



1. Application details

1.1. Permit application details

Permit application No.: 2869/2
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*, Special Lease for Mining Operations 3116/4622 (Document I 123390 L), Lots 52 and 63 on Deposited Plan 54397;
Iron Ore (Robe River) Agreement Act 1964, Special Lease for Mining Operations 3116/4621 (Document I 123393 L), Lot 64 on Deposited Plan 57724

Local Government Area: Shire of Ashburton
Colloquial name: Deepdale Gap Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
4		Mechanical Removal	Geotechnical investigations and borrow pit construction

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 29 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. Two Beard vegetation associations have been mapped within the application area (GIS Database; Government of Western Australia, 2011).

173 - Hummock grasslands, shrub steppe; kanji over soft spinifex & *Triodia wiseana* on basalt;

587 - Mosaic: Hummock grasslands, open low tree-steppe; snappy gum over *Triodia wiseana*
Hummock grasslands, shrub-steppe; kanji over *Triodia pungens*

The application area and surrounding vegetation was flora surveyed by Pilbara Flora staff between 1 and 4 April 2008, 4 and 5 May 2008 and 22 and 25 July 2008 (Pilbara Flora, 2008). The following vegetation types were identified within the application area:

BGDG - Buffel Grass grassland on disturbed ground: Open *Cenchrus ciliaris* grassland over *Aerva javanica*, *Leptopus decaisnei* var. *decaisnei* and *Triodia wiseana* with occasional *Acacia ancistrocarpa*, *Acacia tumida* var. *pilbarensis* and *Acacia pyrifolia*.

LOWSHG - Low open woodland over Spinifex hummock grasslands: Low open woodland of *Eucalyptus leucophloia* subsp. *leucophloia* and *Corymbia hamersleyana* over *Acacia bivenosa* and *Acacia inaequilatera* over *Triodia wiseana*.

LOWSHG(d) - Low open woodland over Spinifex hummock grasslands (disturbed): Low open woodland of *Eucalyptus leucophloia* subsp. *leucophloia* and *Corymbia hamersleyana* over *Acacia bivenosa* and *Acacia inaequilatera* over *Triodia wiseana*.

MASDL - Mixed Acacia shrubland in drainage lines: Mixed *Acacia bivenosa*, *A. colei* var. *colei*, *A. inaequilatera* and *A. ancistrocarpa* shrubland over *Cenchrus ciliaris*, *Chrysopogon fallax* and *Triodia wiseana*.

MASDL(d) - Mixed Acacia shrubland in drainage lines (disturbed): Mixed *Acacia bivenosa*, *A. colei* var. *colei*, *A. inaequilatera* and *A. ancistrocarpa* shrubland over *Cenchrus ciliaris*, *Chrysopogon fallax* and *Triodia wiseana*.

SHGDG - Spinifex hummock grassland on disturbed ground: Open grassland of *Triodia wiseana* with emergent *Acacia bivenosa* and *Acacia ancistrocarpa* over *Ptilotus exaltatus* var. *exaltatus*, *Eriachne pulchella* subsp. *dominii*, *Senna notabilis* and *Sporobolus australasicus*.

SHGSH - Spinifex hummock grasslands on stony hillsides: Grassland of *Triodia wiseana* with occasional dense patches of *Cenchrus ciliaris* and emergent *Acacia bivenosa*, *A. inaequilatera*, *A. pyrifolia* var. *pyrifolia* and *A. pyrifolia* var. *morrisonii* over *Cleome viscosa*, *Crotalaria medicaginea* var. *neglecta*, *Phyllanthus maderaspatensis*, *Ptilotus auriculifolius* and *Trichodesma zeylanicum*.

Clearing Description	Robe River Mining Co Pty Ltd has applied to clear up to four hectares of native vegetation for the purposes of geotechnical investigations and borrow pits (Pilbara Flora, 2008). Robe River Mining Co Pty Ltd intends to clear using bulldozers with blade down and the topsoil and vegetation is to be stockpiled for use in rehabilitation.
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	The vegetation condition was derived from a vegetation survey conducted by Pilbara Flora (Pilbara Flora, 2008). Clearing Permit CPS 2869/1 was granted by the Department of Mines and Petroleum (DMP) on 9 March 2009 authorising the clearing of up to four hectares of native vegetation. DMP initiated an amendment to CPS 2869/1 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 2869/1 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 assessment 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 2869/1.

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

Comments

There is one native title claim (WC99/14) over the area under application. 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 are several registered Aboriginal Sites of Significance located within the vicinity of 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.

The application area is located within a *Rights in Water and Irrigation Act 1914* (RIWI Act) Surface Water Management Area (GIS Database). The proponent is required to obtain a Bed and Banks Permit in order to disturb any water course (DoW, 2009). The application area is located in a RIWI Act Groundwater area. The proponent is required to obtain permits to abstract groundwater in this area (DoW, 2009).

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 or any other licences or approvals are required for the proposed works.

Methodology

DoW (2009)
GIS Database
- Aboriginal Sites of Significance
- Native Title Claims – Determined by the Federal Court
- RIWI Act - Groundwater Areas
- RIWI Act - Areas

4. References

- DoW (2009) Water Quality Advice. Advice to assessing officer, Native Vegetation Assessment Branch, Department of Mines and Petroleum (DMP), received (19 February). Department of Water, Western Australia.
- 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.
- Pilbara Flora (2008) Flora and Vegetation Survey Supporting Documentation for a Native Vegetation Clearing Permit Application: Deepdale Railway Borrow Pits and Deepdale Railway Stage 3 Development, Rio Tinto Iron Ore. Pilbara Flora, 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.