



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 5566/1
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 1963, Special Lease for Mining Operations 3116/3468, Lease Extension J761014, Lot 23 on Deposited Plan 241372
Local Government Area: Roebourne
Colloquial name: Dampier Bike Park

1.4. Application

| Clearing Area (ha) | No. Trees | Method of Clearing | For the purpose of: |
|--------------------|-----------|--------------------|---------------------|
| 1.13 | | Mechanical Removal | Bike Park |

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 9 May 2013

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 associations have been mapped for the whole of Western Australia. One Beard association is located within the application area (Government of Western Australia, 2011; GIS Database) | Hamersley Iron Pty Ltd (Hamersley Iron) has applied to clear 1.13 hectares for the purpose of developing a community bike park. The application area is located in the town of Dampier (GIS Database). | Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994); | The vegetation condition was determined by RTIO botanists. |
| 117: Hummock grasslands, grass steppe; soft spinifex | Vegetation will be cleared by dozers. Vegetation will be stockpiled and used in rehabilitation. | To | The native vegetation within the application area has been subjected to multiple disturbances associated with recreational activities; including off road 4WD tracks and horse riding. |
| Rio Tinto Iron Ore (RTIO) conducted a flora and vegetation assessment over a section of the application area. RTIO identified two vegetation communities within the survey area: EvTcTICv (Creepline): <i>Eucalyptus victrix</i> , <i>Terminalia canescens</i> low open woodland over <i>Triodia longiceps</i> scattered hummock grassland over <i>Cyperus vaginatus</i> open sedges; ApAbTe: <i>Acacia pruinocarpa</i> , <i>A. bivenosa</i> high open shrubland over <i>Triodia epactia</i> hummock grassland. | | Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994). | |

3. Assessment of application against clearing principles

Comments

The application area is located within the Roebourne subregion of the Pilbara Interim Biogeographic Regionalisation for Australia (IBRA) bioregion (GIS Database). A flora survey conducted by RTIO over approximately 50% of the application area recorded 32 native plant taxa belonging to 21 families (RTIO, 2009). Numerous disturbances associated with recreational activities has led to a low species diversity (RTIO), however given the small survey area species diversity could be considered to be higher. The vegetation was considered to be in predominantly poor condition, with a high level of weed invasion noted, particularly *Cenchrus ciliaris* (Buffel Grass) (RTIO, 2009).

Beard vegetation association 117 was found to occur within the application area (RTIO, 2009; GIS Database). Approximately 96% of this vegetation association remains across the state (Government of Western Australia, 2011).

No threatened or priority flora species were recorded within the survey area (RTIO, 2009). It is considered unlikely that threatened or priority flora species would occur in the rest of the application area due to the similar habitats present and degraded nature of the vegetation.

No Threatened or Priority Ecological Communities were identified within the application area (RTIO, 2009; GIS Database).

There were no significant habitats recorded in the survey area (RTIO, 2009). Given the high level of historical disturbance, the application area is not likely to provide significant habitat for fauna.

There is one riparian vegetation community associated with a minor non-perennial drainage line (RTIO, 2009; GIS Database). RTIO (2009) deemed the condition of this vegetation to be poor and noted a major weed infestation and disturbance from an adjacent horse riding ring. Although the proposed clearing is at variance to Principle (f), it is not considered to have a significant impact to riparian vegetation.

There are no conservation areas within the application area (GIS Database). The proposed clearing is not likely to increase the risk of land degradation or flooding, nor impact on water quality (RTIO, 2009).

Methodology

Government of Western Australia (2011)
RTIO (2009)
GIS Database
- DEC Tenure
- Hydrography, linear
- IBRA WA (Regions – Sub Regions)
- Pre-European Vegetation
- Public Drinking Water Source Areas (PDWSAs)
- Rangeland Land System Mapping
- Threatened Ecological Sites Buffered
- Threatened and Priority Flora
- Topographic Contours, Statewide

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

Comments

There is one native title claim over the application area; WC08/2 (GIS Database). This claim has been registered with the National 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 (ie. 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 three 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 proponents' 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.

The clearing permit application was advertised on 15 April 2013 by the Department of Mines and Petroleum inviting submissions from the public. One submission was received raising no objections.

Methodology

GIS Database:
- Aboriginal Sites of Significance
- Native Title Claims - Registered with the Federal Court

4. References

- Government of Western Australia (2011) 2011 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). WA Department of Environment and Conservation, Perth.
- 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 (2009) Dampier Waste Water Treatment Plant – Geotechnical Works – Hampton Oval Site. Native Vegetation Clearing Permit Report. Unpublished Report.

5. Glossary

Acronyms:

| | |
|-----------------|---|
| BoM | Bureau of Meteorology, Australian Government |
| CALM | Department of Conservation and Land Management (now DEC), Western Australia |
| DAFWA | Department of Agriculture and Food, Western Australia |
| DEC | Department of Environment and Conservation, Western Australia |
| DEH | Department of Environment and Heritage (federal based in Canberra) previously Environment Australia |
| DEP | Department of Environment Protection (now DEC), Western Australia |
| DIA | Department of Indigenous Affairs |
| DLI | Department of Land Information, Western Australia |
| DMP | Department of Mines and Petroleum, Western Australia |
| DoE | Department of Environment (now DEC), Western Australia |
| DoIR | Department of Industry and Resources (now DMP), Western Australia |
| DOLA | Department of Land Administration, Western Australia |
| DoW | Department of Water |
| 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 |
| RIWI Act | Rights in Water and Irrigation Act 1914, Western Australia |
| s.17 | Section 17 of the Environment Protection Act 1986, Western Australia |
| TEC | 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.