



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 6658/2
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Hamersley Iron – Yandi Pty Ltd

1.3. Property details

Property: Iron Ore (Yandicoogina) Agreement Act 1996, Mining Lease 274SA (AM 70/274)
Local Government Area: Shire of East Pilbara
Colloquial name: Yandicoogina Pocket and Billiard South Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
80		Mechanical Removal	Minor or preliminary activities including pipeline, powerline, tracks, administrative facilities and any other associated activities

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 24 December 2015

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. Two Beard vegetation associations have been mapped within the application area (GIS Database):

Beard vegetation association 29: Sparse low woodland; mulga, discontinuous in scattered groups; and
Beard vegetation association 82: Hummock grasslands, low tree steppe; snappy gum over *Triodia wiseana*.

Numerous vegetation surveys have been undertaken over the application area and its surrounds. Rio Tinto (2015) has consolidated these vegetation surveys into one report, and has identified eighteen vegetation associations across four major landforms as being present within the application area:

Vegetation of Stony Plains

P1: EIEgAprAbAaAdTwTpTsps: *Eucalyptus leucophloia* subsp. *leucophloia* scattered low trees over *E. gamophylla* scattered low mallees over *Acacia pruinocarpa* scattered tall shrubs over *A. bivenosa*, *A. ancistrocarpa*, *A. dictyophleba* shrubland over *Triodia wiseana*, *T. pungens*, *T. sp* Shovelanna Hill (S. van Leeuwen 3835) hummock grassland;

P2: ChAprAiAsclApaTp: *Corymbia hamersleyana*, *Acacia pruinocarpa* scattered low trees over *A. inaequilatera*, *A. sclerosperma* subsp. *sclerosperma*, *A. pachyacra* tall open shrubland over *Triodia pungens* hummock grassland;

P3: AprAciAiAsclTlo: *Acacia pruinocarpa* low open woodland over *A. citrinoviridis*, *A. inaequilatera*, *A. sclerosperma* subsp. *sclerosperma* open shrubland over *Triodia longiceps* hummock grassland;

P4: AprAsyAiTw: *Acacia pruinocarpa* low open woodland over *A. synchronicia*, *A. inaequilatera* scattered tall shrubs over *Triodia wiseana* open hummock grassland;

P5: EIEgAbAaTb: *Eucalyptus leucophloia* subsp. *leucophloia* scattered low trees over *E. gamophylla* scattered low mallees over *Acacia bivenosa*, *A. ancistrocarpa* open shrubland over *Triodia basedowii* open hummock grassland;

P6: AapERfoERIlg: *Acacia aptaneura* low open forest over *Eremophila forrestii* subsp. *forrestii* open Shrubland over *E. lanceolata* low open shrubland over mixed very open grassland;

Vegetation of Hills, Ridges and Breakaways

H1: EIHCaIGwTsps: *Eucalyptus leucophloia* subsp. *leucophloia* scattered low trees over *Hakea chordophylla*, *Acacia inaequilatera*, *Grevillea wickhamii* tall open shrubland over *Triodia* sp. Shovelanna Hill (S. van Leeuwen 3835) hummock grassland;

H2: EIAiTwTsps: *Eucalyptus leucophloia* subsp. *leucophloia* scattered low trees over *Acacia inaequilatera* scattered tall shrubs over *Triodia wiseana*, (*T. sp.* Shovelanna Hill (S. van Leeuwen 3835)) open hummock grassland;

H4: ChAarTspstW: *Corymbia hamersleyana* scattered low trees over *Acacia arida* open shrubland over *Triodia* sp. Shovelanna Hill (S. van Leeuwen 3835), *T. wiseana* hummock grassland;

H5: EICfERImTHsp: *Eucalyptus leucophloia* subsp. *leucophloia*, *Corymbia ferritcola* scattered low trees over *Eremophila latrobei* subsp. *filiformis*, *Senna* spp. scattered shrubs over *Cymbopogon ambiguus*, *Eriachne mucronata*, *Themeda* sp. Mt Barricade (M.E. Trudgen 2471), *T. triandra* open tussock grassland;

Vegetation of Major Creeklines and Tributaries

C1: EcEvMaMgAc: *Eucalyptus camaldulensis* subsp. *refulgens*, *E. victrix* woodland over *Melaleuca argentea*, *M. glomerata*, *Acacia coriacea* subsp. *pendens* low open woodland;

C2: EvChAtuGwTErCYpERItTHt: *Eucalyptus victrix*, (*Corymbia hamersleyana*) scattered low trees over *Acacia tumida* var. *pilbarensis*, *Grevillea wickhamii* tall shrubland over *Tephrosia rosea* var. Fortescue Creeks (M.I.H. Brooker 2186) low shrubland over *Cymbopogon ambiguus*, *C. procerus*, *Eriachne tenuiculmis*, *Themeda triandra* very open tussock grassland;

C3: EvAciAcMgCEc: *Eucalyptus victrix* scattered trees over *Acacia citrinoviridis*, *A. coriacea* subsp. *pendens*, *Melaleuca glomerata* tall open shrubland over **Cenchrus ciliaris* scattered tussock grasses;

C4: EvAciAprAthCEc: *Eucalyptus victrix* open woodland over *Acacia citrinoviridis*, *A. pruinocarpa*, *Atalaya hemiglauc* low woodland over **Cenchrus ciliaris* tussock grassland;

Minor Creeklines, Floodplains and Valleys

F1: ChAtuGwTp: *Corymbia hamersleyana* scattered low trees to low open woodland over *Acacia tumida* var. *pilbarensis*, *Grevillea wickhamii* tall open shrubland over *Triodia pungens* hummock grassland;

F2: AprAciCEc: *Acacia pruinocarpa*, *A. citrinoviridis* tall open shrubland over **Cenchrus ciliaris* tussock grassland;

F3: EICHAtuAaAbGwTspp: *Eucalyptus leucophloia*, *Corymbia hamersleyana* low open woodland over *Acacia tumida* var. *pilbarensis*, *A. ancistrocarpa*, *A. bivenosa*, *Grevillea wickhamii* tall open scrub over mixed *Triodia* hummock grassland;

F5: ChAciAaAiSEnsppTp: *Corymbia hamersleyana* scattered low trees over *Acacia citrinoviridis*, *A. ancistrocarpa*, *A. inaequilatera* tall open shrubland over *Senna* spp. open shrubland over *Triodia pungens* open hummock grassland.

Clearing Description	<p>Yandicoogina Pocket and Billiard South Project</p> <p>Hamersley Iron – Yandi Pty Ltd proposes to clear up to 80 hectares of native vegetation within a total boundary area of approximately 3,684.9 hectares for the purposes of pipelines, powerlines, bypass track, administrative facilities and associated access track construction. The proposal is located approximately 75 kilometres north west of Newman in the Shire of East Pilbara.</p>
Vegetation Condition	<p>Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994);</p> <p>To</p> <p>Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).</p>
Comment	<p>The vegetation condition was assessed by botanists from Biota (2015a; 2015b; 2014).</p> <p>On 28 October 2015, Hamersley Iron – Yandi Pty Ltd requested to remove clearing permit conditions 8 and 9 from clearing permit CPS 6658/1, and change the purpose of the permit to 'minor or preliminary activities including pipeline, powerline, tracks, administrative facilities and any other associated activities.'</p>

3. Assessment of application against clearing principles

Comments

The application to remove clearing permit conditions 8 and 9 from the clearing permit CPS 6658/1, and change the purpose of the permit to 'minor or preliminary activities including pipeline, powerline, tracks, administrative facilities and any other associated activities,' will not result in any significant change to the environmental impacts of the proposed clearing. Condition 8 requires identification and protection of the former Threatened flora *Lepidium catapycnon* unless approved by the Chief Executive Officer of the Department of Environment Regulation (CEO) or an Officer with delegated authority under Section 20 of the *Environmental Protection Act 1986*. Condition 9 requires the submission of a fauna survey report identifying the habitats of the Pilbara Olive Python (*Liasis olivaceus barroni*) and the Western Pebble Mound Mouse (*Pseudomys chapmani*), and requiring the approval of the CEO for clearing of critical habitat or removal of these fauna. The size of the area approved to clear (100 hectares) and the permit boundaries remain unchanged.

The flora species *Lepidium catapycnon* has recently been removed from the Threatened flora species list, and is now considered Priority 4. *Lepidium catapycnon* has a range of approximately 300 kilometres within the Pilbara region, and has a total population count of 27,449 plants from 1,342 records within the Rio Tinto database (Rio Tinto (2015)). It is therefore unlikely that the removal of condition 8 will impact on the conservation status of this species.

The Commonwealth Department of the Environment has determined that the Yandicoogina Pocket and Billiard South Project is not likely to have a significant impact on Matters of National Environmental Significance (MNES) species and was deemed not to be a 'controlled action' (Rio Tinto, 2015). Rio Tinto (2015) has also advised that they will utilise their 'Pilbara Wide Significant Species Management Plan' at the Yandicoogina mine site. Given that the proposed works are for minor and preliminary works, it is considered unlikely that the removal of condition 9 will impact on the conservation status of these species.

The assessment against the clearing Principles remains consistent with the assessment contained in decision report CPS 6658/1.

Methodology Rio Tinto (2015)

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

Comments

There are two native title claims over the area under application: WC005/006 and WC2011/006 (GIS Database). These claims have 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 (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*.

According to available databases, there are several 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 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 23 November 2015 by the Department of Mines and Petroleum inviting submissions from the public. There were no submissions received.

Methodology DAA (2015)
GIS Database:
- Aboriginal Sites of Significance

4. References

- DAA (2015) Aboriginal Heritage Inquiry System, Government of Western Australia, Department of Aboriginal Affairs, Perth, viewed 14 November 2015 < <http://maps.dia.wa.gov.au/AHIS2/>>.
- 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 (2015) Native Vegetation Clearing Permit – Supporting Documentation. Desktop Flora, Vegetation and Fauna Habitat Assessment at Yandi, July 2015.

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
TEC	Threatened Ecological Community

Definitions:

{DPaW (2015) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia}:-

T	<p>Threatened species: Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, listed under Schedules 1 to 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora (which may also be referred to as Declared Rare Flora).</p> <p>Threatened fauna is that subset of ‘Specially Protected Fauna’ declared to be ‘likely to become extinct’ pursuant to section 14(4) of the Wildlife Conservation Act.</p> <p>Threatened flora is flora that has been declared to be ‘likely to become extinct or is rare, or otherwise in need of special protection’, pursuant to section 23F(2) of the Wildlife Conservation Act.</p> <p>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.</p>
CR	<p>Critically endangered species Threatened species considered to be facing an extremely high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.</p>
EN	<p>Endangered species Threatened species considered to be facing a very high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.</p>
VU	<p>Vulnerable species Threatened species considered to be facing a high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.</p>
EX	<p>Presumed extinct species Species which have been adequately searched for and there is no reasonable doubt that the last individual has died. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Presumed Extinct Fauna and Wildlife Conservation (Rare Flora) Notice for Presumed Extinct Flora.</p>
IA	<p>Migratory birds protected under an international agreement 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 the Bonn Convention, relating to the protection of migratory birds. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 5 of the Wildlife Conservation (Specially Protected Fauna) Notice.</p>
CD	<p>Conservation dependent fauna Fauna of special conservation need being species dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 6 of the Wildlife Conservation (Specially Protected Fauna) Notice.</p>
OS	<p>Other specially protected fauna Fauna otherwise in need of special protection to ensure their conservation. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 7 of the Wildlife Conservation (Specially Protected Fauna) Notice.</p>
P	<p>Priority species Species which are poorly known; or</p>

Species that are adequately known, are rare but not threatened, and 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.