



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 2552/7  
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 Mining Lease 248SA (AML 70/248)  
Local Government Area: Shire of Ashburton  
Colloquial name: Bungaroo Mineral and Hydrological Exploration

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
150		Mechanical Removal	Mineral exploration, hydrological drilling, geotechnical investigations, bore field and associated activities.

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 3 May 2018

## 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 and are useful to look at vegetation in a regional context. Two Beard vegetation associations are mapped within the application area (GIS Database):

82: Hummock grasslands, low tree steppe; snappy gum over *Triodia wiseana*; and

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

Several vegetation and flora surveys have been carried out over the Bungaroo project area by Biota Environmental Sciences (2007). Biota Environmental Sciences reported 21 vegetation associations within the previous permit boundary which are detailed in Decision Report 2552/4.

A review of flora surveys in 2015 identified the following vegetation associations within the additional area which was added to the permit boundary for CPS 2552/5 (Rio Tinto, 2015):

#### Vegetation of Plains and Rises

ChAbTe: *Corymbia hamersleyana* scattered low trees over *Acacia bivenosa* open shrubland over *Triodia epactia* hummock grassland;

ChAiApyTe: *Corymbia hamersleyana* open woodland over *Acacia inaequilatera*, *A. pyrifolia* tall open shrubland over *Triodia epactia* hummock grassland;

ChAiTe: *Corymbia hamersleyana* low open woodland over *Acacia inaequilatera* tall open shrubland over mixed scattered shrubs over *Triodia epactia* hummock grassland;

ChAiTw: *Corymbia hamersleyana* scattered low trees over *Acacia inaequilatera* scattered tall shrubs over mixed scattered shrubs over *Triodia wiseana* open hummock grassland;

ChAiTw/ChAiApyT: *Corymbia hamersleyana* scattered low trees over *Acacia inaequilatera* scattered tall shrubs over mixed scattered shrubs over *Triodia wiseana* open hummock grassland / *Corymbia hamersleyana* open woodland;

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

### Vegetation of Tall Stony Hills and Breakaways

AiT<sub>w</sub>: *Acacia inaequilatera* tall open shrubland over *Triodia wiseana* hummock grassland;

EIAiAbT<sub>w</sub>: *Eucalyptus leucophloia* subsp. *leucophloia* scattered low trees over *Acacia inaequilatera*, *A. bivenosa* scattered tall shrubs over *Triodia wiseana* hummock grassland;

EIAiAprT<sub>w</sub>: *Eucalyptus leucophloia* subsp. *leucophloia* scattered low trees over *Acacia inaequilatera*, *A. pruinocarpa* scattered tall shrubs over *Triodia wiseana* (*Triodia* sp. Robe River (M.E. Trudgen et al. MET 12367)) open hummock grassland;

EIAmaT<sub>w</sub>: *Eucalyptus leucophloia* subsp. *leucophloia* scattered low trees over *Acacia maitlandii* open heath over *Triodia wiseana* open hummock grassland;

### Vegetation of Drainage Areas (Major Creeklines)

ChGpT<sub>e</sub>: *Corymbia hamersleyana* scattered low trees over *Grevillea pyramidalis* scattered tall shrubs over *Tephrosia rosea* var. *glabrior* scattered low shrubs over *Triodia epactia* hummock grassland;

EvApyAtrT<sub>e</sub>: *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;

EvC<sub>v</sub>: *Eucalyptus victrix* open forest over *Cyperus vaginatus* sedgeland;

### Vegetation of Drainage Areas (Minor Flowlines)

AcT<sub>e</sub>: *Acacia colei* var. *ileocarpa* tall open shrubland over *Triodia epactia* hummock grassland;

ApyGOaGpyTeT<sub>w</sub>: *Acacia pyrifolia*, *Gossypium australe*, *Grevillea pyramidalis* shrubland to tall shrubland over *Tephrosia rosea* var. *glabrior* low open shrubland over *Triodia epactia*, *T. wiseana* open hummock grassland;

ChAeGwT<sub>e</sub>: *Corymbia hamersleyana* low open woodland over *Acacia elachantha*, *Grevillea wickhamii* tall open scrub over *Triodia epactia* hummock grassland;

ChAtuT<sub>w</sub>T<sub>e</sub>: *Corymbia hamersleyana*, *Eucalyptus leucophloia* scattered low trees over *Acacia tumida* var. *pilbarensis*, *Petalostylis labicheoides* tall open scrub over *Triodia wiseana* open hummock grassland;

### Cleared areas

Previously cleared or disturbed areas, such as tracks.

<b>Clearing Description</b>	Bungaroo Mineral and Hydrological Exploration. Robe River Ltd proposes to clear up to 150 hectares of native vegetation within a total boundary of approximately 3,086 hectares for the purpose of mineral exploration, hydrological drilling, geotechnical investigations, bore field and associated activities. The project is located approximately 130 kilometres east of Onslow within the Shire of Ashburton.
<b>Vegetation Condition</b>	Pristine: No obvious signs of disturbance (Keighery, 1994);  to  Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994).
<b>Comment</b>	Clearing permit CPS 2552/1 was granted by the Department of Industry and Resources (now the Department of Mines, Industry Regulation and Safety) on 21 August 2008 and authorised the clearing of up to 21 hectares of native vegetation within an area totalling approximately 178 hectares.  Amended permit CPS 2552/2 was granted on 11 March 2010 to extend the timeframe to complete rehabilitation from 6 months to 12 months following clearing.  The Department of Mines and Petroleum (now the Department of Mines, Industry Regulation and Safety) initiated an amendment (CPS 2552/3) to the permit on 30 October 2012 to correct an administrative error. The clearing area and permit boundary remained unchanged.  Amended permit CPS 2552/4 was granted on 23 October 2014, increasing the permit boundary from 178 hectares to approximately 2,307 hectares. The area of clearing authorised remained unchanged.  CPS 2552/5 was granted on 9 July 2015, increasing the authorised clearing from 21 hectares to 25 hectares, increasing the permit boundary from approximately 2,307 hectares to approximately 3,086 hectares, adding hydrological drilling, geotechnical investigations and associated activities to the purpose on the permit and extending the duration of the permit by an additional five years.  CPS 2552/5 was amended on 7 April 2016 to increase the area approved to clear from 25 hectares to 150 hectares, and to amend the annual reporting date from 31 July to 30 June each year. There was no change to the permit boundary.  Robe River Limited has applied to amend CPS 2552/6 to include bore field as a purpose of clearing. The amount of clearing authorised and the clearing permit boundary will remain unchanged.

### 3. Assessment of application against Clearing Principles

#### Comments

Robe River Limited has applied to include bore field as a purpose of clearing. The amount of clearing authorised and the clearing permit boundary will remain unchanged.

The permit area is located within the Bungaroo Creek Water Reserve which has been proclaimed as a Public Drinking Water Source Area (PDWSA) under the *Country Areas Water Supply (CAWS) Act 1947* (GIS Database). The proposed clearing is located within a Priority 1 area of the reserve (Department of Water and Environmental Regulation, 2018). The Department of Water (now Department of Water and Environmental Regulation) provided advice for the previous amendment that the clearing within the PDWSA was significant and that all activities within the water reserve should be conducted in accordance with Water Quality Protection Notes and Guidelines, to minimise potential impacts to water quality (DoW, 2016). The proposed activities are compatible with Priority 1 areas provided best management practices are used (Department of Water and Environmental Regulation, 2018). Any groundwater extraction will be subject to a licence by the Department of Water and Environmental Regulation. Provided activities are carried out in accordance with best practice management and follow Water Quality Protection Notes and Guidelines, the proposed activities are not likely to have a significant impact on surface or ground water quality (Department of Water and Environmental Regulation, 2018).

The amendment application has been assessed against the clearing principles, planning instruments and other matters in accordance with s.51O of the *Environmental Protection Act 1986*. Environmental information has been reviewed, and the assessment of the proposed clearing against the clearing principles remains consistent with the assessment contained in the previous decision reports.

**Methodology** Department of Water and Environmental Regulation (2018)  
DoW (2016)

GIS Database:

- DPaW Tenure
- Hydrography, Lakes
- Hydrography, Linear
- IBRA Australia
- Imagery
- Landsystem Rangelands
- Pre-European Vegetation
- Public Drinking Water Source Areas
- Soils, Statewide
- Threatened and Priority Flora
- Threatened and Priority Ecological Communities boundaries
- Threatened and Priority Ecological Communities buffered
- Threatened Fauna

#### Planning Instrument, Native Title, previous EPA decision or other matter.

#### Comments

There are two Native Title claims over the area under application (DPLH, 2018). These claims have been registered with the National Native Title Tribunal on behalf of the claimant groups. 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 eight registered Aboriginal Sites of Significance within the application area (DPLH, 2018). 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 Water and Environmental Regulation and the Department of Biodiversity Conservation and Attractions, 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 amendment application was advertised on 26 March 2018 by the Department of Mines, Industry Regulation and Safety, inviting submissions from the public. No submissions were received in relation to this application.

**Methodology** DPLH (2018)

## 4. References

- Biota (2007) A Vegetation and Seasonal Flora Survey of the Bungaroo Trial Pit and Transport Corridor to Mesa J, and Sampling of the Broader Bungaroo Valley. Report prepared for Robe River Limited, by Biota Environmental Sciences Pty Ltd.
- Department of Water and Environmental Regulation (2018) Advice received in relation to Clearing Permit Application CPS 2552/7. Landuse and Planning/Approvals, Department of Water and Environmental Regulation, April 2018.
- DoW (2016) Advice received in relation to Clearing Permit Application CPS 2552/6. Department of Water, March 2016.
- DPLH (2018) Aboriginal Heritage Enquiry System. Department of Planning, Lands and Heritage.  
<http://maps.daa.wa.gov.au/AHIS/> (Accessed 30 April 2018).
- 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) Desktop Flora, Vegetation and Fauna Habitat Assessment at Bungaroo, Robe Valley. Supporting information for clearing permit amendment CPS 2552/5.

## 5. Glossary

### Acronyms:

<b>BoM</b>	Bureau of Meteorology, Australian Government
<b>DAA</b>	Department of Aboriginal Affairs, Western Australia (now DPLH)
<b>DAFWA</b>	Department of Agriculture and Food, Western Australia (now DPIRD)
<b>DBCA</b>	Department of Biodiversity Conservation and Attractions, Western Australia
<b>DEC</b>	Department of Environment and Conservation, Western Australia (now DBCA and DWER)
<b>DEE</b>	Department of the Environment and Energy, Australian Government
<b>DER</b>	Department of Environment Regulation, Western Australia (now DWER)
<b>DMIRS</b>	Department of Mines, Industry Regulation and Safety, Western Australia
<b>DMP</b>	Department of Mines and Petroleum, Western Australia (now DMIRS)
<b>DPIRD</b>	Department of Primary Industries and Regional Development, Western Australia
<b>DPLH</b>	Department of Planning, Lands and Heritage, Western Australia
<b>DRF</b>	Declared Rare Flora
<b>DoE</b>	Department of the Environment, Australian Government (now DEE)
<b>DoW</b>	Department of Water, Western Australia (now DWER)
<b>DPaW</b>	Department of Parks and Wildlife, Western Australia (now DBCA)
<b>DSEWPaC</b>	Department of Sustainability, Environment, Water, Population and Communities (now DEE)
<b>DWER</b>	Department of Water and Environmental Regulation, Western Australia
<b>EPA</b>	Environmental Protection Authority, Western Australia
<b>EP Act</b>	<i>Environmental Protection Act 1986</i> , Western Australia
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (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>PEC</b>	Priority Ecological Community, Western Australia
<b>RIWI Act</b>	<i>Rights in Water and Irrigation Act 1914</i> , Western Australia
<b>TEC</b>	Threatened Ecological Community

### Definitions:

{DPaW (2017) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia}:-

#### T

##### **Threatened species:**

Published as Specially Protected under the *Wildlife Conservation Act 1950*, 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).

**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 1950*.

**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 1950*.

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.

#### CR

##### **Critically endangered species**

Threatened species considered to be facing an extremely high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 1 of the Wildlife

Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.

- EN Endangered species**  
Threatened species considered to be facing a very high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.
- VU Vulnerable species**  
Threatened species considered to be facing a high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.
- EX 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 *Wildlife Conservation Act 1950*, 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.
- IA 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 *Wildlife Conservation Act 1950*, in Schedule 5 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- CD 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 *Wildlife Conservation Act 1950*, in Schedule 6 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- OS Other specially protected fauna**  
Fauna otherwise in need of special protection to ensure their conservation. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 7 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- P Priority species**  
Species which are poorly known; or  
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.