



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 1390/4  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: Robe River Mining Co Pty Ltd

### 1.3. Property details

Property: Iron Ore (Cleveland - Cliffs) Agreement Act 1964, Special Lease for Mining Operations 3116/4622, Document I 123390 L, Part Lot 63 on Deposited Plan 54397; Iron Ore (Cleveland - Cliffs) Agreement Act 1964, Special Lease for Mining Operations 3116/4623, Document I 123396 L, Lot 65 on Deposited Plan 241547; and Iron Ore (Robe River) Agreement Act 1964, Lease K058441, Lot 500 on Deposited Plan 53285

Local Government Area: Shire of Roebourne

Colloquial name: Cape Lambert Construction Camp

### 1.4. Application

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

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 7 June 2012

## 2. Site Information

### 2.1. Existing environment and information

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

**Vegetation Description** The vegetation in the application area is broadly mapped as Beard Vegetation Association 157: Hummock grasslands, grass steppe; hard spinifex, *Triodia wiseana* (Shepherd, 2007).

The majority of the site consists of an open shrubland on deep, red sandy soils (Pilbara Iron, 2006b). The vegetation in the application area is generally in very good condition (Robe River Iron, 2006). A flora survey of the application area, conducted by Pilbara Iron in May 2006 recorded a total of 142 plant taxa, including five weed species: *Cenchrus ciliaris*, Buffel grass; *Cenchrus setiger*, Birdwood grass; *Lactuca serriola*, Prickly Lettuce; *Aerva javanica*, Kapok bush; and *Stylosanthes humilis*, Townsville stylo (Pilbara Iron, 2006a).

A vegetation survey conducted on 15 August 2006 mapped three dominant vegetation units within the application area, broadly associated with the following geographical features: dunes, minor drainage lines, and rocky slopes (Pilbara Iron, 2006b).

These vegetation associations were described as:

**1. Dunes:** *Stylobasium spathulatum*, *Acacia ligulata* Open Shrubland over *A. stellaticeps* Low Shrubland over *Aristida holothera*, *Triodia epactia*, *Eriachne mucronata* Grassland. This vegetation is in Excellent to Very Good condition (isolated patches of *Cenchrus ciliaris* (Buffel Grass)). The proposed accommodation village is located in this vegetation type (Pilbara Iron, 2006b).

**2. Minor Drainage lines:** Two minor drainage lines traverse the site, running from the higher rocky slopes eastwards toward the coast. The northern drainage line appears to be tidal, as is evidenced by salt crystals on the soil surface, halophytic species (samphires) and dead patches of Buffel grass which may have been killed from salt water inundation during cyclone events. The vegetation along the creeklines consists of *Acacia coleii*, *A. coriacea* Open Tall Shrubland over *Santalum lanceolatum*, *A. ligulata*, *Trichodesma zeylanicum* var *grandiflorum* Shrubland over *Acacia stellaticeps* Open Low Shrubland over *Triodia epactia* Grassland over *Corynotheca micrantha* Very Open Herbland. The vegetation of the southern drainage line is in Excellent to Very Good condition (isolated patches of *Cenchrus ciliaris* (Buffel Grass)). The northern drainage line is only in Good-Very Good condition and has been degraded through more serious *Cenchrus ciliaris* (Buffel Grass) invasion and grazing by livestock. No clearing will occur along drainage lines (Pilbara Iron, 2006b).

**3. Rocky slopes:** Sparse *Acacia inequilatera* Open Tall Shrubland over *Triodia wiseana* Grassland in Excellent condition. Because of the steepness of these slopes, clearing will be limited to the construction of powerlines and similar infrastructure (Pilbara Iron, 2006b).

<b>Clearing Description</b>	<p>The application is to clear up to 40 hectares within a defined area of 95 hectares, approximately 2 kilometres north of Wickham. The proposed clearing is for the establishment of a construction camp and associated infrastructure for the upgrade of the Cape Lambert Port Operations. The bulk of the proposed clearing will be for the construction camp, which will be located close to Cape Lambert Road. An access road will link the construction camp to Cape Lambert Road. A small amount of vegetation disturbance will be required for a powerline corridor running from the existing powerline adjacent to the Cape Lambert railway line to the construction camp.</p> <p>The vegetation will be mechanically cleared and will be stockpiled for later use in rehabilitation works (Robe River Iron, 2006).</p>
<b>Vegetation Condition</b>	<p>Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994);</p> <p>To</p> <p>Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).</p>
<b>Comment</b>	<p>Robe River Iron Associates have been granted a lease over the application area, for the establishment of a construction camp. At the completion of the Cape Lambert port upgrade, the construction camp will be removed and the site revegetated. The land tenure will then revert to Ministerial Reserve 35813.</p> <p>Clearing permit CPS 1390/1 was previously amended on 22 October 2010 to extend the duration of the permit to 25 October 2015. Clearing permit CPS 1390/2 was previously amended on 23 December 2010 to increase the area authorised to clear from 30 to 35 hectares.</p> <p>Robe River Mining Co Pty Ltd has applied to amend CPS 1390/3 for the purpose of increasing the area authorised to clear from 35 to 40 hectares. This is to allow the completion of the construction camp.</p>

### 3. Assessment of application against clearing principles

#### Comments

Robe River Mining Co Pty Ltd has applied to increase the area authorised to clear from 35 to 40 hectares in order to complete its construction camp at Cape Lambert. The additional clearing will be within the same permit boundary as CPS 1390/3.

Current environmental information has been reviewed and the assessment of the clearing principles is consistent with the assessment in Clearing Permit decision report CPS 1390/3 (GIS Database). The proposed additional clearing is not likely to have any significant environmental impacts above those already assessed under CPS 1390/3.

#### Methodology

GIS Database:

- DEC Tenure
- Evaporation Isopleths
- Groundwater Salinity, Statewide
- Hydrography, linear
- IBRA WA (Regions - Sub Regions)
- Pre-European Vegetation
- Public Drinking Water Source Areas (PDWSAs)
- Rainfall, mean Annual
- Rangeland Land System Mapping
- Rivers
- 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 over the area under application. This claim (WC99-014) was determined by the Federal Court on 2 May 2005 (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 (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 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.

Clearing permit application CPS 1390/4 was advertised on 7 May 2012 by the Department of Mines and Petroleum inviting submissions from the public. There were no submissions received.

- Methodology** GIS Database:
- Aboriginal Sites of Significance
  - Native Title claims – Determined by the Federal Court

#### 4. References

- Keighery, B.J. (1994) *Bushland Plant Survey: A Guide to Plant Community Survey for the Community*. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Pilbara Iron (2006a) Botanical Survey Advice No. 2006/048. Pilbara Iron: Cape Lambert Accommodation Rare Flora Survey. Pilbara Iron, Western Australia.
- Pilbara Iron (2006b) Proposed Cape Lambert Accommodation Village Flora and Vegetation Survey. Pilbara Iron, Western Australia.

#### 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} :-

<b>P1</b>	<b>Priority One - Poorly Known taxa:</b> 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.
<b>P2</b>	<b>Priority Two - Poorly Known taxa:</b> 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.
<b>P3</b>	<b>Priority Three - Poorly Known taxa:</b> 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.
<b>P4</b>	<b>Priority Four – Rare taxa:</b> 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.
<b>R</b>	<b>Declared Rare Flora – Extant taxa (= Threatened Flora = Endangered + Vulnerable):</b> 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.
<b>X</b>	<b>Declared Rare Flora - Presumed Extinct taxa:</b> 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.