



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 5117/5  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: Robe River Mining Co Pty Ltd

### 1.3. Property details

Property: Iron Ore (Hamersley Range) Agreement Act 1963, Special Lease for Mining Operations 3116/4984 (Document I 195323 L), J761009 EL, Lots 9, 13, 32 on Deposited Plan 47815  
Miscellaneous Licences: 47/47, 47/67, 47/228.

Local Government Area: Shire of Ashburton  
Colloquial name: Autohaul Works Project

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
18.5		Mechanical Removal	Rail Activities and Associated Works

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 31 August 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. The clearing permit application area has been broadly mapped as the following four Beard vegetation associations (GIS Database):

- 93: Hummock grasslands, shrub steppe; kanji over soft spinifex;
- 175: Short bunch grassland-savanna/grass plain (Pilbara);
- 587: Mosaic: Hummock grasslands, open low tree-steppe; snappy gum over *Triodia wiseana*/Hummock grasslands, shrub-steppe; kanji over *Triodia pungens*; and
- 603: Hummock grasslands, sparse shrub steppe; *Acacia bivenosa* over hard spinifex.

Extensive flora and vegetation surveys have been undertaken in the vicinity of the application area by botanists from Biota and Rio Tinto as part of the Rio Tinto rail duplication project. The results of the vegetation mapping were compiled and the survey reports that cover the nine polygons of the application area include; Biota (2008a, 2008b) and Rio Tinto (2012a, 2012b).

The vegetation communities identified for each of the nine polygons of the application area are listed below:

#### **Emu North Signalling Pad (two northern most polygons)**

EvMg – *Eucalyptus victix* low open woodland over *Melaleuca glomerata* tall shrubland. This vegetation unit was recorded from the cobbly channels of the Harding River and its tributaries;

EvAtrTeCEc – *Eucalyptus victrix* low open woodland over *Acacia trachycarpa* tall open shrubland over *Triodia epactia* open hummock grassland and *\*Cenchrus ciliaris* tussock grassland. This vegetation occurred in numerous creeklines;

ChApyAbTwTe – *Corymbia hamersleyana* scattered low trees over *Acacia pyrifolia* scattered tall shrubs over *Acacia bivenosa* open shrubland over *Triodia wiseana*, *Triodia epactia* hummock grassland. This vegetation occurred on stony plains and hillslopes; and  
Disturbed vegetation.

#### **94.0 km Mark**

P9 AbTwCa - *Acacia bivenosa* low open shrubland over *Triodia wiseana* hummock grassland with *Cymbopogon ambiguus* scattered tussock grasses; and  
CD - Heavily disturbed.

#### **97.7 - 98.3 km**

P10 AcTw\*Cc - *Acacia pyrifolia* var. *pyrifolia*, *Acacia colei* var. *colei* and *Hakea lorea* subsp. *lorea* open shrubland over *Triodia wiseana* open hummock grassland with *\*Cenchrus ciliaris* and *Eneapogon cylindricus* tussock grassland; and  
CD - Heavily disturbed.

#### 101 km

AiT<sub>w</sub> - *Acacia inaequilatera* tall open shrubland over *Triodia wiseana* hummock grassland; and  
CD - Heavily disturbed.

#### 106.7 km

D4 \*Cc - \**Cenchrus ciliaris* open to very open tussock grassland;  
P11 AtRe\*Cc - *Acacia tumida* var. *pilbarensis* scattered tall shrubs over *Rhagodia eremaea* scattered shrubs  
over \**Cenchrus ciliaris* and *Bothriochloa ewartiana* closed tussock grassland; and  
CD - Heavily disturbed.

#### 108.5 km

*Aerva javanica* low open shrubland over *Dichanthium fecundum*, *Panicum decompositum*, *Chrysopogon fallax*,  
*Astrelba pectinata* and *Themeda triandra* open tussock grassland; and  
Disturbed vegetation.

Based on the Biota (2008a) flora and vegetation survey the vegetation type below also occurs in the application area:

#### 77.6 km

ChApyAbT<sub>w</sub>Te – *Corymbia hamersleyana* scattered low trees over *Acacia pyrifolia* scattered tall shrubs over  
*Acacia bivenosa* open shrubland over *Triodia wiseana*, *Triodia epactia* hummock grassland.

\* indicates introduced species

<b>Clearing Description</b>	Autohaul Works Project. Robe River Mining Co Pty Ltd (Robe River) proposes to clear up to 18.5 hectares of native vegetation within a total boundary of approximately 23.13 hectares, for the purposes of rail activities and associated works. The project is located approximately 70 kilometres south of Karratha, in the Shire of Ashburton.
<b>Vegetation Condition</b>	Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994);  to  Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).
<b>Comment</b>	Clearing permit CPS 5117/1 was granted on 6 September 2012 and authorised the clearing of 15 hectares of native vegetation. An application to amend clearing permit CPS 5117/2 was received by the Department of Mines and Petroleum (DMP) on 4 October 2012 to increase the amount of clearing authorised to 18.5 hectares and increase the permit boundary to include Miscellaneous Licence 47/228. The additional clearing was for a signalling pad. CPS 5117/2 was granted on 17 January 2013.  An application to amend CPS 5117/2 was submitted to the DMP on 19 July 2013. The applicant requested an increase in the clearing permit boundary from 21.5 hectares to 22.2 hectares and an increase in the clearing permit boundary. The total clearing approved for CPS 5117/3 remained the same at 18.5 hectares. CPS 5117/3 was granted on 26 September 2013.  An application to amend CPS 5117/3 was received by the DMP on 3 September 2014 for the purposes of increasing the clearing permit boundary from 22.22 hectares to 23.13 hectares. The total clearing approved for CPS 5117/4 remained the same at 18.5 hectares. CPS 5117/4 was granted on 30 October 2014.  An application to amend CPS 5117/4 was submitted to the Department of Mines, Industry Regulation and Safety (DMIRS) (formerly the Department of Mines and Petroleum) on 11 July 2017. The applicant requested an amendment to the clearing end date in Condition 4, an amendment to the reporting period and submission date for the annual clearing report in Condition 10. The total clearing approved for CPS 5117/4 remains unchanged at 18.5 hectares.

### **3. Assessment of application against clearing principles**

**Comments** Robe River has applied to amend the clearing permit end date in Condition 4 of CPS 5117/4. The clearing permit end date has been extended to 31 July 2026 so that Robe River can comply with Condition 8(c), the requirement to evaluate revegetation activities after 4 years. Robe River has also applied to amend the reporting period in Condition 10 of CPS 5117/4. The reporting period has been amended from the financial year to the calendar year (1 January to 31 December). Robe River has also applied to amend the annual clearing report submission date in Condition 10 of CPS 5117/4. The annual clearing report submission date has been amended from 31 July each year to 30 June each year.

The environmental factors have previously been assessed under CPS 5117/4. The assessment of the proposed clearing against the clearing principles remains consistent with the assessment contained in the previous decision report CPS 5117/4.

The amendment application has been assessed against the clearing principles, planning instruments and other matters in accordance with s.51O of the *Environmental Protection Act 1986*. Environmental information has been reviewed, and the assessment of the proposed clearing against the clearing principles remains consistent with the assessment contained in decision reports CPS 5117/1, 5117/2, 5117/3 and 5117/4.

**Methodology** Biota (2008a)  
Biota (2008b)  
Keighery (1994)  
Rio Tinto (2012a).  
Rio Tinto (2012b).

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

**Comments** There are two native title claims over the application area (WC1999/014 and WR2017/001) (DPLAH, 2017). These claims have been registered with the National Native Title Tribunal on behalf of the claimant groups. However, the mining tenements have 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 three registered Aboriginal Sites of Significance within the application area (Sites 18780, 18781 and 18784) (DPLAH, 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 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** DPLAH (2017)

#### 4. References

- Biota (2008a) A Vegetation and Flora Survey of the Rio Tinto Rail Duplication Project – Cape Lambert to Emu Siding. Report Prepared by Biota Environmental Sciences for Rio Tinto Iron Ore, 2008.
- Biota (2008b) Rio Tinto Rail Duplication Emu to Rosella Phase 3: Native Vegetation Clearing Permit Report. Report Prepared by Biota Environmental Sciences for Rio Tinto Iron Ore, December 2008.
- DPLAH (2017) Aboriginal Heritage Inquiry System. Department of Planning, Lands and Heritage. <https://maps.daa.wa.gov.au/ahis/> (Accessed 18 August 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 (2012a) Addendum to the Statement Addressing the 10 Clearing Principles for Autohaul. Report Prepared by Rio Tinto, April 2012.
- Rio Tinto (2012b) Statement Addressing the 10 Clearing Principles AutoHaul Emu to Rosella. Report Prepared by Rio Tinto, June 2012.

#### 5. Glossary

##### Acronyms:

<b>BoM</b>	Bureau of Meteorology, Australian Government
<b>DAA</b>	Department of Aboriginal Affairs, Western Australia (now DPLAH)
<b>DAFWA</b>	Department of Agriculture and Food, Western Australia (now DPIRD)
<b>DBCA</b>	Department of Biodiversity Conservation and Attractions, Western Australia
<b>DEC</b>	Department of Environment and Conservation, Western Australia (now DBCA and DWER)
<b>DotEE</b>	Department of the Environment and Energy, Australian Government
<b>DER</b>	Department of Environment Regulation, Western Australia (now DWER)
<b>DMIRS</b>	Department of Mines, Industry Regulation and Safety, Western Australia
<b>DMP</b>	Department of Mines and Petroleum, Western Australia (now DMIRS)
<b>DPIRD</b>	Department of Primary Industries and Regional Development, Western Australia
<b>DPLAH</b>	Department of Planning, Lands and Heritage, Western Australia
<b>DRF</b>	Declared Rare Flora
<b>DotEE</b>	Department of the Environment and Energy, Australian Government
<b>DoW</b>	Department of Water, Western Australia (now DWER)
<b>DPaW</b>	Department of Parks and Wildlife, Western Australia (now DBCA)
<b>DWER</b>	Department of Water and Environmental Regulation, Western Australia
<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
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 *Wildlife Conservation Act 1950*, 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 *Wildlife Conservation Act 1950*, 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 *Wildlife Conservation Act 1950*, 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 *Wildlife Conservation Act 1950*, 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.

