



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 4568/3
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, Special Lease for Mining Operations 3116/4622 (Document I 123390 L), Lot 63 on Deposited Plan 54397
Iron Ore (Robe River) Agreement Act 1964, Special Lease for Mining Operations 3116/4621 (Document I 123393 L), Extension Lease E702246, Lot 64 on Deposited Plan 57724

Local Government Area: Shire of Ashburton
Colloquial name: Maitland Siding Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
15		Mechanical Removal	Railway Siding Extension and Associated Works

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 27 September 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. One Beard vegetation association has been mapped within the application area:

587: Mosaic: Hummock grasslands, open low tree-steppe; snappy gum over *Triodia wiseana*/hummock grasslands, shrub-steppe; kanji over *Triodia pungens* (GIS Database).

A biologist from ENV Australia conducted a flora and vegetation survey over the majority of the application area and its surrounds in May 2011 (ENV Australia, 2011). Other parts of the application area were surveyed by botanists from Pilbara Flora in 2008. Six vegetation types were identified within the application area as well as some areas designated as disturbed/cleared (ENV Australia, 2011; Pilbara Flora, 2008).

Tw: Open hummock grassland of *Triodia wiseana*.

AtAbTw: Open shrubland of *Acacia tumida* var. *pilbarensis* and *Acacia bivenosa* over open hummock grassland of *Triodia wiseana*.

EvAtAbCc: Low open woodland of *Eucalyptus victrix* over scattered shrubs of *Acacia tumida* var. *pilbarensis* and *Acacia bivenosa* over open tussock grassland of *Cenchrus ciliaris* over very open sedgeland of *Cyperus vaginatus*.

EvTelF: Scattered low trees of *Eucalyptus victrix* over open hummock grassland of *Triodia epactia* over very open tussock grassland of *Leptochloa fusca*.

MASDL: Mixed *Acacia* shrubland in drainage lines.

SHGSH: Spinifex hummock grasslands on stony hillsides.

Clearing Description Robe River Mining Co Pty Ltd has applied to clear up to 15 hectares of native vegetation for the purposes of railway siding extension and associated works. The extension of the Maitland Siding is required to facilitate the replacement of the ore fleet cars and the rail works will include geotechnical investigations, formation earthworks, drainage, sub-ballast capping, driver change out pad, track work and signalling. The application area is located approximately 65 kilometres south of Karratha.

Vegetation will be cleared using dozers with their blade down. Vegetation will be stockpiled and used in rehabilitation.

Vegetation Condition Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994).

To:

Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994).

Comment The vegetation condition was assessed by botanists from ENV Australia (2011) and Pilbara Flora (2008). The

vegetation conditions were described using a scale based on Trudgen (1991) and have been converted to the corresponding conditions from the Keighery (1994) scale.

CPS 4568/1 was amended on 25 January 2012 to increase the area authorised to clear from 8.9 to 15 hectares and increase the permit boundary to 16.7 hectares. Robe River Mining Co Pty Ltd has requested an amendment to CPS 4568/2 to increase the permit boundary to 22.6 hectares. The area authorised to clear will remain at 15 hectares.

3. Assessment of application against clearing principles

Comments

Robe River Mining Co Pty Ltd has applied to increase the clearing permit boundary from approximately 16.7 to 22.6 hectares in order to include a driver change out pad that was omitted from the original design. The area authorised to clear will remain at 15 hectares.

The additional area for the driver change out pad includes two vegetation communities that were not mapped within the previous clearing permit boundary. These two vegetation communities were 'mixed *Acacia* shrubland in drainage lines' and 'spinifex hummock grasslands on stony hillsides' (Pilbara Flora, 2008). Both of these vegetation communities are well represented in the local area. There has not been any Threatened or Priority Flora species recorded within the additional part of the application area (Pilbara Flora, 2008). The additional area is not likely to provide significant habitat for fauna species (Pilbara Flora, 2008). The additional area includes two minor ephemeral drainage lines (GIS Database). These drainage lines have been previously disturbed by the existing rail line and an access track so the proposed clearing is not likely to have a significant impact on these drainage lines.

Based on current environmental information the assessment of the clearing principles is consistent with the assessment in Clearing Permit decision report CPS 4568/2 (GIS Database). The proposed amendment is not likely to have any significant environmental impacts above those already assessed under CPS 4568/2.

Methodology

Pilbara Flora (2008)
GIS Database:
- DEC Tenure
- Evaporation Isopleths
- Groundwater Salinity, Statewide
- Hydrography, linear
- IBRA WA (Regions - Sub Regions)
- Pinderi Hills Orthomosaic
- Pre-European Vegetation
- Public Drinking Water Source Areas (PDWSAs)
- Rainfall, mean Annual
- Rangeland Land System Mapping
- Rivers
- Threatened Ecological Sites Buffered
- Threatened and Priority Flora

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 has been determined by the Federal Court of Australia on 2 May 2005. 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 is one registered Aboriginal Site of Significance (Site ID: 18088) 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.

The clearing permit amendment was advertised on 3 September 2012 by the Department of Mines and Petroleum inviting submissions from the public. No submissions were received.

Methodology

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

4. References

- ENV Australia (2011) Maitland Siding Southern Extension Flora, Vegetation and Fauna Assessment. Unpublished Report Prepared by ENV Australia Pty Ltd for Rio Tinto Iron Ore, July 2011.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Pilbara Flora (2008) Flora and Vegetation Survey, Supporting Documentation for a Native Vegetation Clearing Permit Application, Deepdale Railway Stage 3 Development. Unpublished report for Rio Tinto Iron Ore, dated October 2008.
- Trudgen, M.E. (1991) Vegetation Condition Scale. Modified by B.J. Keighery in Keighery, B.J. (1994) Bush Land Plant Survey; a Guide to Plant Community Survey for the Community. Wildflower Society of Western Australia (Inc) Nedlands, W.A 6009.

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.

