



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 4397/7  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: Robe River Ltd

### 1.3. Property details

Property: Iron Ore (Robe River) Agreement Act 1964, Mineral Lease 248SA (AML70/248)  
Local Government Area: Shire of Ashburton  
Colloquial name: Jimmawurrada and Mesa H Project

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
750		Mechanical Removal	Mineral Exploration, Hydrogeological Drilling, Geotechnical Investigations, Construction Camp and Associated Activities.

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 12 October 2017

## 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. Four Beard vegetation associations are located within the application area (GIS Database):

**Beard vegetation association 82:** hummock grasslands, low tree steppe; Snappy Gum over *Triodia wiseana*;

**Beard vegetation association 603:** hummock grasslands, sparse shrub steppe, *Acacia bivenosa* over hard spinifex;

**Beard vegetation association 605:** Hummock grasslands, shrub steppe; *Acacia pachycarpa* and waterwood over soft spinifex; and

**Beard vegetation association 609:** mosaic: hummock grasslands, open low tree steppe; Bloodwood with sparse Kanji shrubs over soft Spinifex / hummock grasslands, open low tree steppe; Snappy Gum over *Triodia wiseana* on a lateritic crust.

Numerous flora surveys have been conducted over the permit area (Rio Tinto, 2017). The vegetation associations recorded across these surveys can be classed into three main landforms: vegetation of mesa tops/hilltops and mesa slopes/hill slopes, vegetation of major and minor drainage lines, and vegetation of plains (Rio Tinto, 2017). Individual vegetation associations are described in previous decision reports.

The following four vegetation associations have been mapped within the amendment area (Rio Tinto, 2017):

#### Vegetation of minor creeks and drainage lines

ChAsppGORgspPISsTeTw: *Corymbia hamersleyana* scattered low trees to low open woodland over *Acacia* spp., *Gossypium robinsonii*, *Grevillea* spp., *Petalostylis labicheoides*, *Stylobasium spathulatum* tall shrubland over *Triodia epactia*, *T. wiseana* hummock grassland.

CChAtrAbPITwTe: *Corymbia candida*, *C. hamersleyana* low open forest over *Acacia trachycarpa* tall open shrubland over *Acacia bivenosa*, *Petalostylis labicheoides* open shrubland over *Triodia wiseana*, *T. epactia* very open hummock grassland.

ChAbTwTe: *Corymbia hamersleyana* scattered low trees to low woodland over *Acacia bivenosa* open shrubland over *Triodia wiseana*, *T. epactia* hummock grassland.

#### Vegetation of low hills

AiAbTw: *Acacia inaequilatera* scattered tall shrubs over *A. bivenosa* scattered shrubs over *Triodia wiseana*

hummock grassland.

There were also areas mapped as 'disturbed' which have been previously impacted by mining activities (Rio Tinto, 2017).

**Clearing Description**

Jimmawurrada and Mesa H Project.  
Robe River Ltd proposes to clear up to 750 hectares of native vegetation within a boundary of approximately 10,267 hectares for the purposes of mineral exploration, hydrogeological drilling, geotechnical investigations, construction camp and associated activities. The project area is located approximately 115 kilometres east of Onslow within the Shire of Ashburton.

**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**

Vegetation condition was derived from flora and vegetation surveys undertaken by Astron Environmental Services (2014) and Rio Tinto (2017).

Clearing permit CPS 4397/1 was granted by the Department of Mines and Petroleum on 1 September 2011 and authorised the clearing of up to 196 hectares of native vegetation within a permit boundary of approximately 2,518 hectares.

CPS 4397/1 was amended on 20 November 2014 to increase the amount of clearing authorised to 600 hectares and increase the permit boundary to 5,587 hectares. It was also amended to remove Conditions 2 and 3 from the permit and extend the duration of the clearing to 31 July 2020.

CPS 4397/2 was amended on 19 March 2015, increasing the permit boundary to 7,206 hectares and adding hydrological drilling, geotechnical investigations and associated activities to the purpose.

CPS 4397/3 was amended on 17 March 2016, increasing the permit boundary from 7,206 hectares to 7,700 hectares, increasing the clearing authorised from 600 hectares to 700 hectares, amending the reporting date from 31 July each year to 30 June to report on clearing carried out between 1 January and 30 December, and extending the permit expiry date from 31 July 2025 to 31 December 2025.

CPS 4397/4 was amended on 8 September 2016 to increase the permit boundary from 7,700 hectares to 7,750 hectares, and amend the purpose of clearing to include 'construction camp'.

CPS 4397/5 was amended on 11 May 2017 to merge the clearing permit with CPS 4303/2, increase the merged area approved to clear by 50 hectares, increase the permit boundary by 2,478 hectares, extend the period in which clearing is authorised to 31 July 2022, and extend the permit duration to 31 July 2027.

Robe River Ltd has applied to amend CPS 4397/6 to increase the clearing permit boundary from approximately 10,228 hectares to 10,267 hectares. The amount of clearing authorised will remain the same.

### 3. Assessment of application against clearing principles

**Comments**

Robe River Ltd has applied to amend clearing permit CPS 4397/6 to increase the clearing permit boundary by approximately 39 hectares to 10,267 hectares. The amount of clearing authorised will remain as 750 hectares.

The vegetation associations within the amendment area have all been previously recorded within the previous permit boundary (Rio Tinto, 2017). None of the vegetation associations within the additional area have been identified as being a Threatened or Priority Ecological Community (Rio Tinto, 2017; GIS Database). The majority of the vegetation within the amendment area has been categorised as 'disturbed' which is in completely degraded condition (Rio Tinto, 2017).

There are no Threatened flora species recorded within the amendment area (Rio Tinto, 2017; GIS Database). There has been three individuals of the Priority 4 flora species *Rhynchosia bungarensis* recorded from one location within the additional area (Rio Tinto, 2017). The potential clearing of three individuals of *Rhynchosia bungarensis* is not likely to have a significant impact on this species.

The broad fauna habitat in the additional area has been identified as 'minor creeks and drainage lines' and 'low hills' (Rio Tinto, 2017). No significant fauna habitat features such as caves, gorges or surface water pools are present within the additional area (Rio Tinto, 2017). There is a number of conservation significant fauna species that may utilise the habitat within the additional area for foraging and dispersal (Rio Tinto, 2017). However, the majority of the additional area has been previously disturbed and is not likely to represent significant habitat for native fauna species (GIS Database).

There are minor ephemeral drainage lines that intersect the additional area and three of the vegetation associations were identified as occurring in association with minor creeks and drainage lines (Rio Tinto, 2017). Potential impacts to watercourses may be minimised by the watercourse management condition on the current permit.

Local flooding occurs seasonally in the Pilbara as a result of cyclonic activities and thunderstorms. It is unlikely that the increase in the clearing permit boundary will exacerbate the incidence or intensity of flooding in the area. The clearing is unlikely to have a significant impact on the quality of surface or groundwater.

None of the significant vegetation subject to conditions on the previous permit have been recorded within the additional area (Rio Tinto, 2017).

The additional area is mapped as comprising the Boolgeeda, Newman, Robe and Urandy land systems which are generally not prone to erosion (Van Vreeswyk et al., 2004; GIS Database).

The application area has been assessed against the clearing principles, planning instruments and other matters in accordance with s.51O of the *Environmental Protection Act 1986*, and the proposed clearing is at variance to Principles (a), (b) and (f), may be at variance to Principle (g) and is not likely to be at variance to Principles (c), (d), (h), (i) and (j) and is not at variance to Principle (e) and (f).

**Methodology** Rio Tinto (2017)  
Van Vreeswyk et al. (2004)

GIS Database:  
- DPaW Tenure  
- Hydrography, linear  
- IBRA Australia  
- Imagery  
- Landsystems Rangelands  
- Pre – European Vegetation  
- Threatened and Priority Flora List  
- Threatened and Priority Ecological Communities Boundaries  
- Threatened and Priority Ecological Communities Buffers

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

**Comments** There is one Native Title claim (WC1999/012) over the area under application (DPLH, 2017). This claim has been filed at the Federal Court on behalf of the claimant group. 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 registered Aboriginal Sites of Significance within the application area (DPLH, 2017). 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 Water and Environmental Regulation, Department of Biodiversity Conservation and Attractions 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 clearing permit was advertised by the Department of Mines and Petroleum on 2017, inviting submissions from the public. No submissions were received.

**Methodology** DPLH (2017)

#### **4. References**

- DPLH (2017) Aboriginal Heritage Enquiry System. Department of Planning, Lands and Heritage.  
<http://maps.daa.wa.gov.au/AHIS/> (Accessed 26 September 2017).
- 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 (2017) Statement Addressing the 10 Clearing Principles at Mesa H, Native Vegetation Clearing Permit Supporting Report. Prepared by Rio Tinto Iron Ore, July 2017.
- Van Vreeswyk, A.M.E.; Payne, A.L.; Leighton, K.A.; Hennig, P. (2004) An inventory and condition survey of the Pilbara Region, Western Australia, Technical Bulletin No. 92 Department of Agriculture Western Australia, South Perth.

#### **5. Glossary**

##### **Acronyms:**

**BoM** Bureau of Meteorology, Australian Government

<b>DAA</b>	Department of Aboriginal Affairs, Western Australia
<b>DAFWA</b>	Department of Agriculture and Food, Western Australia
<b>DEC</b>	Department of Environment and Conservation, Western Australia (now DPaW and DER)
<b>DEE</b>	Department of the Environment and Energy, Australian Government
<b>DER</b>	Department of Environment Regulation, Western Australia
<b>DMP</b>	Department of Mines and Petroleum, Western Australia
<b>DRF</b>	Declared Rare Flora
<b>DoE</b>	Department of the Environment, Australian Government (now DEE)
<b>DoW</b>	Department of Water, Western Australia
<b>DPaW</b>	Department of Parks and Wildlife, Western Australia
<b>DSEWPaC</b>	Department of Sustainability, Environment, Water, Population and Communities (now DEE)
<b>EPA</b>	Environmental Protection Authority, Western Australia
<b>EP Act</b>	<i>Environmental Protection Act 1986</i> , Western Australia
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Federal Act)
<b>GIS</b>	Geographical Information System
<b>ha</b>	Hectare (10,000 square metres)
<b>IBRA</b>	Interim Biogeographic Regionalisation for Australia
<b>IUCN</b>	International Union for the Conservation of Nature and Natural Resources – commonly known as the World Conservation Union
<b>PEC</b>	Priority Ecological Community, Western Australia
<b>RIWI Act</b>	<i>Rights in Water and Irrigation Act 1914</i> , Western Australia
<b>TEC</b>	Threatened Ecological Community

### Definitions:

{DPaW (2015) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia):-

<b>T</b>	<p><b>Threatened species:</b> Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, listed under Schedules 1 to 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora (which may also be referred to as Declared Rare Flora).</p> <p><b>Threatened fauna</b> is that subset of ‘Specially Protected Fauna’ declared to be ‘likely to become extinct’ pursuant to section 14(4) of the Wildlife Conservation Act.</p> <p><b>Threatened flora</b> is flora that has been declared to be ‘likely to become extinct or is rare, or otherwise in need of special protection’, pursuant to section 23F(2) of the Wildlife Conservation Act.</p> <p>The assessment of the conservation status of these species is based on their national extent and ranked according to their level of threat using IUCN Red List categories and criteria as detailed below.</p>
<b>CR</b>	<p><b>Critically endangered species</b> Threatened species considered to be facing an extremely high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.</p>
<b>EN</b>	<p><b>Endangered species</b> Threatened species considered to be facing a very high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.</p>
<b>VU</b>	<p><b>Vulnerable species</b> Threatened species considered to be facing a high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.</p>
<b>EX</b>	<p><b>Presumed extinct species</b> Species which have been adequately searched for and there is no reasonable doubt that the last individual has died. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Presumed Extinct Fauna and Wildlife Conservation (Rare Flora) Notice for Presumed Extinct Flora.</p>
<b>IA</b>	<p><b>Migratory birds protected under an international agreement</b> Birds that are subject to an agreement between the government of Australia and the governments of Japan (JAMBA), China (CAMBA) and The Republic of Korea (ROKAMBA), and the Bonn Convention,</p>

relating to the protection of migratory birds. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 5 of the Wildlife Conservation (Specially Protected Fauna) Notice.

- CD Conservation dependent fauna**  
Fauna of special conservation need being species dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 6 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- OS Other specially protected fauna**  
Fauna otherwise in need of special protection to ensure their conservation. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 7 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- P Priority species**  
Species which are poorly known; or  
Species that are adequately known, are rare but not threatened, and require regular monitoring. Assessment of Priority codes is based on the Western Australian distribution of the species, unless the distribution in WA is part of a contiguous population extending into adjacent States, as defined by the known spread of locations.
- P1 Priority One - Poorly-known species:**  
Species that are known from one or a few locations (generally five or less) which are potentially at risk. All occurrences are either: very small; or on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, road and rail reserves, gravel reserves and active mineral leases; or otherwise under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes. Such species are in urgent need of further survey.
- P2 Priority Two - Poorly-known species:**  
Species that are known from one or a few locations (generally five or less), some of which are on lands managed primarily for nature conservation, e.g. national parks, conservation parks, nature reserves and other lands with secure tenure being managed for conservation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes. Such species are in urgent need of further survey.
- P3 Priority Three - Poorly-known species:**  
Species that are known from several locations, and the species does not appear to be under imminent threat, or from few but widespread locations with either large population size or significant remaining areas of apparently suitable habitat, much of it not under imminent threat. Species may be included if they are comparatively well known from several locations but do not meet adequacy of survey requirements and known threatening processes exist that could affect them. Such species are in need of further survey.
- P4 Priority Four - Rare, Near Threatened and other species in need of monitoring:**  
(a) Rare. Species that are considered to have been adequately surveyed, or for which sufficient knowledge is available, and that are considered not currently threatened or in need of special protection, but could be if present circumstances change. These species are usually represented on conservation lands.  
(b) Near Threatened. Species that are considered to have been adequately surveyed and that are close to qualifying for Vulnerable, but are not listed as Conservation Dependent.  
(c) Species that have been removed from the list of threatened species during the past five years for reasons other than taxonomy.

**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.