



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 3047/3
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 East Pilbara
Colloquial name: Angelo River Drilling Project

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 10 October 2013

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. The following Beard vegetation associations have been mapped within the application area (GIS Database):

Beard Vegetation Association 18: Low woodland; mulga (*Acacia aneura*); and
Beard Vegetation Association 82: hummock grasslands, low tree steppe; snappy gum over *Triodia wiseana*; (GIS Database).

A botanist from Rio Tinto conducted a flora and vegetation survey over the application area in November 2008. Rio Tinto (2008) described the vegetation types within the application area as:

V7 – *Corymbia hamersleyana*, *Eucalyptus gamophylla* and *Hakea lorea* low open forest over *Acacia aneura* and *Acacia steedmanii* high shrubland over *Acacia bivenosa*, *Acacia pyrifolia*, *Acacia maitlandii* and *Eremophila longiflora* open heath over *Triodia basedowii* and *Triodia pungens* hummock grassland over *Themeda triandra* very open tussock grassland;

V8 – *Eucalyptus leucophloia* low woodland over *Acacia aneura* high open shrubland over *Acacia maitlandii* and *Senna oligophylla* open heath over *Triodia basedowii* hummock grassland;

V11 – *Corymbia hamersleyana* low open forest over *Acacia maitlandii* open heath over *Triodia pungens* hummock grassland over *Themeda triandra* very open tussock grassland;

V12 – *Corymbia hamersleyana* and *Eucalyptus xerothermica* low open forest over *Acacia steedmanii*, *Acacia pyrifolia* and *Acacia cowleana* high shrubland over *Triodia pungens* open hummock grassland over *Themeda triandra* and *Chrysopogon fallax* tussock grassland;

V15 – *Eucalyptus leucophloia* low open woodland over *Acacia aneura*, and *Exocarpos sparteus* closed scrub over *Eremophila forrestii* shrubland over *Triodia pungens* open hummock grassland.

A biological survey by Robe River (2013) was undertaken on 11 May 2013 which includes the amended area. Two vegetation units were mapped within this area:

1. *Eucalyptus leucophloia* subsp. *leucophloia* and/or *Corymbia deserticola* subsp. *deserticola* low open woodland over *Eucalyptus gamophylla* open mallee over *Triodia* sp. Shovelanna Hill and *Triodia pungens* hummock grassland; and
2. *Eucalyptus gamophylla* over open mallee over *Acacia aneura* open shrubland over *Acacia bivenosa* scattered shrubs over *Triodia* sp. Shovelanna Hill open hummock grassland.

Clearing Description

Angelo River Drilling Project. Robe River Limited proposes to clear up to 4 hectares of native vegetation within an amended total application area of approximately 35.3 hectares, for the purpose of mineral exploration. The project is located approximately 95 kilometres west of Newman, in the Shire of East Pilbara.

Vegetation clearing will be undertaken by mechanical means and the vegetation and topsoil will be stockpiled for use in rehabilitation.

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

Comment Clearing permit CPS 3047/1 was granted by the Department of Mines and Petroleum on 30 April 2009. The Department of Mines and Petroleum initiated an amendment to CPS 3047/1 on 29 October 2012 to correct an administrative error relating to the permit holder name.

On 5 August 2013, Robe River Limited applied to amend CPS 3047/2 for the purpose increasing the area permitted to clear from 2.1 hectares to 4 hectares and increasing the permit boundary from 30.7 to 35.3 hectares.

3. Assessment of application against Clearing Principles

Comments

Robe River Limited has applied to increase the area permitted to clear from 2.1 hectares to 4 hectares and the permit boundary from 30.7 hectares to 35.3 hectares.

A flora and vegetation survey of the amendment area conducted by Robe River (2013) identified two vegetation communities occurring within the extended permit boundary. None of these vegetation communities are considered to be of higher diversity than those assessed within clearing permit decision report CPS 3047/2 and the vegetation types are not considered to be a remnant locally or regionally. No vegetation communities recorded are considered to be Threatened or Priority Ecological Communities and no Threatened or Priority Flora were recorded within the additional area (Robe River, 2013; Western Australian Herbarium, 2013; GIS Database). The condition of the vegetation types was classified from 'good' to 'very good' (Keighery, 1994). Therefore, the proposed clearing is not likely to be at variance to Principles (a), (c) and (d) and is not at variance to Principle (e).

The fauna habitats present within the application area are consistent with those described in clearing permit decision report CPS 3047/2. Therefore, the proposed clearing is not likely to be at variance to Principle (b).

Current environmental information has been reviewed and the assessment of clearing principles (f), (g), (h), (i) and (j) is consistent with the assessment in clearing permit decision report CPS 3047/2.

Methodology Keighery (1994)
Rio Tinto (2008)
Robe River (2013)
Western Australian Herbarium (2013)
GIS Database:
- DEC Tenure
- Evaporation Isopleths
- Groundwater Salinity
- Hydrography, linear
- IBRA WA (Regions - Sub Regions)
- Pre-European Vegetation
- Public Drinking Water Source Areas
- Rangeland Land System Mapping
- Rainfall, Mean Annual
- Threatened and Priority Flora
- Threatened Ecological Sites Buffered

Planning instrument, Native Title, RIWI Act Licence, EP Act Licence, Works Approval, Previous EPA decision or other matter.

Comments

There is one Native Title Claim (WC2010/011) over the area under application. This claim has been registered with the National Native Title Tribunal on behalf of the claimant group on 17 September 2010. 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 no 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 Aboriginal sites of significance are damaged through the clearing process.

It is the proponent's responsibility to liaise with the Department of Environment Regulation (formerly 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.

The amendment application was advertised on 19 August 2013 by the Department of Mines and Petroleum inviting submissions from the public. No submissions were received in relation to the application.

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.
- Robe River Limited (Robe River) (2013) *Statement Addressing the 10 Clearing Principles – Angelo River Exploration Drilling*. Internal document, July 2013.
- Western Australian Herbarium (2013) *FloraBase - the Western Australian Flora*. Department of Environment and Conservation, viewed 3 September 2013, <<http://florabase.dec.wa.gov.au>>.

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.

