Government of **Western Australia**
Department of **Mines and Petroleum**

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 4074/2
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,* Section 91 Licence 00338-2008_3_70 under the *Land Administration Act 1997*
Local Government Area: Shire of Roebourne
Colloquial name: Cape Lambert Powerline

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
10		Mechanical Removal	Construction of a powerline corridor, transmission towers, powerline installation and access tracks

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 12 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 at a 1:250,000 scale for the whole of Western Australia. One Beard vegetation association has been mapped within the application area (GIS Database).

157: Hummock grasslands, grass steppe; hard spinifex, *Triodia wiseana*.

A number of flora and vegetation surveys have been undertaken over parts of the application area by several environmental consulting companies between 2008 and 2010. Vegetation mapping by GHD (2008), Rio Tinto (2009) and Biota (2010) covers the large southern section of the application area and some of the smaller two northern sections of the application area.

Thirteen 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 for most of the vegetation types. The vegetation types are listed below with the landform in brackets:

Te (Hills and slopes): *Triodia epactia* hummock grassland.

ChAtuTeCEc (Drainage lines): *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.

EHsFbCspGpDaCec (Hills and slopes): *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.

AbAiTw (Hills and slopes): *Acacia bivenosa*, *A. inaequilatera* open shrubland, over *Triodia wiseana* hummock grassland.

AiTw (Hills and slopes): *Acacia inaequilatera* tall scattered shrubs over *Triodia wiseana* hummock grassland.

AtuAbApAaCcTe (Drainage lines): *Acacia tumida* open scrub to high open shrubland, over *A. bivenosa*, *A. pyrifolia*, *A. arida* shrubland over *Stemodia grossa*, *Corchorus tectus*, *Indigofera monophylla* low open shrubland over *Cenchrus ciliaris* tussock grassland with *Triodia epactia* open hummock grassland.

AsTsEe (Broad flat plains): *Acacia sabulosa* high shrubland over *Triodia schinzii* open hummock grassland with *Eragrostis eriopoda* very open tussock grassland.

AaAsCc (Clayey plains): *Acacia ampliceps*, *A. stellaticeps* scattered low shrubs with *Cenchrus ciliaris* tussock grassland over mixed herbs.

HG1 (Rockpiles): Hummock grassland; *Triodia epactia*; herbs (variable), may have scattered shrubs and emergent tree species.

HG2 (Hummock grasslands): Hummock grassland; *Triodia pungens* (may have scattered shrubs).

LW1, HG, S (Minor flow lines): Low woodland (variable); shrubland (variable), hummock grassland (variable); *Acacia colei* and/or *Corymbia hamersleyana*, *Acacia* spp. over mixed herbs, grasses and *Triodia pungens*.

ChApyAbTwTe: *Corymbia hamersleyana* scattered low trees over *Acacia pyrifolia* scattered tall shrubs over *A. bivenosa* open shrubland over *Triodia wiseana*, *T. epactia* hummock grassland.

AcoAaAbAstTwTe: *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.

HD: Heavily disturbed.

Clearing Description

Robe River Mining Co Pty Ltd has applied to clear up to 10 hectares of native vegetation within an application area of approximately 303 hectares for the purpose of construction of a powerline and associated infrastructure. Clearing will be for the development of a powerline corridor, transmission towers, powerline installation and access tracks.

Rio Tinto Iron Ore (Rio Tinto) have planned a strategic upgrade of the Pilbara Power System that they operate. Rio Tinto have proposed a transmission line corridor to connect Cape Lambert to the proposed new power station development west of Karratha. The current application is for the construction of a 220 kV powerline, a 132 kV tie-in to the Cape Lambert Substation and to facilitate an upgrade to existing facilities.

The application area is made up of three separate defined areas. There is a large southern section and two smaller sections approximately 2 kilometres north-east of the large section.

Vegetation will be cleared using a dozer with the blade down. Vegetation will be stockpiled and used in rehabilitation.

Vegetation Condition

Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994);

To:

Pristine: No obvious signs of disturbance (Keighery, 1994).

Comment

The vegetation condition was assessed by botanists from GHD, Rio Tinto and Biota. The vegetation conditions were described by Rio Tinto and Biota botanists using a scale based on Trudgen (1988) and have been converted to the corresponding conditions from the Keighery (1994) scale. GHD botanists used the Keighery (1994) scale to describe the vegetation conditions.

An application for an amendment to clearing permit CPS 4074/1 was submitted by Robe River Mining Co Pty Ltd on 31 May 2012. The proponent has requested to extend the permit duration by 5 years from 29 August 2012 to 29 August 2017. There were no additional environmental impacts as a result of this amendment.

3. Assessment of application against clearing principles

Comments

Robe River Mining Co Pty Ltd has applied to extend the duration of the clearing permit by five years. There are no additonal environmental impacts associated with this amendment. Therefore the assessment against the clearing principles is consistent with the assessment in Clearing Permit Decision Report CPS 4074/1.

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

Comments

There is one Native Title Claim (WC99/14) over the area under application (GIS Database). This claim was determined by the Federal Court on 2 May 2005. However, the 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 within the application area (Site IDs: 565, 566, 7787 and 29198) (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 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

GIS Database:
- Aboriginal Sites of Signficance
- Native Title Claims – Determined by the Federal Court

4. References

Biota (2010) Cape Lambert to Emu Siding Additional Vegetation Mapping. Report for Rio Tinto Iron Ore, Prepared by Biota Environmental Services, March 2010.

GHD (2008) Report for the 320 Mt Marshalling Yards, Maintenance Workshop and Quarry: Flora and Fauna Assessment. Report for Rio Tinto Iron Ore, Prepared by GHD, November 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.

Rio Tinto (2009) Dampier 7-Mile to Cape Lambert 220 kV Transmission Line Corridor - Additional Areas Native Vegetation Clearing Permit Supporting Report. Report by Rio Tinto Iron Ore, September 2009.

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

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.