



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 5078/3
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 East Pilbara
Colloquial name: West Angelas Drilling Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
20		Mechanical Removal	Mineral Exploration

1.5. Decision on application

Decision on Permit Application:
Decision Date:

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

18: Low woodland; mulga (*Acacia aneura*); and

82: Hummock grasslands, low tree steppe; snappy gum over *Triodia wiseana*.

Rio Tinto Iron Ore (RTIO) has conducted flora and vegetation surveys over the majority of the application area and a slightly larger area to the east. Eco Logical (2014) conducted surveys over some northern parts of the application area. The following vegetation units/communities were identified (Eco Logical, 2014; RTIO, 2011):

- Hill Slope 1 (HS1): *Acacia pruinocarpa* high shrubland over *Acacia marramamba* open shrubland over *Eremophila fraseri* and *Ptilotus rotundifolius* low open shrubland over *Triodia pungens* hummock grassland.
- Hill Slope 2 (HS2): *Acacia aneura*, *Acacia rhodophloia* open scrub over *Eremophila fraseri* open shrubland over *Eremophila exilis* low open shrubland over *Triodia pungens* hummock grassland.
- Hill Slope 3 (HS3): *Eucalyptus leucophloia* low woodland over *Acacia pruinocarpa* high open shrubland over *Senna glutinosa*, *Senna glaucifolia* open shrubland over *Triodia pungens* hummock grassland.
- Hill Slope 4 (HS4): *Eucalyptus leucophloia*, *Corymbia hamersleyana* low open woodland over *Acacia pruinocarpa* high open shrubland over *Acacia marramamba* open shrubland over *Triodia basedowii* and *Triodia pungens* hummock grassland.
- Hill Slope 5 (HS5): *Eucalyptus leucophloia* low open forest over *Acacia maitlandii*, *Senna glutinosa*, *Eremophila latrobei* open shrubland over *Triodia pungens* hummock grassland over *Eriachne mucronata* open tussock grassland.
- Hill Slope 6 (HS6): *Eucalyptus leucophloia*, *Corymbia deserticola* low open woodland over *Acacia pachyacra*, *Acacia aneura* high open shrubland over *Acacia dictyophleba*, *Acacia bivenosa*, *Acacia marramamba* open shrubland over *Ptilotus rotundifolius* low open shrubland over *Triodia pungens*, *Triodia basedowii* hummock grassland.
- Drainage Line (DL1): *Eucalyptus xerothermica*, *Corymbia hamersleyana* low woodland over *Acacia pruinocarpa*, *Acacia pyriformis*, *Acacia bivenosa* open scrub over *Indigofera brevidens* open shrubland over *Triodia pungens* hummock grassland over *Themeda triandra* tussock grassland.
- EIAbEFTp - Mulga groves on plains: *Eucalyptus leucophloia* subsp. *leucophloia* scattered low trees over *Acacia pruinocarpa*, *Acacia aneura* and *Acacia aptaneura* shrubland over *Eremophila forrestii* subsp. *forrestii* low open shrubland over *Triodia pungens* open hummock grassland.
- EIAbSgTsp - Spinifex with Acacias on hilltops and hillslopes: *Eucalyptus leucophloia* subsp. *leucophloia* low open woodland over *Acacia pruinocarpa* and *Acacia bivenosa* open shrubland over *Senna glutinosa* subsp. *glutinosa*, *Senna glutinosa* subsp. *pruinosa* and *Senna glutinosa* subsp. *x luerssenii* scattered shrubs over *Triodia* sp. Shovelanna Hill (S. van Leeuwen 3835) and *Triodia pungens* hummock grassland.

10. CFAITp - Acacia shrubland in gullies: *Corymbia ferritcola* and *Eucalyptus leucophloia* subsp. *leucophloia* low open woodland over *Acacia incurvaneura* tall shrubland over *Triodia pungens* open hummock grassland.

11. EISTpTm - Mixed Senna shrublands with hummock and tussock grasses in gullies: *Eucalyptus leucophloia* subsp. *leucophloia* scattered low trees over mixed Senna species scattered shrubs over *Triodia pungens* hummock grassland and *Themeda* sp. Mt Barricade (M.E. Trudgen 2471) scattered tussock grasses.

Clearing Description	West Angelas Project. Robe River Limited (Robe River) proposed to clear up to 20 hectares of native vegetation within a total boundary of approximately 183 hectares, for the purpose of mineral exploration. The project is located approximately 91 kilometres east of Paraburdoo, in the Shire of East Pilbara.
Vegetation Condition	Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994).
Comment	<p>The overall condition of each vegetation unit within the application area was determined by RTIO using a scale based on Trudgen (1988). These condition ratings have been converted to the Keighery (1994) scale by the assessing officer.</p> <p>Clearing permit CPS 5078/1 was granted to Robe River Limited on 5 July 2012, and approved the clearing of 1.3 hectares within a boundary of approximately 4.69 hectares.</p> <p>Amended clearing permit CPS 5078/2 was granted to Robe River Limited on 2 April 2015, and approved the clearing of 20 hectares within a boundary of approximately 183 hectares.</p> <p>On 11 July 2017, Robe River Limited applied to amend CPS 5078/2 to modify the date in which clearing is authorised (Condition 5), modify the reporting period (Condition 10a) and change the annual report submission date (Condition 10b). As a result of proposed amendments to the date in which clearing is authorised, the Department of Mines Industry Regulation and Safety (DMIRS) has altered the end date of the permit to allow for the completion of rehabilitation activities. DMIRS has also instigated an administrative amendment to updated Condition 8 in order to align with current standard conditions.</p>

3. Assessment of application against Clearing Principles

Comments

The amendment to modify the date in which clearing is authorised, alter the reporting dates, change the end date of the permit and update existing rehabilitation Condition 8 is unlikely to result in any significant change to the environmental impacts of the proposed clearing. The size of the area approved to clear (20 hectares) and the permit boundaries remain unchanged.

The assessment against the clearing principles remains consistent with the assessment contained in decision report CPS 5078/2.

Planning instrument, Native Title, RIWI Act Licence, EP Act Licence, Works Approval, Previous EPA decision or other matter.

Comments

There is one native title claim over the application area (WC2010/016) (DPLH, 2017). This claim has been registered with the National 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 no Sites of Aboriginal Significance located in the area applied to clear (DPLH, 2017). It is the proponent's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no Sites of Aboriginal Significance are damaged through the clearing process.

It is the proponent's responsibility to liaise with the Department of Water and Environmental Regulation and the 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.

Methodology DPLH (2017)

4. References

- DPLH (2017) Aboriginal Heritage Inquiry System, Department of Planning, Lands and Heritage, Perth, Western Australia <<http://maps.daa.wa.gov.au>> Accessed August 2017.
- Eco Logical (2014) West Angelas 2 (AR-14-12516) Biological Assessment: Native Vegetation Clearing Permit supporting Report. Unpublished report prepared by Eco Logical Australia for Rio Tinto Iron Ore Pty Ltd, dated October 2014.
- 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 (2011) Flora and Vegetation Survey for Proposed Evaluation Drilling at Brockman Target: Native Vegetation Clearing Permit Supporting Report. Unpublished report prepared by Rio Tinto Iron Ore Pty Ltd.
- 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
DAA	Department of Aboriginal Affairs, Western Australia (now DPLH)
DAFWA	Department of Agriculture and Food, Western Australia (now DPIRD)
DBCA	Department of Biodiversity Conservation and Attractions, Western Australia
DEC	Department of Environment and Conservation, Western Australia (now DBCA and DWER)
DEE	Department of the Environment and Energy, Australian Government
DER	Department of Environment Regulation, Western Australia (now DWER)
DMIRS	Department of Mines, Industry Regulation and Safety, Western Australia
DMP	Department of Mines and Petroleum, Western Australia (now DMIRS)
DPIRD	Department of Primary Industries and Regional Development, Western Australia
DPLH	Department of Planning, Lands and Heritage, Western Australia
DRF	Declared Rare Flora
DoE	Department of the Environment, Australian Government (now DEE)
DoW	Department of Water, Western Australia (now DWER)
DPaW	Department of Parks and Wildlife, Western Australia (now DBCA)
DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities (now DEE)
DWER	Department of Water and Environmental Regulation, Western Australia
EPA	Environmental Protection Authority, Western Australia
EP Act	<i>Environmental Protection Act 1986</i> , Western Australia
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (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
PEC	Priority Ecological Community, Western Australia
RIWI Act	<i>Rights in Water and Irrigation Act 1914</i> , Western Australia
TEC	Threatened Ecological Community

Definitions:

{DPaW (2017) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia}:-

T	Threatened species: 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). Threatened fauna is that subset of 'Specially Protected Fauna' declared to be 'likely to become extinct' pursuant to section 14(4) of the Wildlife Conservation Act. Threatened flora 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. 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.
CR	Critically endangered species 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.
EN	Endangered species 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.
VU	Vulnerable species 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.

- EX Presumed extinct species**
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 *Wildlife Conservation Act 1950*, 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.
- IA Migratory birds protected under an international agreement**
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, 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.