Government of Western Australia
Department of Mines and Petroleum

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 2604/3

Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: **Robe River Mining Co Pty Ltd**

1.3. Property details

Property: *Iron Ore (Robe River) Agreement Act 1964,* Section 91 Licence 00338-2008_3_70 under the *Land Administration Act 1997*
Iron Ore (Robe River) Agreement Act 1964, Section 91 Licence 00338-2008_3_87 under the *Land Administration Act 1997*

Local Government Area: Shire of Roebourne

Colloquial name: Cape Lambert Substation

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
6		Mechanical Removal	Construction of a substation and associated infrastructure

1.5. Decision on application

Decision on Permit Application: Grant

Decision Date: 18 October 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 has been mapped within the application area (GIS Database).

157: Hummock grasslands, grass steppe; hard spinifex, *Triodia wiseana*.

The application area was surveyed by Biota Environmental Sciences staff and Pilbara Iron staff in April 2008 (Biota Environmental Sciences, 2008). The following vegetation types were identified within the application area.

Vegetation of Stony Hills and Plains

1. *Acacia bivenosa* scattered shrubs over *Triodia wiseana* hummock grassland: Very occasional *Acacia arida, Corchorus parviflorus*, *Indigofera monophylla, Paspalidium clementii, Polycarpaea longiflora*, *Rhynchosia minima, Senna glutinosa* subsp. *glutinosa, Senna glutinosa* subsp. *pruinosa, Tribulus suberosus, Trichodesma zeylanicum* var. *zeylanicum* and *Triumfetta clementii* with only very scattered weeds (*Cenchrus ciliaris*).

2. *Acacia bivenosa* scattered shrubs over *Acacia stellaticeps* low open shrubland over *Triodia epactia* hummock grassland: *Fimbristylis simulans, Indigofera monophylla, Paspalidium clementii, Ptilotus astrolasius* var. *astrolasius, Trichodesma zeylanicum* var. *zeylanicum* and *Triumfetta clementii*.

Vegetation of Sandy or Loamy Plains

1. *Acacia colei* var. *colei, Grevillea pyramidalis* tall open shrubland over *Triodia epactia, Triodia schinzii* closed hummock grassland: *Bonamia linearis, Bulbostylis barbata, Chrysopogon fallax, Eragrostis eriopoda, Indigofera linifolia, Mollugo molluginea, Ptilotus ploystachyus* var. *arthrotrichus, Santalum lanceolatum* and *Tephrosia rosea* var. *venulosa* with only scattered weeds present.

2. *Melaleuca lasiandra, Acacia colei* var. *colei* tall shrubland over *Triodia epactia, Triodia schinzii* closed hummock grassland: *Acacia coriacea* subsp. *coriacea, Cyperus blakeanus, Dolichandrone heterophylla* and *Ehretia saligna* var. *saligna* with only scattered weeds.

Six species of introduced flora were recorded within the application area: Kapok Bush (*Aerva javanica*); Buffel

Grass (*Cenchrus ciliaris*); Birdwood Grass (*Cenchrus setiger*); Purple Top Chloris (*Chloris barbata*); Purslane (*Portulaca oleracea*) and Verano Stylo (*Stylosanthes hamata*) (Biota Environmental Sciences, 2008).

Clearing Description

Robe River Mining Co Pty Ltd have applied to clear 6 hectares (ha) within a 41.06 ha area of native vegetation for the purposes of constructing a substation and associated infrastructure in the Cape Lambert Operation Area.

The application area is immediately adjacent to the existing power station, with some areas suffering from previous disturbance (Biota Environmental Sciences, 2008). The construction of the substation and associated infrastructure will occur within a 39 hectare area adjacent to the existing power station (Biota Environmental Sciences, 2008).

Vegetation Condition

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

To

Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994).

Comment

The vegetation condition was derived from a vegetation survey conducted by Biota Environmental Sciences (2008).

Clearing permit CPS 2604/1 for the Cape Lambert Sub Station was originally granted on 25 November 2010. This clearing permit was amended on 23 December 2012 to redescribe the boundary of the area approved to clear. The amount of clearing authorised remained unchanged. An amendment to CPS 2604/2 was initiated by the Department of Mines and Petroleum on 4 October 2012 to correct an administrative error.

3. Assessment of application against clearing principles

Comments

The Department of Mines and Petroleum has initiated an amendment of CPS 2604/2 to correct an administrative error. The amendment is to correct the land on which clearing may be done and the permit holder details which were incorrectly listed on the permit.

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 2604/2.

Methodology

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

Comments

There is one Native Title Claim (WC99/14) over the area under application (GIS Database). This claim was determined by the Federal Court of Australia on 2 May 2005. 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 is one registered Aboriginal Site of Significance (Site ID: 349) 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.

Methodology

GIS Database:
- Aboriginal Sites of Significance
- Native Title Claims - Determined by the Federal Court

4. References

Biota Environmental Sciences (2008) Pilbara Power System Upgrade Additional Areas: Native Vegetation Clearing Permit Report. Biota Environmental Sciences Pty Ltd, 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.

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.