity to allow for this activity to be conducted.

The clearing permit application was advertised on 30 July 2012 by the Department of Mines and Petroleum (DMP) inviting submissions from the public. One submission was received requesting that a decision be delayed until local native title claimants have discussed the proposal. A letter of response was sent advising that in procedural fairness to the applicant, DMP do not support this request. However, information received during the assessment period may be considered.

**Methodology** GIS Database:  
- Aboriginal Sites of Significance  
- Native Title Claims – Registered with the NNTT

#### **4. References**

- Botanica (2012) Proposed Sirius Access Track Level 1 Flora and Vegetation Survey Tenement: AM70/282. Unpublished report dated June 2012.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Van Vreeswyk, A.M.E.; Payne, A.L.; Leighton, K.A.; Hennig, P. (2004) An inventory and condition survey of the Pilbara Region, Western Australia, Technical Bulletin No. 92 Department of Agriculture Western Australia, South Perth.

#### **5. Glossary**

##### **Acronyms:**

<b>BoM</b>	Bureau of Meteorology, Australian Government
<b>CALM</b>	Department of Conservation and Land Management (now DEC), Western Australia
<b>DAFWA</b>	Department of Agriculture and Food, Western Australia
<b>DEC</b>	Department of Environment and Conservation, Western Australia
<b>DEH</b>	Department of Environment and Heritage (federal based in Canberra) previously Environment Australia
<b>DEP</b>	Department of Environment Protection (now DEC), Western Australia
<b>DIA</b>	Department of Indigenous Affairs
<b>DLI</b>	Department of Land Information, Western Australia
<b>DMP</b>	Department of Mines and Petroleum, Western Australia
<b>DoE</b>	Department of Environment (now DEC), Western Australia

<b>DoIR</b>	Department of Industry and Resources (now DMP), Western Australia
<b>DOLA</b>	Department of Land Administration, Western Australia
<b>DoW</b>	Department of Water
<b>EP Act</b>	Environmental Protection Act 1986, Western Australia
<b>EPBC Act</b>	Environment Protection and Biodiversity Conservation Act 1999 (Federal Act)
<b>GIS</b>	Geographical Information System
<b>ha</b>	Hectare (10,000 square metres)
<b>IBRA</b>	Interim Biogeographic Regionalisation for Australia
<b>IUCN</b>	International Union for the Conservation of Nature and Natural Resources – commonly known as the World Conservation Union
<b>RIWI Act</b>	Rights in Water and Irrigation Act 1914, Western Australia
<b>s.17</b>	Section 17 of the Environment Protection Act 1986, Western Australia
<b>TEC</b>	Threatened Ecological Community

### Definitions:

{Atkins, K (2005). *Declared rare and priority flora list for Western Australia, 22 February 2005. Department of Conservation and Land Management, Como, Western Australia*} :-

- P1** **Priority One - Poorly Known taxa:** taxa which are known from one or a few (generally <5) populations which are under threat, either due to small population size, or being on lands under immediate threat, e.g. road verges, urban areas, farmland, active mineral leases, etc., or the plants are under threat, e.g. from disease, grazing by feral animals, etc. May include taxa with threatened populations on protected lands. Such taxa are under consideration for declaration as 'rare flora', but are in urgent need of further survey.
- P2** **Priority Two - Poorly Known taxa:** taxa which are known from one or a few (generally <5) populations, at least some of which are not believed to be under immediate threat (i.e. not currently endangered). Such taxa are under consideration for declaration as 'rare flora', but are in urgent need of further survey.
- P3** **Priority Three - Poorly Known taxa:** taxa which are known from several populations, at least some of which are not believed to be under immediate threat (i.e. not currently endangered). Such taxa are under consideration for declaration as 'rare flora', but are in need of further survey.
- P4** **Priority Four – Rare taxa:** taxa which are considered to have been adequately surveyed and which, whilst being rare (in Australia), are not currently threatened by any identifiable factors. These taxa require monitoring every 5–10 years.
- R** **Declared Rare Flora – Extant taxa (= Threatened Flora = Endangered + Vulnerable):** taxa which have been adequately searched for, and are deemed to be in the wild either rare, in danger of extinction, or otherwise in need of special protection, and have been gazetted as such, following approval by the Minister for the Environment, after recommendation by the State's Endangered Flora Consultative Committee.
- X** **Declared Rare Flora - Presumed Extinct taxa:** taxa which have not been collected, or otherwise verified, over the past 50 years despite thorough searching, or of which all known wild populations have been destroyed more recently, and have been gazetted as such, following approval by the Minister for the Environment, after recommendation by the State's Endangered Flora Consultative Committee.

{Wildlife Conservation (Specially Protected Fauna) Notice 2005} [Wildlife Conservation Act 1950] :-

- Schedule 1** **Schedule 1 – Fauna that is rare or likely to become extinct:** being fauna that is rare or likely to become extinct, are declared to be fauna that is need of special protection.
- Schedule 2** **Schedule 2 – Fauna that is presumed to be extinct:** being fauna that is presumed to be extinct, are declared to be fauna that is need of special protection.
- Schedule 3** **Schedule 3 – Birds protected under an international agreement:** being birds that are subject to an agreement between the governments of Australia and Japan relating to the protection of migratory birds and birds in danger of extinction, are declared to be fauna that is need of special protection.
- Schedule 4** **Schedule 4 – Other specially protected fauna:** being fauna that is declared to be fauna that is in need of special protection, otherwise than for the reasons mentioned in Schedules 1, 2 or 3.

{CALM (2005). *Priority Codes for Fauna. Department of Conservation and Land Management, Como, Western Australia*} :-

- P1** **Priority One: Taxa with few, poorly known populations on threatened lands:** Taxa which are known from few specimens or sight records from one or a few localities on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, active mineral leases. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P2** **Priority Two: Taxa with few, poorly known populations on conservation lands:** Taxa which are known from few specimens or sight records from one or a few localities on lands not under immediate threat of habitat destruction or degradation, e.g. national parks, conservation parks, nature reserves, State forest, vacant Crown land, water reserves, etc. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P3** **Priority Three: Taxa with several, poorly known populations, some on conservation lands:** Taxa which are known from few specimens or sight records from several localities, some of which are on lands not under immediate threat of habitat destruction or degradation. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.

- P4**            **Priority Four: Taxa in need of monitoring:** Taxa which are considered to have been adequately surveyed, or for which sufficient knowledge is available, and which are considered not currently threatened or in need of special protection, but could be if present circumstances change. These taxa are usually represented on conservation lands.
- P5**            **Priority Five: Taxa in need of monitoring:** Taxa which are not considered threatened but are subject to a specific conservation program, the cessation of which would result in the species becoming threatened within five years.

**Categories of threatened species (*Environment Protection and Biodiversity Conservation Act 1999*)**

- EX**            **Extinct:** A native species for which there is no reasonable doubt that the last member of the species has died.
- EX(W)**        **Extinct in the wild:** A native species which:  
 (a) is known only to survive in cultivation, in captivity or as a naturalised population well outside its past range; or  
 (b) has not been recorded in its known and/or expected habitat, at appropriate seasons, anywhere in its past range, despite exhaustive surveys over a time frame appropriate to its life cycle and form.
- CR**            **Critically Endangered:** A native species which is facing an extremely high risk of extinction in the wild in the immediate future, as determined in accordance with the prescribed criteria.
- EN**            **Endangered:** A native species which:  
 (a) is not critically endangered; and  
 (b) is facing a very high risk of extinction in the wild in the near future, as determined in accordance with the prescribed criteria.
- VU**            **Vulnerable:** A native species which:  
 (a) is not critically endangered or endangered; and  
 (b) is facing a high risk of extinction in the wild in the medium-term future, as determined in accordance with the prescribed criteria.
- CD**            **Conservation Dependent:** A native species which is the focus of a specific conservation program, the cessation of which would result in the species becoming vulnerable, endangered or critically endangered within a period of 5 years.

**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.