Department of
Industry and Resources

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 4550/3
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 Ashburton
Colloquial name: Angelo River Exploration Drilling Program

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
17		Mechanical Removal	Mineral Exploration and Access Tracks

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 22 November 2012

Site Information

1.6. Existing environment and information Existing environment and information

1.6.1. 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. Two Beard vegetation associations have been mapped within the application area:

Beard vegetation association 18: Low woodland; mulga (*Acacia aneura*);
Beard vegetation association 29: Sparse low woodland; mulga, discontinuous in scattered groups (Government of Western Australia, 2011; GIS Database).

Rio Tinto Pty Ltd (2011) conducted a flora survey of the application area during 19 to 20 April 2011, and described 11 vegetation communities of the application area:

Slight Slopes to Plains/Flats

1. **SS1**: *Acacia* various *aneura* low open forest over *Triodia epactia* hummock grassland;
2. **SS2:** *Corymbia hamersleyana, Eucalyptus gamophylla, E. leucophloia* low open woodland over *Acacia* various *aneura* high open shrubland over *A. pachyacra, A. maitlandii, A. bivenosa* open shrubland over *Triodia pungens* hummock grassland;
3. **SS3:** *Corymbia deserticola, Eucalyptus gamophylla* low open forest over *Acacia aneura* high open shrubland over *Sida cardiophylla, Keraudrenia velutina, Eremophila fraseri, Ptilotus rotundifolius* shrubland over *Triodia pungens* hummock grassland; and
4. **SS4:** *Eucalyptus leucophloia, Corymbia hamersleyana* low open woodland over *Acacia aneura, A. steedmanii* high open shrubland over *Ptilotus rotundifolius, Sida cardiophylla* low open shrubland over *Triodia pungens, T. basedowii* hummock grassland over *Themeda triandra,* open tussock grassland.

Mulga Flats

1. **M1:** *Acacia aneura* low open forest over *Rhagodia* sp. Hamersley scattered shrubs over *Paspalidium constrictum* very open tussock grassland over *Bidens bipinnata* very open herbs;
2. **M2:** *Acacia aneura* low open forest over *Eremophila forrestii* open shrubland over *Triodia pungens* very open hummock grassland over *Chrysopogon fallax* very open tussock grassland over *Enneapogon polyphyllus, Aristida contorta* open bunch grassland;
3. **M3:** *Acacia aneura* low woodland over *Senna glaucifolia, Rhagodia* sp. Hamersley open shrubland over *Eremophila lancelata* low open shrubland over *Triodia pungens* very open hummock grassland over *Aristida contorta, A. holathera* open bunch grassland;
4. **M4:** *Acacia aneura, Corymbia deserticola* low open woodland over *Rulingia luteiflora* open shrubland over *Isotropis forrestii, Senna glaucifolia* low open shrubland over *Themeda triandra, Chrysopogon fallax* tussock grassland over *Enneapogon polyphyllus* open bunch grassland;
5. **M5:** *Acacia aneura* low open forest over *Triodia pungens* open hummock grassland; and
6. **M6:** *Acacia aneura* low woodland over *Ptilotus obovatus, P. Schwartzii, Eremophila lanceolata* low open shrubland over *Aristida contorta* very open bunch grassland.

Drainage Area

1. **D1:** *Corymbia hamersleyana* low woodland over *Acacia monticola, Eremophila longifolia* open scrub over *Triodia epactia* scattered hummock grass over *Themeda triandra, Cymbopogon ambiguus* tussock grassland.

Clearing Description

Robe River Ltd is proposing to clear up to 17 hectares of native vegetation within a 98.6 hectare application area for the Anglo River Exploration Drilling Program (Rio Tinto Pty Ltd, 2011). The clearing of vegetation is required for evaluation drilling and access tracks.

The vegetation will be cleared using the raised blade technique where practicable or scrub rake in level terrain. Where already cleared tracks require maintenance the track may be graded using blade down machinery. The vegetation and topsoil will be stockpiled separately for use in rehabilitation.

Vegetation Condition

Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).

Comment

The application area is located in the Hamersley subregion of Western Australia and is situated approximately 94 kilometres west of the Newman town site (GIS Database).

The vegetation condition was derived from a vegetation survey conducted by Rio Tinto Pty Ltd (2011). The vegetation conditions were described using a scale based on Trudgen (1988) and has been converted to the corresponding conditions from the Keighery (1994) scale.

Clearing permit CPS 4550/1 was granted on 20 October 2011, and was valid from 12 November 2011 to 31 July 2015. The clearing permit authorised the clearing of 17 hectares of native vegetation. CPS 4550/1 was amended on 2 February 2012 to extend the duration of the clearing permit from 31 July 2015 to 31 July 2021 and amend the permit Condition 4(b) from "within 6 months" to "within 12 months". An amendment to CPS 4550/2 was initiated by the Department of Mines and Petroleum on 29 October 2012 to correct an administrative error.

2. Assessment of application against clearing principles

(a) Native vegetation should not be cleared if it comprises a high level of biological diversity.

Comments

The Department of Mines and Petroleum has initiated an amendment of CPS 4550/2 to correct an administrative error. The amendment is to correct the permit holder details which were incorrectly listed on the permit.

As the amendment is only for administrative purposes, the environmental impacts will not change and the assessment of the clearing principles is consistent with the assessment in clearing permit decision report CPS 4550/2.

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

Comments

There is one Native Title claim over the area under application (WC10/11). 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 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 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 Significance
- Native Title Claims - Registered with the NNTT

3. References

Government of Western Australia (2011) 2011 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). WA Department of Environment and Conservation, Perth.

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 Pty Ltd (2011) Flora and Vegetation survey for Proposed Exploration Drilling at ML248. Native Vegetation Clearing Permit Supporting Report, July 2011.

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.

4. Glossary

Acronyms:

BoM	Bureau of Meteorology, Australian Government.
CALM	Department of Conservation and Land Management, Western Australia.
DAFWA	Department of Agriculture and Food, Western Australia.
DA	Department of Agriculture, Western Australia.
DEC	Department of Environment and Conservation
DEH	Department of Environment and Heritage (federal based in Canberra) previously Environment Australia
DEP	Department of Environment Protection (now DoE), Western Australia.
DIA	Department of Indigenous Affairs
DLI	Department of Land Information, Western Australia.
DoE	Department of Environment, Western Australia.
DoIR	Department of Industry and Resources, Western Australia.
DOLA	Department of Land Administration, Western Australia.
DoW	Department of Water
EP Act	Environment Protection Act 1986, Western Australia.
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999 (Federal Act)
GIS	Geographical Information System.
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	Rights in Water and Irrigation Act 1914, Western Australia.
s.17	Section 17 of the Environment Protection Act 1986, Western Australia.
TECs	Threatened Ecological Communities.

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.