Government of Western Australia
Department of Mines and Petroleum

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 4598/4
Permit type: Purpose

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: Mesa J Tail Track Evaluation Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
20		Mechanical Removal	Railway construction, pipelines and associated works

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 21 November 2013

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 and are useful to look at vegetation in a regional context. One Beard vegetation association has been mapped within the application area:

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 (Government of Western Australia, 2013; GIS Database).

Astron Environmental Services (2011) conducted a flora survey of the application area and surrounding areas on 1 June 2011, and described ten vegetation communities within the application area:

EcEvMgCYPvCEc: *Euclayptus camaldulensis*, *E. Victrix* open forest over *Melaleuca glomerata* tall open scrub over *Cyperus vaginiatus* open sedgeland over **Cenchrus ciliaris* open tussock grassland;

MJ01a: *Corymbia hamersleyana* scattered low trees over *Acacia trachycarpa*, *A. colei* and *A. synchronicia* tall shrubland over *Triodia epactia* hummock grassland and *Cenchrus ciliaris* open tussock grassland;

MJ02a: *Corymbia hamersleyana* and *Acacia inaequilatera* scattered low trees over *Hakea lorea* and *Acacia synchronicia* scattered tall shrubs over *Triodia epactia* and *T. wiseana* hummock grassland and *Cenchrus ciliaris* open tussock grassland;

MJ03a: Mixed Acacia species tall shrubland (*A. colei, A. elachantha, A. ancistrocarpa, A. synchronicia and A. trachycarpa*) over *Gossypium australe* scattered shrubs over *Triodia epactia* hummock grassland and *Cenchrus ciliaris* very open tussock grassland;

MJ03d: *Schoenoplectus subulatus, Cyperus vaginatus* and *Typha domingensis* sedgeland over herbland of mixed species (*Lobelia arnhemiaca, Ammannia baccifera, Centipeda minima, Cyperus iria and Eragrostis tenellula*);

MJ04a: *Acacia xiphophylla* low woodland over *Acacia synchronicia* scattered tall shrubs over *Senna artemisioides* subsp. *oligophylla* scattered shrubs over *Triodia epactia* hummock grassland and *Cenchrus ciliaris* scattered tussock grasses;

MJ05a: *Corymbia hamersleyana* scattered low trees over *Acacia bivenosa* tall shrubland over scattered low shrubs/shrubs of *Acacia synchronicia, Indigofera monophylla* and *Gossypium robinsonii* over *Triodia wiseana* hummock grassland;

MJ05c: *Corymbia candida* subsp. *candida* and *C. Hamersleyana* scattered low trees over *Acacia bivenosa*, *Eremophila longifolia* and *Senna artemisioides* subsp. *oligophylla shrubaland* over *Triodia epactia* grassland;

MJ05f: *Corymbia hamersleyana* scattered low trees over mixed Acacia species (*A. colei, A. bivenosa, A. trachycarpa, A. sclerosperma and tumida var. pilbarensis*) and *Hakea lorea* tall shrubland over *Triodia epactia* hummock grassland and *Cenchrus ciliaris* open tussock grassland; and

MJ05g: *Corymbia hamersleyana* scattered low trees over *Acacia inaequilatera* scattered tall shrubs over *Acacia*

bivenosa, A. ancistrocarpa and *Senna glutinosa* subsp*. pruinosa* tall shrubland over *Triodia wiseana* hummock grassland.

Clearing Description Mesa J Tail Track Evaluation Project. Robe River Limited is proposing to clear up to 20 hectares of native vegetation within a total boundary of approximately 94.77 hectares, for the purpose of geotechnical investigations and construction of rail, pipeworks and associated infrastructure. The project is located approximately 120 kilometres west of Onslow within the Shire of Ashburton.

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

To:

Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).

Comment

The vegetation condition was derived from a vegetation survey conducted by Astron Environmental Services (2011).

Clearing Permit CPS 4598/1 was granted by the Department of Mines and Petroleum (DMP) on 24 November, 2011 and authorised the clearing of up to 20 hectares or native vegetation within an area totalling approximately 81.2 hectares. CPS 4598/1 was amended on 6 December 2012 to increase the clearing permit boundary by 6.1 hectares to accommodate new high voltage overhead powerlines and lighting. CPS 4598/2 was amended on 26 September 2013 to add installation of pipeline infrastructure to the purpose of the clearing permit.

3. Assessment of application against clearing principles

Comments

This amendment is to extend the western boundary of the clearing permit area to allow an electrical tie-in with the existing power lines. The permit boundary will increase by 7.43 hectares from 87.34 to 94.77 hectares.

The majority of the western boundary has been previously mapped as being cleared areas with the south-west of the permit area mapped as the MJ04a and MJ05f vegetation communities (Rio Tinto, 2012). These vegetation communities are not restricted or are of elevated conservation significance (Rio Tinto, 2012). The majority of the additional area has been previously disturbed (GIS Database).

There were no Threatened or Priority Flora species recorded within the vegetation communities that are present within the additional areas (Rio Tinto, 2012). The additional area is not likely to contain habitat that is significant for local fauna species. There are no watercourses within the additional area and there is not likely to be an increase in the level of land degradation (GIS Database).

The amendment of the permit boundary is not likely to have any significant environmental impacts and the assessment of the clearing principles is consistent with the assessment in clearing permit decision report CPS 4598/3.

Methodology Rio Tinto (2012)
GIS Database:
- Hydrography, linear
- Pannawonica 1.4m Orthomosaic
- Rangeland Land System Mapping

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

Comments

There is one Native Title claim over the area under application (WC99/12). This claim has been registered with the Native Title Tribunal on behalf of the claimant groups. 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 five 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 Regulation (formerly 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 14 October 2013 by the Department of Mines and Petroleum inviting submissions from the public. There were no submissions received.

Methodology GIS Database:

- Aboriginal Sites of Significance
- Native Title Claims - Registered with the NNTT

4. References

Astron Environmental Services (2011) Mesa J Trail Track Extension Vegetation, Flora and Fauna Survey prepared for Robe River Ltd, June 2011.

Government of Western Australia (2013) 2012 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of October 2012. 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 (2012) Statement Addressing the 10 Clearing Principles Mesa J Tail Track Extension - Amendment to CPS 4598/1. Supporting information for a clearing permit amendment application, dated October 2012.

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.