Government of Western Australia
Department of Mines and Petroleum

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 2790/3
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: Mesa G Evaluation Project

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 22 November 2012

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description Vegetation within the application area has been mapped as the following Beard vegetation association: (Government of Western Australia, 2011; GIS Database).

- **82:** Hummock grasslands, shrub steppe; *Grevillea refracta* & *hakea* over soft spinifex.
- **605:** Hummock grasslands, shrub steppe; *Acacia pachycarpa* & waterwood over soft spinifex; and
- **620:** Hummock grasslands, shrub steppe; snakewood over soft spinifex.

Biota Environmental Sciences were commissioned by Robe River Ltd in May 2004 to undertake a flora and vegetation assessment for the Mesa G project area, which included the vegetation within the application area. The vegetation communities recorded within the application area have been described by Biota Environmental Sciences (2005).

1. **Vegetation of Stony Hills and Plains:**

   H7: *Acacia xiphophylla* low woodland to tall shrubland over *Triodia wiseana* hummock grassland;

   H10: *Acacia atkinsiana* (*A. bivenosa*) open shrubland over *Triodia epactia, T. wiseana* mid-dense hummock grassland;

   H12: *Acacia atkinsiana, A. inaequilatera, Petalostylis labicheoides* tall shrubland over *Tephrosia uniovulata* open shrubland over *Triodia wiseana* mid-dense hummock grassland;

   H13: *Acacia acradenia* open heath over *Triodia wiseana* hummock grassland;

   H14: *Grevillea wickhamii* tall shrubland over *Acacia acradenia* open heath over *Triodia wiseana* hummock grassland;

   H15: *Acacia acradenia* scattered shrubs over *Triodia wiseana* mid-dense hummock grassland; and

   H16: *Acacia tumida* var. *pilbarensis* (*Petalostylis labicheoides*) tall closed scrub over *Acacia acradenia* low open shrubland over *Triodia wiseana* (*Triodia* sp. nov) very open hummock grassland.

2. **Vegetation of Creeklines and Floodplains:**

   C5: *Eucalyptus leucophloia, Corymbia hamersleyana* scattered low trees to low open woodland over *Petalostylis labicheoides, Grevillea wickhamii* subsp. *hispidula* tall open shrubland over *Acacia acradenia* open heath over *Triodia wiseana* mid-dense hummock grassland; and

   C6: *Corymbia hamersleyana, Eucalyptus leucophloia* scattered low trees over *Acacia tumida* var. *pilbarensis, Petalostylis labicheoides* tall open scrub over *Triodia wiseana* open hummock grassland.

Clearing Description Robe River Ltd has applied to clear up to 20 hectares of native vegetation within an application area of 248 hectares for the purpose of infill drilling at Mesa G.

Vegetation will be cleared by a bulldozer with its blade down. Clearing will be kept to a minimum, with historic tracks and gridlines being followed wherever possible. The vegetation and topsoil will be collected and stockpiled for use in future rehabilitation (Robe River Ltd, 2008).

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

To

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

Comment

Aerial imagery indicates that there has already been a considerable degree of disturbance within the application area. The disturbance comprises of exploration access tracks and drill pads, particularly on the mesa crests and this has been confirmed by Biota Environmental Sciences (2005).

Clearing Permit CPS 2790/1 was granted by the Department of Mines and Petroleum (DMP) on 15 January 2009 and authorised the clearing of up to 20 hectares of native vegetation within an area totalling approximately 248.6 hectares. CPS 2790/1 was amended on 11 March 2010 to extend the timeframe to complete rehabilitation activities from 6 months to 12 months following clearing. An amendment to CPS 2790/2 was initiated by the Department of Mines and Petroleum on 29 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 2790/2 to correct an administrative error. The amendment is to correct 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 2790/2.

Methodology

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

Comments

There is one Native Title Claim over the area under application (WC99-012). 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 four known 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 though the clearing process. Robe River Ltd has confirmed that the application area will be subject to a heritage survey and that any heritage sites will be avoided during the clearing activities (Robe River Ltd, 2008).

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 Ltd (2008)
GIS Database:
- Aboriginal Sites of Significance
- Native Title Claims – Registered with the NNTT

4. References

Biota Environmental Sciences (2005). Vegetation and Flora Survey of Mesa A and Mesa G, near Pannawonica, Prepared for Robe River Iron Associates, Prepared by Biota Environmental Sciences Pty Ltd, July 2005.

Government of Western Australia (2011); 2011 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). WA Department of Environment and Conservation, Perth.

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 Ltd (2008). Application for a Clearing Permit (Purpose Permit) - Mesa G (ML248SA), Documentation Accompanying Clearing Permit Application for CPS 2790/1, Prepared by Robe River Pty Ltd, September 2008.

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.