



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 2643/3  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: Robe River Mining Co Pty Ltd

### 1.3. Property details

Property: Miscellaneous Licence 47/211  
*Iron Ore (Robe River) Agreement Act 1964*, Special Lease for Mining Operations 3116/4622 Document I 123390, Lots 52, 61, 63 and 106 on Deposited Plan 54397  
*Iron Ore (Robe River) Agreement Act 1964*, Special Lease for Mining Operations 3116/4621 Document I 123393, Lots 53, 62 and 64 on Deposited Plan 56850

Local Government Area: Shire of Ashburton  
Colloquial name: Murray Camp Siding

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
20		Mechanical Removal	Rail Infrastructure and Associated Works

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 13 September 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. Two Beard vegetation associations have been mapped within the application area (GIS Database).

175: Short bunch grassland - savannah/grass plain (Pilbara); and

603: Hummock grasslands, sparse shrub steppe; *Acacia bivenosa* over hard spinifex.

The application area was surveyed by Pilbara Flora in May 2008 (Pilbara Flora, 2008). The following vegetation units were identified within the application area:

**1. Tussock grasslands on stony plains:** Mosaic of flat ground with stony mantle and tussock grasses. Low scattered shrubs over *Neptunis dimorphantha*, *Portulaca oleracea* and *Cucumis melo* subsp. *agrestis* open herb land or *Dichanthium sericeum* ssp. *humilis*, *Aristida contorta* and *Brachyachne convergens* tussock grassland.

**2. Tussock grasslands on self mulching clays:** Self mulching clay plains with cobblestone pushed to surface, crab-holes and tussock grasses. *Operculina aequisejala*, *Stemodia grossa*, *Oldenlandia crouchiana* and *Flaveria australasica* herb land or *Brachyachne convergens*, *Dichanthium sericeum* subsp. *humilis* and *Iseilema macratherum* closed grassland.

**3. Spinifex hummock grasslands on stony hillsides:** Spinifex dominated gently undulating hillsides with scattered shrubs on ironstone scree soils with occasional rocky outcropping. *Acacia inaequilatera* and *Acacia ancistrocarpa* scattered tall shrubs over *Triodia wiseana* hummock grassland.

**4. Spinifex hummock grasslands on disturbed ground:** *Acacia inaequilatera* scattered tall shrubs low scattered *Acacia bivenosa* and *Acacia ancistrocarpa* over *Triodia wiseana* open hummock grassland.

**5. Snakewood claypan:** Snakewood *Acacia xiphophylla* grove partially burnt out and dead on stony clays. *Acacia xiphophylla* low open woodland over *Neptunia dimorphantha*, *Cleome viscosa*, *Operculina aequisejala*, *Portulaca oleracea* and *Stemodia grossa* herb land.

**6. Revegetated borrow pit:** *Vachellia farnesiana* scattered tall shrubs over *Cenchrus ciliaris* very open tussock grassland or *Triodia wiseana* very open hummock grassland.

**7. Buffel Grass and Kapok on disturbed ground:** *Vachellia farnesiana* scattered tall shrubs over *Aerva javanica* low open shrubland over *Cenchrus ciliaris* open grassland.

**8. *Melaleuca glomerata* creekline:** *Melaleuca glomerata* low open forest over *Vachellia farnesiana* high shrubland over *Typha* sp., *Malvastrum americanum* and *Sesbania cannabina* low open heath over *Cenchrus ciliaris*, *Dichanthium sericeum* subsp. *humilis* and *Panicum decompositum* closed grassland.

**9. *Sesbania cannabina* shrubland on disturbed ground:** *Sesbania cannabina* and *Vachellia farnesiana* closed scrub over *Dichanthium sericeum* subsp. *humilis* and *Eriachne* sp., grassland over *Alysicarpus muelleri* and *Neptunia dimorphantha*.

**10. *Acacia ancistrocarpa* drainage line:** *Acacia ancistrocarpa* and *Gossypium australe* closed heath over *Triodia wiseana* hummock grassland.

**11. *Acacia tumida* minor creekline:** *Acacia tumida* var. *pilbarensis* and *Acacia colei* var. *colei* open scrub over *Triodia wiseana*, *Cenchrus ciliaris* and *Themeda triandra* tussock/hummock grassland.

**12. Buffel Grass creekline:** *Vachellia farnesiana* and *Acacia tumida* var. *pilbarensis* open scrub over *Aerva javanica* low shrubland or *Cenchrus ciliaris* closed tussock grassland.

Seven species of introduced flora were recorded within the application area: Kapok Bush (*Aerva javanica*); Buffel Grass (*Cenchrus ciliaris*); Ulcardo Melon (*Cucumis melo* subsp. *agrestis*); Couch (*Cynodon dactylon*); Awnless Barnyard Grass (*Echinochloa colona*); Spiked Malvastrum (*Malvastrum americanum*) and Mimosa Bush (*Vachellia farnesiana*) (Pilbara Flora, 2008).

**Clearing Description**

Robe River Mining Co Pty Ltd (Robe River) have applied to clear 20 hectares within a 79.8 hectare area of native vegetation for the purposes of extending an existing rail siding, site building up and levelling, possible borrow excavation, installation of conduits, signalling, communication cabinets and solar panel frames, possible 25 metre masts and connection to the fibre optic cable and construction of temporary facilities.

Robe River intend to clear with dozer blade down. The application area is immediately adjacent to land that was previously cleared for road and rail infrastructure (Pilbara Flora, 2008).

**Vegetation Condition**

Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994);

To

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

**Comment**

Clearing Permit CPS 2643/2 was granted by the Department of Mines and Petroleum on 1 September 2011 and was valid from 8 November 2008 to 31 July 2013. The permit authorised the clearing of 20 hectares of native vegetation within a 71.4 hectare boundary. An application to amend the permit was received by the Department of Mines and Petroleum on 2 August 2012 requesting an increase to the permit boundary to include a previously cleared access track which requires some maintenance.

**3. Assessment of application against clearing principles**

**Comments**

Robe River Mining Co Pty Ltd has applied to amend clearing permit CPS 2643/2 to include an established access track that requires maintenance. The purpose for clearing also requires amending from 'extending an existing rail siding' to 'rail infrastructure and associated works'.

Current environmental information has been reviewed and the assessment of all clearing principles is consistent with the assessment in clearing permit decision report CPS 2643/2 (GIS Database).

**Methodology**

- GIS Database:
- DEC Tenure
  - Groundwater Provinces
  - Groundwater Salinity, Statewide
  - Hydrographic Catchments - Catchments
  - Hydrography, linear
  - IRBA WA (regions – subregions)
  - Public Drinking Water Sources Areas (PDWSAs)
  - Pre-European Vegetation
  - Rangeland Land System Mapping
  - Threatened and Priority Flora
  - Threatened Ecological Sites Buffered

## 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 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 three 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 Sites of Aboriginal 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 – Registered with the NNTT

## 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 Flora (2008) *Flora and Vegetation Survey Supporting Documentation for a Native Vegetation Clearing Permit Application: Murray Camp Siding, Deepdale Railway Stage 3 Development, Rio Tinto Iron Ore*. Pilbara Flora, 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} :-

- 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.