



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 2552/3
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Robe River Limited

1.3. Property details

Property: Iron Ore (Robe River) Agreement Act 1964, Mineral Lease 248SA (AML 70/248)
Local Government Area: Shire of Ashburton
Colloquial name: Bungaroo Infill Drilling

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
21		Mechanical Removal	Mineral Exploration

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 15 November 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 is located within the application area (GIS Database):

609 - Mosaic: Hummock grasslands, open low tree steppe; bloodwood with sparse kanji shrubs over soft spinifex/Hummock grasslands, open low tree steppe; snappy gum over *Triodia wiseana* lateritic crust.

Vegetation surveys were carried out by Biota Environmental Sciences in 2005 and 2006, for the entire Bungaroo project area, within which the application area lies (Biota Environmental Sciences, 2007). An analysis of aerial photographs for the survey area has identified nine vegetation types that may potentially occur within the application area:

Plains and Low Rises

1. ChAiTw: *Corymbia hamersleyana* scattered low trees over *Acacia bivenosa* open shrubland over *Triodia epactia* hummock grassland. This vegetation type occurred broadly over the stony undulating plains and some low stony rises. Scattered individuals of an undescribed spinifex species were often present on the low stony rises.

2. ChAiTw/ChAiTe: *Corymbia hamersleyana* low open woodland over *Acacia inaequilatera* tall open shrubland over mixed scattered shrubs over *Triodia wiseana* hummock grassland.

ChAiTe: *Corymbia hamersleyana* scattered low trees over *Acacia bivenosa* open shrubland over *Triodia epactia* hummock grassland. This vegetation type occurred over gentle slopes of low rises. An open cover of *Gossypium australe* (Burrup Peninsula form) was often present.

3. ChAbTe: *Corymbia hamersleyana* scattered low trees over *Acacia bivenosa* open shrubland over *Triodia epactia* hummock grassland. This vegetation type occurred in lower parts of the landscape over stony undulating plains or in drainage areas.

4. ChAiApyTe: *Corymbia hamersleyana* open woodland over *Acacia inaequilatera*, *A. pyrifolia* tall open shrubland over *Triodia epactia* hummock grassland. This vegetation type occurred over areas of low-lying stony undulating plain. There was often an open cover of *Gossypium australe* (Burrup Peninsula form).

Tall Stony Hills and Breakaways

Although the application area is located within a valley, vegetation maps of the area would indicate that the following vegetation type (5: AiTw) may occur in a small patch within the application area;

5. AiTw: *Acacia inaequilatera* tall open shrubland over *Triodia wiseana* hummock grassland. This vegetation type occurred primarily on the crests and slopes of tall hills on both sides of the Bungaroo Valley.

Drainage Areas

6. EvApyAtrTe: *Eucalyptus victrix* scattered low trees over *Acacia pyrifolia*, *A. trachycarpa* open shrubland over *Tephrosia rosea* var. *glabrior* low shrubland over *Triodia epactia* very open hummock grassland. This vegetation type is of high conservation significance and was recorded from gravelly creek channels. The cover of *Triodia epactia* ranged from scattered hummocks to a hummock grassland. There was typically an open herbland dominated by *Cleome viscosa*. The weed Mexican Poppy (*Argemone ochroleuca* subsp. *ochroleuca*) was abundant in places, and Buffel Grass (*Cenchrus ciliaris*) and Birdwood Grass (*Cenchrus setiger*) were also often present at low densities.

7. ChGpTe: *Corymbia hamersleyana* scattered low trees over *Grevillea pyramidalis* scattered tall shrubs over *Tephrosia rosea* var. *glabrior* scattered low shrubs over *Triodia epactia* hummock grassland. This vegetation type is of high conservation significance and dominates the broad gravelly floodplains of the Bungaroo Creek system. The distribution of this vegetation type is likely to be heavily influenced by flood scouring events. Some areas towards the outer margin of this vegetation type had large amounts of *Triodia wiseana* in the hummock grassland stratum. The shrubs *Acacia inaequilatera*, *A. pyrifolia* and *Gossypium australe* (Burrup Peninsula form) were also common.

Minor Flowlines

8. ChAtuTwTe: *Corymbia hamersleyana* low open woodland over *Acacia tumida* var. *pilbarensis* tall open scrub over *Triodia wiseana*, *T. epactia* very open hummock grassland. This vegetation type occurs in numerous flowlines. The spinifex ground cover was usually dominated by *Triodia wiseana*, less commonly by *T. epactia* or a combination of the two species.

9. ApyGOaGpyTeTw: *Acacia pyrifolia*, *Gossypium australe* (Burrup form), *Grevillea pyramidalis* shrubland to tall shrubland over *Tephrosia rosea* var. *glabrior* low open shrubland over *Triodia epactia*, *T. wiseana* open hummock grassland. This vegetation type occurred in minor flowlines. (Biota Environmental Sciences, 2007).

Clearing Description

Robe River Limited intends to clear approximately 21 hectares of native vegetation for the purpose of evaluation drilling. The project will include maintaining and establishing tracks, clearing of drill lines, creation of drill pads (20 metres x 20 metres) and the drilling of 249 holes (Robe River Limited, 2008).

The site is located approximately 130 kilometres east of Onslow and 150 kilometres south-west of Karratha (GIS Database). The application area is located within the Bungaroo valley and lies near two other previously cleared exploration areas. One of the exploration areas is located approximately 100 metres to the east of the application area and the other is approximately 5 kilometres west of the application area. Clearing will be performed using raised blade technique or scrub rake in level terrain (Robe River Limited, 2008).

Vegetation Description

Good: Structure significantly altered by multiple disturbances; retains basic structure/ability to regenerate (Keighery, 1994).

To

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

Comment

The vegetation condition was obtained from vegetation surveys performed by Biota Environmental Sciences in 2005 and 2006 as well as from an aerial photo of the application area.

Clearing permit CPS 2552/1 was granted by the Department of Industry and Resources (now the Department of Mines and Petroleum (DMP)) on 21 August 2008 and authorised the clearing of up to 21 hectares of native vegetation within an area totalling approximately 178 hectares. Robe River Ltd applied to DMP on 1 February 2010 to amend clearing permit CPS 2552/1 to extend the timeframe to complete rehabilitation from 6 months to 12 months following clearing. The area of authorised clearing and the clearing area boundary that was approved under clearing permit CPS 2552/1 remained unchanged.

An amendment to CPS 2552/2 was initiated by the Department of Mines and Petroleum on 30 October 2012 to correct an administrative error in relation to the permit holder name.

3. Assessment of application against clearing principles

Comments

The Department of Mines and Petroleum initiated an amendment to CPS 2552/2 on 30 October 2012 to correct an administrative error in relation to the permit holder name. The area authorised to be cleared and the clearing boundary will remain unchanged

As the amendment is only for administrative purposes, the environmental impacts will not change and the assessment of the clearing principles is consistent with the assessment in clearing permit decision report CPS 2552/2.

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

Comments

There is one native title claim (WC99/12) over the area under application. 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 (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 several Aboriginal Sites of Significance that overlap with the application area (GIS Database). Robe River Limited has undertaken a heritage survey of the application area and will avoid any Sites of Significance (Robe River Limited, 2008). 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.

Methodology Robe River Limited (2008)
GIS Database
- Aboriginal Sites of Significance
- Native Title Claims – Registered with the NNTT

4. References

Biota Environmental Sciences (2007). Bungaroo Trial Pit and Transport Corridor to Mesa J, near Pannawonica. Pilbara Iron Company, Western Australia.

Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.

Robe River Limited (2008). Robe River Limited Clearing Permit. Western Australia.

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.

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.

