



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 5185/2
Permit type: Purpose

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, Mineral Lease 248SA (AML 70/248)
Local Government Area: Miscellaneous Licence 47/53
Miscellaneous Licence 47/409
Miscellaneous Licence 52/75
Miscellaneous Licence 52/148
Colloquial name: Western Angelas Pipeline and Stations Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
525		Mechanical Removal	Gas Pipeline, Gas Stations and Associated Works

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 14 February 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. Three Beard vegetation associations have been mapped within the application area (Government of Western Australia, 2011; GIS Database):

- 18: Low woodland; mulga (*Acacia aneura*);
- 82: Hummock grasslands, low tree steppe; snappy gum over *Triodia wiseana*;
- 169: Shrublands; mulga & Minnie ritchie scrub.

Two flora and vegetation surveys of the amended application area have been conducted by ENV Australia (2011; 2012) in July 2011 and March 2012. These surveys identified the following 26 vegetation communities across three major landforms within the application area (ENV Australia, 2011; 2012):

Foothills, Rocky Hill Slopes and Crests

AanAbTsh: *Acacia aneura* low open woodland over *A. bivenosa* scattered shrubs over *Triodia* sp. Shovelanna Hill (S. van Leeuwen 3835) hummock grassland;

AanEplTeARc: *Acacia aneura* low open woodland over *Eremophila platycalyx* subsp. *pardolata* scattered shrubs over *Triodia epactia* very open hummock grassland over *Aristida contorta* very open tussock grassland;

AiTshTw: *Acacia inaequilatera* tall shrubland over *Triodia* sp. Shovelanna Hill (S. van Leeuwen 3835) and *T. wiseana* hummock grassland;

AprAciApyTp: *Acacia pruinocarpa*, *A. citrinoviridis*, *A. pyrifolia* open shrubland over *Triodia pungens* hummock grassland;

ArAprTeTsh: *Acacia rhodophloia* and *A. pruinocarpa* open shrubland over *Triodia epactia* and *T. sp.* Shovelanna Hill (S. van Leeuwen 3835) hummock grassland;

CdEsTshTp: *Corymbia deserticola*, *Eucalyptus socialis* scattered low trees/mallee over *Triodia* sp. Shovelanna Hill (S. van Leeuwen 3835) and *T. pungens* hummock grassland;

CdTsh: *Corymbia deserticola* scattered low trees over *Triodia* sp. Shovelanna Hill (S. van Leeuwen 3835) hummock grassland;

EIAanTeTlo: *Eucalyptus leucophloia* and *Acacia aneura* open woodland over *Triodia epactia* and *T. longiceps* hummock grassland; and

EITshTp: *Eucalyptus leucophloia* scattered low trees over *Triodia* sp. Shovelanna Hill (S. van Leeuwen

3835) and *T. pungens* hummock grassland

Plains

AanAprTshTp: *Acacia aneura*, *A. pruinocarpa* tall open shrubland over *Triodia* sp. Shovelanna Hill (S. van Leeuwen 3835) and *T. pungens* hummock grassland;

AanArGbERfoERpCAsTp: *Acacia aneura* low woodland over *A. rhodophloia*, *Grevillea berryana* scattered tall shrubs over *Eremophila forrestii*, *E. phyllopoda*, *Cassia stricta* low open shrubland over *Triodia pungens* very open hummock grassland;

AanAwERfpTp: *Acacia aneura* high open shrubland over *A. wanyu* and *Plilotus obovatus* open shrubland over *Eremophila forrestii* subsp. Pingandy (M.E. Trudgen 2662) low scattered shrubs over *Triodia pungens* open hummock grassland;

AanTp/BareGround: *Acacia aneura* low closed forest over *Triodia pungens* hummock grassland – groving mulga;

AprAanAwTp: *Acacia pruinocarpa*, *A. aneura* tall open scrub over *A. wanyu* scattered shrubs over *Triodia pungens* hummock grassland;

AprAanTeBb: *Acacia pruinocarpa* and *A. aneura* low open woodland over mixed scattered shrubs over *Triodia epactia* hummock grassland over **Bidens bipinnata* very open herbland;

ChAanAkTe: *Corymbia hamersleyana* scattered low trees over *Acacia aneura* high open shrubland over *A. kempeana* scattered shrubs over *Triodia epactia* hummock grassland;

EgApERfoSsTe: *Eucalyptus gamophylla* scattered mallees over *Acacia pruinocarpa*, *A. bivenosa* and *A. aneura* high open shrubland over *Eremophila forrestii* subsp. *forrestii* and *Senna stricta* scattered shrubs over *Triodia epactia* open hummock grassland; and

Tlo; *Triodia longiceps* hummock grassland.

Major and Minor Creeklines

AciApAanSaTe: *Acacia citrinoviridis*, *A. pruinocarpa* and *A. aneura* high open shrubland over *Senna artemisioides* subsp. *x artemisioides* scattered shrubs over *Triodia epactia* very open hummock grassland;

ApyAciTp: *Acacia pyrifolia*, *A. citrinoviridis* tall shrubland over *Triodia pungens* open hummock grassland;

CfDOpERITp: *Corymbia ferritcola* low woodland over *Dodonaea pachyneura*, *Eremophila latrobei* subsp. *Filiformis* shrubland over *Triodia pungens* open hummock Grassland;

ChApyAmoGORThIERITp: *Corymbia hamersleyana* scattered low trees over *Acacia pyrifolia*, *A. monticola*, *Gossypium robinsonii* tall shrubland over *Themeda triandra*, *Eriachne tenuiculmis* tussock grassland and *Triodia pungens* open hummock grassland;

ChEgGwTeTHT: *Corymbia hamersleyana* low open woodland over *Eucalyptus gamophylla* very open mallee over *Grevillea wickhamii*, *Acacia bivenosa* and *A. pruinocarpa* high open shrubland over *Triodia epactia* hummock grassland over *Themeda triandra* tussock grassland;

ChEITeTHT: *Corymbia hamersleyana* and *Eucalyptus leucophloia* low open woodland over *Triodia epactia* hummock grassland over *Themeda triandra* open tussock grassland;

EvAciApyTe: *Eucalyptus victrix* scattered low trees over *Acacia citrinoviridis* and *A. pyrifolia* open shrubland over *Triodia epactia* very open hummock grassland over *Cymbopogon ambiguus* and *Enneapogon lindleyanus* very open tussock grassland; and

EvAciTHEUaCYaTp: *Eucalyptus victrix*, *Acacia citrinoviridis* low woodland over *Triodia pungens* hummock grassland over *Themeda triandra*, *Eulalia aurea* and *Cymbopogon ambiguus* open tussock grassland.

Clearing Description

Robe River Mining Co Pty Ltd has applied to clear approximately 525 hectares of native vegetation within an approximate 1,556 hectare boundary for the purpose of installing and maintaining a gas pipeline, gas stations and associated works and infrastructure.

Clearing will be conducted using a dozer with blade down techniques and vegetation will be stockpiled and used in rehabilitation.

Vegetation Condition

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

To

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

Comment

The application area is located in the Pilbara and Gascoyne regions of Western Australia and is situated approximately 80 kilometres east of Paraburdoo at the closest point.

CPS 5185/1 was granted by the Department of Mines and Petroleum (DMP) on 24 October 2012. On 10 December 2012, Robe River Mining Co Pty Ltd (Robe River) applied to amend CPS 5185/1 for the purpose of increasing the area authorised to be cleared and clearing boundary.

3. Assessment of application against clearing principles

Comments

Robe River has applied to increase the amount of clearing authorised from 500 hectares to 525 hectares and to increase the permit boundary from 1,352 hectares to approximately 1555 hectares. The additional 25 hectares of proposed clearing is for the realignment of sections of the West Angelas Gas Pipeline. The areas cleared under the original alignment of the pipeline will remain as access tracks.

A flora and vegetation survey covering the amended permit area was undertaken in March 2012 (ENV, 2012). The vegetation associations found within the proposed amended permit area are consistent with those found in the original permit area. These vegetation associations are well represented in the region.

The flora and vegetation survey did not identify any threatened flora species or threatened or priority ecological communities within the additional permit areas (ENV, 2012). The survey identified two Priority flora species within the application area; *Brunonia* sp. Long Hairs (D.E. Symon 2440) (P1) and *Eremophila forrestii* subsp. Pingandy (M.E. Trudgen 2662) (P2). *Brunonia* sp. Long Hairs (D.E. Symon 2440) was identified at three locations within the survey area, with only one population being in the application area. *Eremophila forrestii* subsp. Pingandy (M.E. Trudgen 2662) was found at several locations across the application area, with the majority of populations being found in the northern section. Rio Tinto (on behalf of the proponent) has advised that limited survey work has been carried out in the region however, some populations have been found outside of the application area. (pers. comm. Rio Tinto, 2013). Rio Tinto also advised that potential habitat for the species occurs to the east and west of the application area, and it is likely that with further survey work in these areas that more populations will be identified (pers. comm. Rio Tinto, 2013). The proponent has advised that the clearing of Priority flora species will be avoided where practicable (pers. comm. Rio Tinto, 2013). Given both of these species are represented outside of the application area, it is considered unlikely that the proposed additional clearing will significantly impact their conservation.

Five introduced flora species were found in the extended application area. A weed management condition was placed on the original permit.

No additional fauna habitats were found in the extended application area.

There are a number of non-perennial watercourses within the extended application area. Several non-perennial watercourses were identified in the original application area, therefore a watercourse management condition was placed on CPS 5185/1.

Based on the above and current environmental information, the assessment of the Clearing Principles is consistent with the assessment in Clearing Permit Decision Report CPS 5185/1. Therefore, the proposed clearing is at variance to Principle (f), may be at variance to Principles (a), (g) and (h), is not likely to be at variance to Principles (b), (c), (d) and (i) and is not at variance to Principle (e).

Methodology

ENV (2012)
GIS Database
- DEC Tenure
- Hydrography, linear
- Pre-European Vegetation
- Range Land System Mapping
- Threatened and Priority Flora
- Threatened Ecological Sites Buffered

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

Comments

There are two Native Title Claim (WC10/11 and WC99/13) over the area under application (GIS Database). WC10/11 has been registered with the National Native Title Tribunal on behalf of the claimant group and WC99/13 has been determined by the Federal Court. However, the 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 two 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.

The clearing permit application was advertised on 31 December 2012 by the Department of Mines and Petroleum inviting submissions from the public. One submission was received raising concerns about the

cumulative impacts of clearing. This has been addressed in Principle (e).

Methodology GIS Database
- Aboriginal Sites of Significance
- Native Title Claims – Registered with NNTT
- Native Title Claims – Determined by the Federal Court

4. References

- ENV Australia (2011) Flora, Vegetation and Fauna Assessment of the West Angelas Gas Pipeline Deviation. Unpublished report prepared for Rio Tinto Iron Ore Pty Ltd dated November 2011.
- ENV Australia (2012) Flora, Vegetation and Fauna Assessment of the Re-Aligned Gas Pipeline Corridor at West Angelas. Unpublished report prepared for Rio Tinto Iron Ore Pty Ltd dated August 2012.
- 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

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.