



## CLEARING PERMIT

*Granted under section 51E of the Environmental Protection Act 1986*

<b>Purpose Permit number:</b>	CPS 4073/6
<b>Permit Holder:</b>	Robe River Mining Co Pty Ltd
<b>Duration of Permit:</b>	12 February 2011 to 29 August 2017

The Permit Holder is authorised to clear native vegetation subject to the following conditions of this Permit.

### PART I—CLEARING AUTHORISED

**1. Purpose for which clearing may be done**

Clearing for the purpose of construction and installation of utilities, mine and port support infrastructure, associated works and laydown for power station construction.

**2. Land on which clearing is to be done**

Lot 63 on Deposited Plan 54397 (POINT SAMSON 6720)  
Lot 106 on Deposited Plan 54397 (POINT SAMSON 6720)  
Lot 65 on Deposited Plan 241547 (POINT SAMSON 6720)  
Lot 500 on Deposited Plan 53285 (POINT SAMSON 6720)  
Lot 307 on Deposited Plan 218388 (POINT SAMSON 6720)  
Lot 134 on Deposited Plan 184076 (WICKHAM 6720)  
Lot 317 on Deposited Plan 240126 (POINT SAMSON 6720)  
Lot 124 on Deposited Plan 183607 (WICKHAM 6720)  
Lot 711 on Deposited Plan 31274 (WICKHAM 6720)  
Lot 709 on Deposited Plan 31274 (WICKHAM 6720)  
Unallocated Crown Land (PIN 11261386; 11261424) (WICKHAM 6720)

**3. Area of Clearing**

The Permit Holder must not clear more than 44.8 hectares of native vegetation within the area hatched yellow on attached Plan 4073/6a.

**4. Application**

This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

**5. Type of clearing authorised**

This Permit authorises the Permit Holder to clear native vegetation for activities to the extent that the Permit Holder has the right to access land under the *Land Administration Act 1997* or any other written law.

## 6. Compliance with Assessment Sequence and Management Procedures

Prior to clearing any native vegetation under conditions 1, 2 and 3 of this Permit, the Permit Holder must comply with the Assessment Sequence and the Management Procedures set out in Part II of this Permit.

## PART II – ASSESSMENT SEQUENCE AND MANAGEMENT PROCEDURES

### 7. Avoid, minimise etc clearing

In determining the amount of native vegetation to be cleared authorised under this Permit, the Permit Holder must have regard to the following principles, set out in order of preference:

- (a) avoid the clearing of native vegetation;
- (b) minimise the amount of native vegetation to be cleared; and
- (c) reduce the impact of clearing on any environmental value.

### 8. Weed control

When undertaking any clearing or other activity authorised under this Permit, the Permit Holder must take the following steps to minimise the risk of the introduction and spread of *weeds*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (b) ensure that no *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
- (c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

### 9. Flora management

The Permit Holder shall not clear *priority flora* except for one plant of *Tephrosia rosea* var. Port Hedland (A.S. George 1114) located at Geocentric Datum Australia 1994 (GDA94) geographical coordinates 516961 East and 7720377 North.

### 10. Fauna management

The Permit holder shall not clear any *Lerista neviniae* habitat within the area shaded red on attached Plan 4073/6b.

## PART III - RECORD KEEPING AND REPORTING

### 11. Records must be kept

The Permit Holder must maintain the following records in relation to the clearing of native vegetation authorised under this Permit:

- (a) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
- (b) the date that the area was cleared; and
- (c) the size of the area cleared (in hectares).

### 12. Reporting

- (a) The Permit Holder must provide to the CEO on or before 30 June of each year, a written report:
  - (i) of records required under condition 11 of this Permit; and
  - (ii) concerning activities done by the Permit Holder under this Permit between 1 January and 31 December of the previous calendar year.

- (b) Prior to 29 May 2017, the Permit Holder must provide to the CEO a written report of records required under condition 11 of this Permit where these records have not already been provided under condition 12(a) of this Permit.

## DEFINITIONS

The following meanings are given to terms used in this Permit:

*fill* means material used to increase the ground level, or fill a hollow;

*mulch* means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation;

*priority flora* means those plant taxa described as priority flora classes 1, 2, 3, 4 or 5 in the *Department of Environment and Conservation's Threatened and Priority Flora List for Western Australia* (as amended);

*weed/s* means any plant -

- (a) that is declared under section 37 of the *Agriculture and Related Resources Protection Act 1976*; or
- (b) published in the Department of Environment and Conservation Regional Weed Assessments, regardless of ranking; or
- (c) not indigenous to the area concerned.



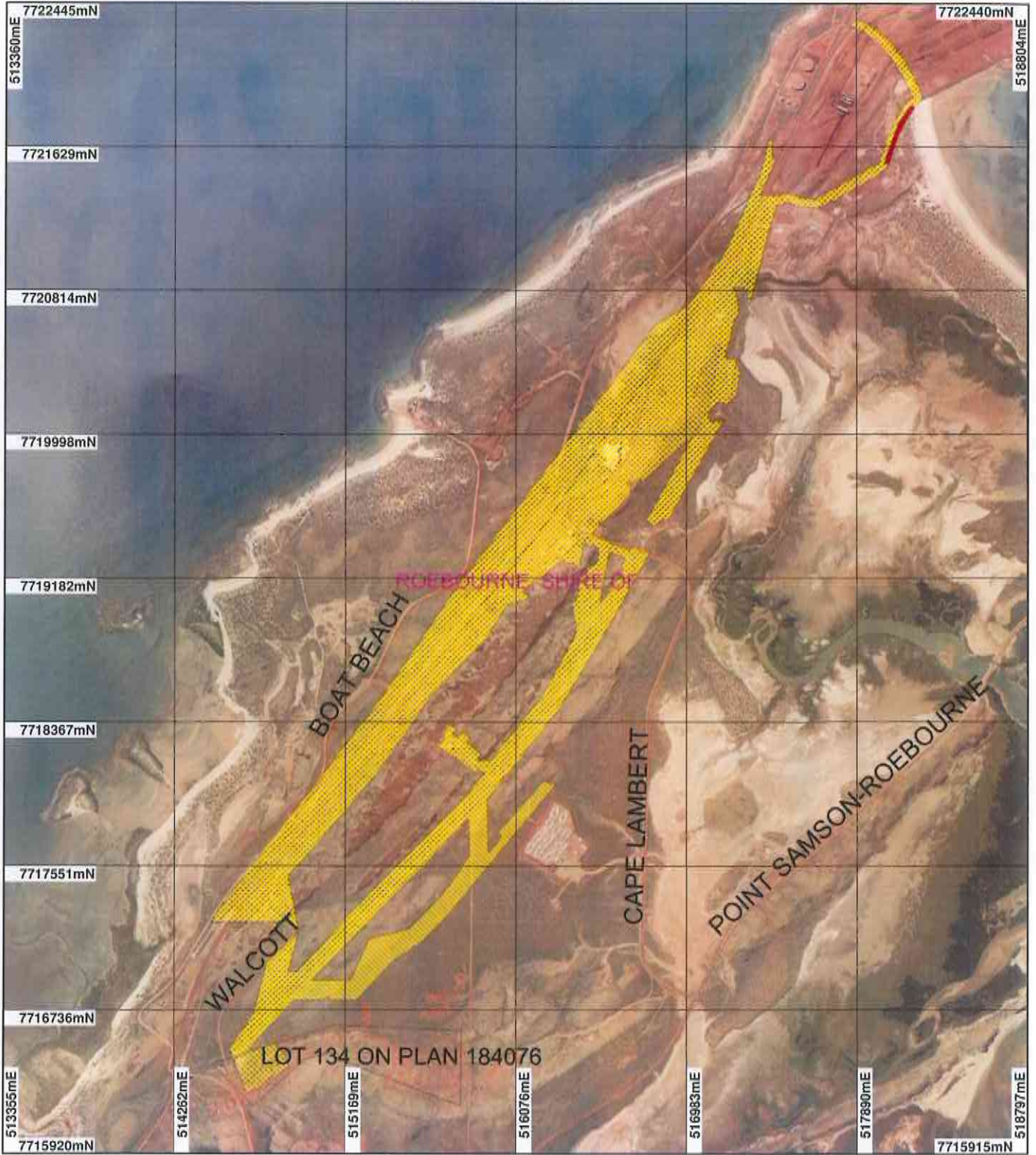
M Warnock  
A/MANAGER  
NATIVE VEGETATION CONSERVATION BRANCH

*Officer delegated under Section 20  
of the Environmental Protection Act 1986*

28 February 2013

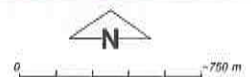


# Plan 4073/6a



## LEGEND

- |                             |                              |   |
|-----------------------------|------------------------------|---|
| Clearing Instruments        | Road Centrelines             | Roebourne 50cm Orthomosaic<br>Landgate 2007 |
| Areas Approved to Clear     | Cadastre                     |   |
| Clearing Instruments_1      | Local Government Authorities |   |
| Areas Subject to Conditions |                              |   |



Scale 1:30000

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

*M Warnock* Date 28/2/13

Officer with delegated authority under Section 20 of the Environmental Protection Act 1986

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.

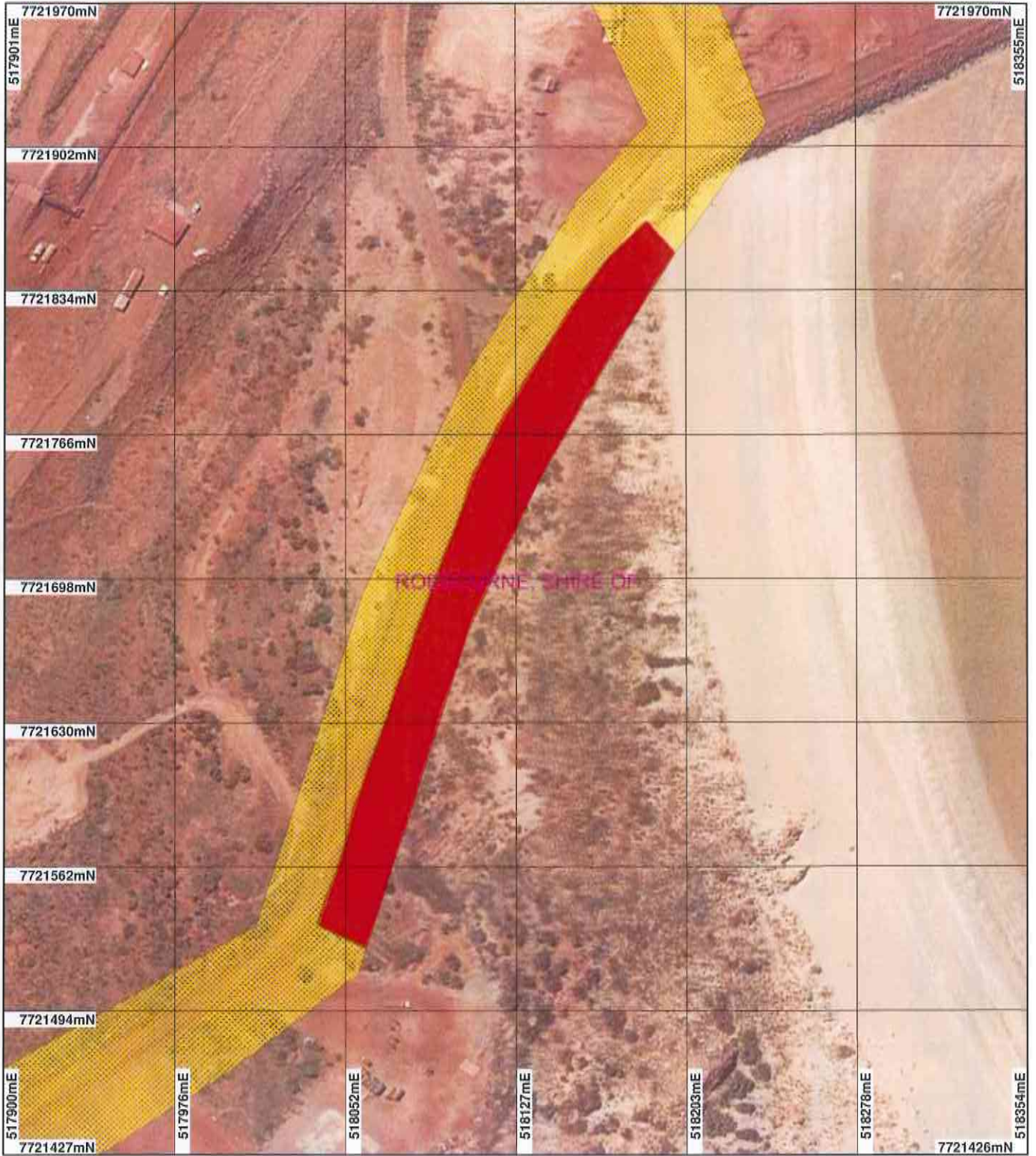


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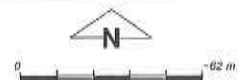
# Plan 4073/6b



## LEGEND

- |   |  |
|---|--|
| Clearing Instruments<br>Areas Approved to Clear       | Road Centrelines                         |
| Clearing Instruments_1<br>Areas Subject to Conditions | Cadastre<br>Local Government Authorities |

Roebourne 50cm Orthomosaic  
- Landgate 2007



Scale 1:2500  
(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

*M Warnock* Date 28/2/13  
M Warnock

Officer with delegated authority under Section 20 of the Environmental Protection Act 1986

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.



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## 1. Application details

### 1.1. Permit application details

Permit application No.: 4073/6  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: Robe River Mining Co Pty Ltd

### 1.3. Property details

Property:  
 LOT 106 ON PLAN 54397 (POINT SAMSON 6720)  
 LOT 124 ON PLAN 183607 (WICKHAM 6720)  
 LOT 134 ON PLAN 184076 (Lot No. 134 WALCOTT WICKHAM 6720)  
 LOT 307 ON PLAN 218388 (Lot No. 307 CAPE LAMBERT POINT SAMSON 6720)  
 LOT 317 ON PLAN 240126 (House No. 317 CAPE LAMBERT POINT SAMSON 6720)  
 LOT 500 ON PLAN 53285 (POINT SAMSON 6720)  
 LOT 65 ON PLAN 241547 (POINT SAMSON 6720)  
 LOT 709 ON PLAN 31274 (WICKHAM 6720)  
 LOT 711 ON PLAN 31274 (WICKHAM 6720)  
 PART LOT 63 ON PLAN 54397 (Lot No. 63 CAPE LAMBERT POINT SAMSON 6720)  
 UNALLOCATED CROWN LAND (WICKHAM 6720)

Local Government Area: Shire of Roebourne  
 Colloquial name: Cape Lambert Port Construction and Power Station Lay Down Area

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
44.8		Mechanical Removal	Infrastructure Maintenance

### 1.5. Decision on application

Decision on Permit Application: Grant  
 Decision Date: 28 February 2013

## 2. Site Information

### 2.1. Existing environment and information

#### 2.1.1. Description of the native vegetation under application

Vegetation Description	Clearing Description	Vegetation Condition	Comment
Beard vegetation associations have been mapped at a 1:250,000 scale for the whole of Western Australia. Two Beard Vegetation Associations have been mapped within the application area (GIS Database).	Robe River Mining Co Pty Ltd has applied to clear up to 44.8 hectares of native vegetation within an application area of approximately 247 hectares for the purpose of constructing and installing utilities, mine and port support infrastructure, associated works and a laydown area for power station construction.	Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994)	The vegetation condition was assessed by a botanist from Rio Tinto. The vegetation conditions were described using a scale by Trudgen (1998) and have been converted to the corresponding conditions from the Keighery (1994) scale.
43: Low forest; mangroves (Kimberley) or thicket; mangroves (Pilbara).		To	
157: Hummock grasslands, grass steppe; hard spinifex, <i>Triodia wiseana</i> .		Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994)	

(Shepherd et al, 2001)

A Rio Tinto botanist conducted a field survey of the application area on 1-2 October 2010. Previous vegetation mapping of sections of the application area by Biota was incorporated into the Rio Tinto survey (RTIO, 2010).

Eighteen vegetation types were identified in the application area, as well as a unit being assigned for heavily disturbed areas. The broad landform that the vegetation types occurred in was also recorded. The vegetation types are listed below with the

landform in brackets:

SDu (Coastal dunes) - Tall shrubland of *Acacia coriacea* subsp. *coriacea* over *Crotalaria cunninghamii*, *Rhagodia eremaea*, *Scaevola sericophylla* and *Scaevola spinescens* low open shrubland over *Triodia epactia* hummock grassland.

CP (Coastal plains) - Open shrubland dominated by *Acacia stellaticeps* or *Acacia bivenosa* over *Scaevola spinescens*, *Rhagodia eremaea* scattered low shrubs over *Triodia epactia* hummock grassland and *Cenchrus ciliaris* tussock grassland.

AtuAstTe (Minor flowlines) - *Acacia tumida* var. *pilbarensis* tall open scrub over *A. stellaticeps* low shrubland over *Triodia epactia* hummock grassland.

AvmTYd (Mudflats) - *Avicennia marina* scattered low trees over *Typha domingensis* sedgeland.

AcAbCEc (Plains) - *Acacia coriacea* subsp. *pendens*, *A. bivenosa* tall shrubland over *Cenchrus ciliaris* tussock grassland.

AcDIsEHsTwCEc (Rockpile) - *Acacia coriacea* subsp. *coriacea*, *Dichrostachys spicata*, *Ehretia saligna* tall open shrubland over *Triodia wiseana* very open hummock grassland and/or *Cenchrus ciliaris* very open tussock grassland.

BZ (Rocky and sandy beach areas) - Rocky and sandy beach areas - devoid of vegetation.

AiAcApyAbTw (Rocky and stony slopes) - *Acacia inaequilatera*, *A. coriacea* subsp. *pendens* scattered tall shrubs over *A. pyrifolia*, *A. bivenosa* scattered shrubs over *Triodia wiseana* hummock grassland.

ApyAbTwTeTht (Rocky and stony slopes) - *Acacia pyrifolia*, *A. bivenosa* scattered shrubs over *Triodia wiseana*, *T. epactia* hummock grassland and *Themeda triandra* very open tussock grassland.

RH (Rocky slopes) - Rocky hillcrests and upper slope habitats inland for the coast with *Triodia wiseana* and/or *Triodia epactia* hummock grassland.

SD (Saline drainage areas) - *Halosarcia halocnemoides* subsp. *tenuis*, *H. indica* subsp. *leiostachya* low samphire shrubland or open heath with *Frankenia ambita*, *Muellerolimon salicorniaceum* low open shrubland.

SIZ (Saline interzone areas) - *Acacia ampliceps* tall shrubland, with *Sesbania cannabina* tall open herbland over *Sporobolus virginicus* tussock to closed tussock grassland.

AcoGpTeTs (Sandy plains) - *Acacia colei* var. *colei*, *Grevillea pyramidalis* tall open shrubland over *Triodia epactia*, *T. schinzii* closed hummock grassland.



AsAcScCcTsTe (Sandy plains) - Acacia sabulosa, A. coriacea subsp. pendens tall shrubland over Scaevola sericophylla, Crotalaria cunninghamii open shrubland over Triodia schinzii, T. epactia hummock grassland.

MIAcTeTs (Sandy plains) - Melaleuca lasiandra, Acacia colei var. colei tall shrubland over Triodia epactia, T. schinzii closed hummock grassland.

AcoAaAbAstTwTe (Stony plains) - Acacia colei var. ileocarpa, A. ancistrocarpa tall open shrubland over A. bivenosa open shrubland over A. stellaticeps low open shrubland over Triodia wiseana, T. epactia hummock grassland.

AbAstTe (Stony plains and lower stony slopes) - Acacia bivenosa scattered shrubs over Acacia stellaticeps low open shrubland over Triodia epactia hummock grassland.

AamSPOv (Tidal interzone) - Acacia ampliceps tall shrubland over Sporobolus virginicus closed tussock grassland.

HD (Heavily disturbed) - Areas which are completely degraded.

### 3. Assessment of application against clearing principles

#### Comments

The application is to increase the clearing footprint by including Lot 134 on Deposited Plan 184076, Wickham (Reserve 36889), increase the amount of clearing by 4.8 hectares to a total of 44.8 hectares and include an additional purpose of laydown area for power station construction.

This application is part of the larger Cape Lambert iron ore handling, processing and ship loading facility expansion project. That project was assessed by the Office of the Environmental Protection Authority (OEPA) and approved on 30 September 2010 with the granting of Ministerial Statement 840. A key issue of the OEPA assessment was the presence of a geographically restricted species of skink (*Lerista* sp.) which was, at the time, a priority 1 species.

A review of current environmental information reveals that the skink *Lerista neviniae* was listed as Rare or Likely to Become Extinct under the Wildlife Conservation Act 1950 on 6 November 2012. This species will also be nominated for protection under the federal Environment Protection and Biodiversity Conservation Act 1999. *L. neviniae* has a geographically restricted distribution that extends over coastal habitats from Dixon Island to immediately east of Cape Lambert and is considered to be a Short Range Endemic species. It typically occurs on coastal dune habitat of pale sands vegetated with open hummock grasslands with acacia species. There are no known locations of this species currently under reservation. The applicant has previously advised that approximately 1.2 hectares of suitable habitat for this species occurs in the application area (Rio Tinto, 2010). A recent targeted survey of habitat for this species has been conducted in Cape Lambert and no additional areas of suitable habitat were found within the clearing footprint (Biota, 2012). The avoidance of habitat for *Lerista neviniae* will minimise impacts to this species.

Rio Tinto's recent flora and vegetation assessment, which included the application area, identified one plant of Priority 1 flora species within the application area (Rio Tinto, 2012). This assessment recorded more than 5500 plants of this species in the Cape Lambert area (Rio Tinto, 2012). Rio Tinto (2012) reported that it has previously been recorded from the area however was not listed as a priority species at the time. This species is known from coastal dune habitats and Cape Lambert is the most western extent of its distribution and therefore it is important that it is still well represented in this area. Appropriate flora management will minimise impacts to this species and the proposed clearing of one plant is unlikely to impact its conservation status.

The assessment against the remaining clearing principles has not changed and can be found in the Clearing Permit Decision Report CPS 4073/5.

#### Methodology

References:  
Rio Tinto, 2010  
Rio Tinto, 2012



Biota, 2012  
GIS Databases:  
- SAC Biodatasets (Accessed 3 January 2013)

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

### Comments

The application is to increase the clearing footprint by including Lot 134 on Deposited Plan 184076, Wickham (Reserve 36889), increase the amount of clearing by 4.8 hectares to a total of 44.8 hectares and include an additional purpose of laydown area for power station construction.

The proponent accepted the proposed amendments by email on 22 February 2013.

The permit holder has provided copies of the valid licenses and leases to access the properties affected by the current Clearing Permit CPS 4073/5.

The permit holder has advised that the Shire of Roebourne is entering into a Management Agreement with the permit holder, with the support of the Department of Regional Development and Lands (RDL) which is the responsible authority. The Shire of Roebourne (2012) confirmed this and supports the clearing permit application. In the meantime, RDL has confirmed it's permission for the permit holder to utilise the portion of Reserve 36889 as a laydown area (RDL, 2012).

The application area is within the Pilbara Groundwater and Surface Water Areas proclaimed under the Rights in Water and Irrigation Act 1914 (RIWI Act). Where clearing intersects a waterway not within the permit holder's tenement, the normal regulatory instruments under the RIWI Act apply and any interference with the bed or banks of a watercourse in this area will require a permit from the Department of Water (DoW, 2012). Any groundwater abstraction in this area is also subject to licensing by the DoW. The permit holder is advised to contact the DoW for more information.

There is one Native Title claim over the area under application. The Ngarluma People native title claimants and their representative, Yamatji Marlpa Aboriginal Corporation, were invited to comment on this application by letters dated 4 January 2013. No response has been received.

There are numerous registered Aboriginal Sites of Significance within the application area. It is the permit holder's responsibility to comply with the Aboriginal Heritage Act 1972 and ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

No submissions have been received in relation to this application.

### Methodology

References:  
DoW, 2012  
RDL, 2012  
Shire of Roebourne, 2012  
GIS Database:  
- Aboriginal Sites of Significance  
- Cadastre  
- RIWI Act areas  
- Native Title Claims

## 4. References

- Biota (2012) Cape Lambert Terrestrial Fauna Assessment and Targeted Fauna Survey. Prepared for Rio Tinto Pty Ltd. November 2012. Biota Environmental Sciences. DEC Ref: A568112
- DoW (2012) Advice regarding Clearing Permit Application CPS 4073/6. Received 22/01/2013. Department of Water, Western Australia. DEC Ref: A591949
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Rio Tinto (2010) Botanical Survey of the 33 kV Power Line and Site Access Road at Cape Lambert: Native Vegetation Clearing Permit Supporting Report. Report by Rio Tinto Iron Ore, October 2010. DEC Ref: A599355
- Rio Tinto (2012) Flora and Vegetation Assessment of the Cape Lambert Area, 2012. Rio Tinto, November 2012. DEC Ref: A568107
- Shepherd, D.P., Beeston, G.R., and Hopkins, A.J.M. (2001), Native Vegetation in Western Australia. Technical Report 249. Department of Agriculture Western Australia, South Perth.
- Shire of Roebourne (2012) Letter of Support for the Application for Amendments to Purpose Permit CPS 4073/5. Received 16/01/2013. Shire of Roebourne. DEC Ref: A590035
- Trudgen, M.E. (1988) A Report on the Flora and Vegetation of the Port Kennedy Area. Unpublished Report Prepared for Bowman Bishaw and Associates, West Perth.

## 5. Glossary

Term	Meaning
BCS	Biodiversity Coordination Section of DEC
CALM	Department of Conservation and Land Management (now BCS)
DAFWA	Department of Agriculture and Food
DEC	Department of Environment and Conservation
DEP	Department of Environmental Protection (now DEC)
DoE	Department of Environment
DoIR	Department of Industry and Resources
DRF	Declared Rare Flora
EPP	Environmental Protection Policy
GIS	Geographical Information System
ha	Hectare (10,000 square metres)
TEC	Threatened Ecological Community
WRC	Water and Rivers Commission (now DEC)