



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 6076/1
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: IB Operations Pty Ltd

1.3. Property details

Property: Mining Lease 45/1226
Local Government Area: Shire of East Pilbara
Colloquial name: North Star Hematite Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
12.8		Mechanical Removal	Road Construction

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 29 May 2014

2. Background

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 vegetation association has been mapped within the application area (GIS Database):	North Star Hematite Project. IB Operations Pty Ltd proposes to clear up to 12.8 hectares of native vegetation within a total boundary of approximately 15 hectares, for the purpose of widening the existing Darby diversion track to allow safe two way traffic flow. The project is located approximately 70 kilometres west of Marble Bar, in the Shire of East Pilbara.	Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994).	Vegetation condition was determined from a survey conducted by Ecologia (2012a).
82: Hummock grasslands, low tree steppe; snappy gum over <i>Triodia wiseana</i> .		To	
A Level 2 flora and vegetation survey was undertaken by Ecologia (2012a) for the North Star Hematite Project which included the application area. This survey identified the following 2 vegetation communities within the survey area:		Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994).	
AaTw - <i>Acacia acradenia</i> and <i>Acacia inaequilatera</i> sparse mid shrubland over <i>Triodia wiseana</i> and <i>Triodia lanigera</i> hummock grassland; and			
Tw2 - <i>Triodia wiseana</i> open hummock grassland, over <i>Bonamia media</i> isolated herbs.			

3. Assessment of application against Clearing Principles

Comments

The application to clear for the purpose of road construction is unlikely to have any significant environmental impacts. The vegetation within the application area ranges from degraded to excellent condition (Keighery, 1994). The degraded vegetation is largely associated with the existing Darby diversion track which is proposed to be widened (GIS Database). The native vegetation within the application area is broadly mapped as Beard vegetation association 82 of which greater than 99% remains at a state and bioregional level (Government of Western Australia, 2013).

No Threatened Flora species pursuant to subsection (2) of section 23F of the Wildlife Conservation Act 1950 or Priority Flora were recorded within the application area during a survey conducted by Ecologia (2012a). No Threatened or Priority Ecological Communities have been recorded within the application area or the local area. There are no permanent watercourses or wetlands within the application area (GIS Database; Ecologia, 2012a), however, several minor ephemeral drainage lines intersect the proposed road. The vegetation

associated with these drainage lines is consistent with that mapped in the remainder of the application area and is not of elevated conservation significance.

Ten weed species were identified by Ecologia (2012a) in the broader survey area for the North Star project. None of these weed species are listed as a declared pest under the Biosecurity and Agriculture Management Act 2007 (FMG, 2014). Potential impacts upon biodiversity due to the spread of weeds may be minimised through the implementation of a weed management condition.

Ecologia (2012b) identified one broad fauna habitat type within the application area: Rocky Spinifex Hills. This habitat type is well represented outside of the application area and is the most common habitat of the North Star project area with approximately 24,000 hectares mapped. Although this area may provide foraging and dispersal habitat for some conservation significant species (FMG, 2014) the area proposed for clearing does not represent a significant habitat for fauna.

The proposed clearing is for the widening of an existing track and is not located in close proximity to any areas of conservation significance. The closest area of conservation significance is the Mungaroo Range Nature Reserve located 74 kilometres south west of the application area. With an average annual rainfall of 400 millimetres and an average annual evaporation rate of 3,600 millimetres there is likely to be little surface flow during normal seasonal rains and the proposed clearing is not likely to cause deterioration in the quality of surface or underground water or increase the incidence or intensity of flooding (GIS Database). In addition the land systems associated with the application area are generally not prone to erosion (Van Vreeswyk et al., 2004) and the clearing is unlikely to result in any appreciable land degradation.

The application has been assessed against the clearing principles, planning instruments and other matters in accordance with s.51O of the Environmental Protection Act 1986, and the proposed clearing is not likely to be at variance to Principles (a), (b), (c), (d), (g), (i), and (j) and is not at variance to Principles (e), (f) and (h).

Methodology Ecologia (2012a)
Ecologia (2012b)
FMG (2014)
Government of Western Australia (2013)
Keighery (1994)
Van Vreeswyk et al (2004)
GIS Database:
- DEC Tenure
- Evaporation Isopleths
- Hydrography, linear
- IBRA WA (Regions - Sub Regions)
- Pre-European Vegetation
- Public Drinking Water Source Areas
- Rangeland Land System Mapping
- Rainfall, Mean Annual
- Threatened and Priority Flora
- Threatened Ecological Sites Buffered

Planning instrument, Native Title, RIWI Act Licence, EP Act Licence, Works Approval, Previous EPA decision or other matter.

Comments There is one Native Title Claim (WC1999/008) over the area under application (GIS Database). 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 in the vicinity of 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 Regulation, Department of Parks and Wildlife 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 5 May 2014 by the Department of Mines and Petroleum inviting submissions from the public. One submission was received in relation to this application with an objection to the proposed clearing. The Department has liaised with the submission party and will continue to do so in order to resolve the issues raised.

Methodology - Aboriginal Sites of Significance
- Native Title Claims - Determined by the Federal Court
- Native Title Claims - Registered with the NNTT
- Native Title Claims - Filed at the Federal Court

4. References

- Ecologia (2012a) Vegetation and Flora Assessment Yarrie Level 2 Flora and Vegetation Assessment. Unpublished.
- Ecologia (2012b) North Star Level 2 Terrestrial Vertebrate Fauna Assessment. Unpublished.
- FMG (2014) Application to Clear Native Vegetation (Purpose Permit) for M45/1226. North Star Hematite Project. March 2014.
- Government of Western Australia (2013) 2013 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.
- Van Vreeswyk, A.M.E., Payne, A.L., Hennig, P., and Leighton, K.A. (2004) An Inventory and Condition Survey of the Pilbara Region, Western Australia, Department of Agriculture, Western Australia.

5. Glossary

Acronyms:

BoM	Bureau of Meteorology, Australian Government
DAA	Department of Aboriginal Affairs, Western Australia
DAFWA	Department of Agriculture and Food, Western Australia
DEC	Department of Environment and Conservation, Western Australia (now DPaW and DER)
DER	Department of Environment Regulation, Western Australia
DMP	Department of Mines and Petroleum, Western Australia
DRF	Declared Rare Flora
DotE	Department of the Environment, Australian Government
DoW	Department of Water, Western Australia
DPaW	Department of Parks and Wildlife, Western Australia
DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities (now DotE)
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
s.17	Section 17 of the <i>Environment Protection Act 1986</i> , Western Australia
TEC	Threatened Ecological Community

Definitions:

{DPaW (2013) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia}:-

- T** **Threatened species:**
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna or the Wildlife Conservation (Rare Flora) Notice for Threatened Flora (which may also be referred to as Declared Rare Flora).
Threatened Fauna and Flora are further recognised by the Department according to their level of threat using IUCN Red List criteria. For example Carnaby's Cockatoo *Calyptorhynchus latirostris* is specially protected under the *Wildlife Conservation Act 1950* as a threatened species with a ranking of Endangered.
Rankings:
CR: Critically Endangered - considered to be facing an extremely high risk of extinction in the wild.
EN: Endangered - considered to be facing a very high risk of extinction in the wild.
VU: Vulnerable - considered to be facing a high risk of extinction in the wild.
- X** **Presumed Extinct species:**
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Presumed Extinct Fauna and Wildlife Conservation (Rare Flora) Notice for Presumed Extinct Flora (which may also be referred to as Declared Rare Flora).
- IA** **Migratory birds protected under an international agreement:**
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice.
Birds that are subject to an agreement between governments of Australia and Japan, China and The Republic of Korea relating to the protection of migratory birds and birds in danger of extinction.
- S** **Other specially protected fauna:**
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 4 of the Wildlife

Conservation (Specially Protected Fauna) Notice.

- P1 Priority One - Poorly-known species:**
Species that are known from one or a few collections or sight records (generally less than five), all on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, Shire, rail reserves and Main Roads WA road, gravel and soil reserves, and active mineral leases and under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes.
- P2 Priority Two - Poorly-known species:**
Species that are known from one or a few collections or sight records, some of which are on lands not under imminent threat of habitat destruction or degradation, e.g. national parks, conservation parks, nature reserves, State forest, unallocated Crown land, water reserves, etc. Species may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes.
- P3 Priority Three - Poorly-known species:**
Species that are known from collections or sight records from several localities not under imminent threat, or from few but widespread localities 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 localities but do not meet adequacy of survey requirements and known threatening processes exist that could affect them.
- 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 do not qualify for Conservation Dependent, but that are close to qualifying for Vulnerable.
(c) Species that have been removed from the list of threatened species during the past five years for reasons other than taxonomy.
- P5 Priority Five - Conservation Dependent species:**
Species that are not threatened but are subject to a specific conservation program, the cessation of which would result in the species becoming threatened within five 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.