



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 3589/4
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Robe River Mining Co Pty Ltd

1.3. Property details

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

Local Government Area: Shire of Roebourne

Colloquial name: 7 Mile to Cape Lambert 220KV Overhead Transmission Line

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
65		Mechanical Removal	Construction of a transmission line and associated activities.

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 5 July 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. Three Beard vegetation associations have been mapped within the application area (GIS Database):

- 127: Bare areas; mud flats;
- 157: Hummock grasslands, grass steppe; hard spinifex, *Triodia wiseana*; and
- 589: Mosaic: Short bunch grassland - savanna / grass plain (Pilbara) / Hummock grasslands, grass steppe; soft spinifex.

Biota Environmental Sciences conducted a flora and vegetation survey of the application area between 26 to 30 March 2008, 22 to 27 April 2008 and 28 May to 1 June 2008. Twenty vegetation types were identified and described for the application area (Biota Environmental Sciences, 2008).

Vegetation of Broad Flat Plains

- **ApAbAstCEcCEs**: *Acacia pyrifolia*, *Acacia bivenosa* tall open shrubland over *Acacia stellaticeps* low open shrubland over *Cenchrus ciliaris* and *Cenchrus setiger* tussock grassland.

- **AbTw**: *Acacia bivenosa* tall shrubland over *Triodia wiseana* hummock grassland.

- **AxERAxERibTla**: *Acacia xiphophylla* open heath over *Eragrostis xerophila*, *Eriachne benthamii* open tussock grassland with *Triodia lanigera* very open hummock grassland.

Vegetation of Clayey Plains

- **AbAaAiTw**: *Acacia bivenosa*, *A. ancistrocarpa*, *A. inaequilatera* tall shrubland over *Triodia wiseana* hummock grassland on stony clay plains.

- **SPv**: *Sporobolus virginicus* tussock grassland.

- **ERAx**: *Eragrostis xerophila* tussock grassland. (This vegetation occurred regularly along the application area and is consistent with the Roebourne Plains coastal grasslands Priority Ecological Community (PEC) (Biota Environmental Sciences, 2008).

Vegetation of the Drainage Lines

- **EvMgAcAamTaCEc:** *Eucalyptus victrix*, *Melaleuca glomerata* low open forest *Acacia coriacea* subsp. *coriacea*, *Acacia ampliceps* tall open shrubland over *Triodia angusta* very open hummock grassland and *Cenchrus ciliaris* tussock grassland.

- **MliAcTeTsCEc:** *Melaleuca linophylla*, *Acacia coriacea* subsp. *coriacea* low woodland over *Triodia epactia*, *Triodia schinzii* hummock grassland over *Cenchrus ciliaris* open tussock grassland.

- **EvAcEUa:** *Eucalyptus victrix*, *Acacia coriacea* subsp. *coriacea* tall shrubland over *Eulalia aurea* tussock grassland.

- **ChTeCHF:** *Corymbia hamersleyana* low open woodland over *Triodia epactia* hummock grassland and *Chrysopogon fallax* scattered tussock grasses.

Vegetation of Low Rises

- **Tw:** *Triodia wiseana* hummock grasslands.

Vegetation of Slopes

- **AstTeTs:** *Acacia stellaticeps* low open shrubland over *Triodia epactia*, *Triodia schinzii* hummock grassland.

- **AstTw:** *Acacia stellaticeps* low shrubland over *Triodia wiseana* hummock grassland.

Vegetation of Plains

- **ChAstTsTe:** *Corymbia hamersleyana* low open woodland over *Acacia stellaticeps* low open shrubland over *Triodia schinzii*, *T. epactia* hummock grassland.

- **ChAtuGwAstTeTw:** *Corymbia hamersleyana* scattered low trees over *Acacia tumida* var. *pilbarensis*, *Grevillea wickhamii* tall shrubland over *Acacia stellaticeps* open shrubland over *Triodia epactia*, *T. wiseana* open hummock grassland.

- **ERAx:** *Eragrostis xerophila* tussock grassland.

Vegetation of Hills and Slopes

- **Te:** *Triodia epactia* hummock grassland.

- **AbAiTw:** *Acacia bivenosa*, *A. inaequilatera* open shrubland over *Triodia wiseana* hummock grassland.

- **EHsFbCspGpDaCEc:** *Ehretia saligna* var. *saligna* and *Ficus brachypoda* scattered low trees over *Capparis spinosa* var. *nummularia* and *Grevillea pyramidalis* scattered shrubs over *Dicliptera armata* scattered low shrubs and *Cenchrus ciliaris* very open tussock grassland.

Vegetation of Broad Drainage Lines

- **ChAtuTeCEc:** *Corymbia hamersleyana* low open woodland over *Acacia tumida* var. *pilbarensis* tall open shrubland over *Triodia epactia* very open hummock grassland over *Cenchrus ciliaris* very open tussock grassland.

Clearing Description

Robe River Mining Co Pty Ltd (Robe River) has applied to clear up to 65 hectares of native vegetation within an application area of approximately 770.38 hectares for the purpose of geotechnical investigations and construction of the 7 Mile to Cape Lambert 220KV Overhead Transmission Line.

Clearing for geotechnical investigations will occur across the entire length of the application area and will involve track clearing (41 tracks, each 300 metres long by 5 metres wide) and up to 41 drill pads (10 metres by 10 metres) (Robe River, 2010).

Clearing for the construction of the transmission line will involve up to 165 tower construction pads (between 40 metres x 40 metres and 60 metres x 60 metres) and an access road which runs between each tower over the length of the transmission line. Each tower will be spaced between approximately 200-650 metres apart.

At the completion of the construction activities the tower pads will require a permanent cleared footprint of 10 metres by 10 metres for transmission towers, 15 metres x 15 metres for tension towers and the access track will be retained to allow for inspection and maintenance activities (Robe River, 2010; Robe River, 2011).

Vegetation will be cleared using a dozer with blade down. All cleared topsoil and vegetation will be stockpiled for use in rehabilitation.

Vegetation Condition Pristine: No obvious signs of disturbance (Keighery, 1994);
To
Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).

Comment Vegetation condition has been provided by Biota Environmental Sciences (2008).

Clearing Permit CPS 3589/1 was previously amended on 26 May 2011 to increase the area applied to clear from 45 to 65 hectares. Clearing Permit CPS 3589/2 was applied to be amended, however, application CPS 3589/3 was declined.

Robe River Mining Co Pty Ltd has applied to amend CPS 3589/2 for the purpose of extending the duration of the permit by five years to allow the completion of the proposed works. The clearing permit boundary and area authorised to clear will remain the same.

3. Assessment of application against clearing principles

Comments

Robe River Mining Co Pty Ltd has applied to extend the duration of Clearing Permit CPS 3589/2 by five years. The permit boundary and area authorised to clear will remain the same. As this is an administrative change only, there are no additional environmental impacts and the assessment of the clearing principles is consistent with the assessment in Clearing Permit decision report CPS 3589/2.

Methodology

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

Comments

There is one Native Title Claim (W99/014) over the area under application (GIS Database). This claim was determined by the Federal Court of Australia on 2 May 2005 (GIS Database). 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 numerous Sites of Aboriginal Significance within the area applied to clear (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. Robe River (2010) has advised that heritage surveys will be undertaken and that any sites identified will be avoided.

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 (2010)
GIS Database:
- Aboriginal Sites of Significance
- Native Title claims – Determined by the Federal Court

4. References

- Biota Environmental Sciences (2008) Interim Karratha to Cape Lambert Transmission Line Corridor: Native Vegetation Clearing Permit Report, prepared by Biota Environmental Sciences, prepared for Rio Tinto Iron Ore, July 2008.
- 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 (2010) Documentation Accompanying Clearing Permit Application for CPS 3589/1, Prepared by Robe River Ltd, February 2010.
- Robe River (2011) Supporting Information to Assessing Officer, Native Vegetation Assessment Branch, Department of Mines and Petroleum (DMP). Received 19 April 2011.

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.

