



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 5266/2  
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 Ashburton  
Colloquial name: Mesa B Drilling Program

### 1.4. Application

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

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 7 February 2013

## 2. Site Information

### 2.1. Existing environment and information

#### 2.1.1. Description of the native vegetation under application

Vegetation Description	Clearing Description	Vegetation Condition	Comment
<p>Beard vegetation associations have been mapped for the whole of Western Australia. One Beard vegetation association has been mapped within the application area (Government of Western Australia, 2011; GIS Database):</p> <p><b>583:</b> Hummock grasslands, sparse shrub steppe; kanji and <i>Acacia bivenosa</i> over hard spinifex <i>Triodia basedowii</i> and <i>T. wiseana</i> (GIS Database).</p> <p>A flora and vegetation survey was conducted over the application area by Biota Environmental Sciences in October 2010 (Biota, 2011). The application area comprised of one vegetation type:</p> <p><b>AarTw:</b> <i>Acacia aneura</i> var. <i>conifera</i> low open woodland over <i>Triodia wiseana</i> hummock grassland (Biota, 2011a).</p> <p>The following two vegetation types occur on the edges of the application area and may encroach into the application area in parts:</p> <p><b>AiAarTw:</b> <i>Acacia inaequilatera</i> scattered tall shrubs over <i>Acacia arida</i> open shrubland to open heath over <i>Triodia wiseana</i> hummock grassland.</p> <p><b>EiAarTw:</b> <i>Eucalyptus leucophloia</i> subsp. <i>leucophloia</i> scattered low trees over <i>Acacia arida</i> shrubland to tall shrubland over <i>Triodia wiseana</i> hummock grassland (Biota, 2011a).</p>	<p>Robe River Ltd has applied to clear up to 11 hectares of native vegetation, within an application area of approximately 83.95 hectares, for the purpose of mineral exploration. The clearing is for evaluation drilling on Mesa B in the Robe Valley. The application area is approximately 85 kilometres west of Onslow.</p> <p>Vegetation will be cleared by dozers using a raised blade where possible. Vegetation will be stockpiled and used in rehabilitation.</p>	<p>Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994);</p> <p>To:</p> <p>Pristine: No obvious signs of disturbance (Keighery, 1994).</p>	<p>The vegetation condition was assessed by botanists from Biota (2011). The vegetation conditions were described using a scale based on Trudgen (1988) and have been converted to the corresponding conditions from the Keighery (1994) scale.</p> <p>CPS 5266/1 was granted by the Department of Mines and Petroleum (DMP) on 1 November 2012. Robe River Limited applied to the DMP to amend CPS 5266/1 for the purpose of increasing the permit boundary.</p>

### 3. Assessment of application against clearing principles

#### Comments

Robe River Limited has applied to increase the permit boundary by 0.95 hectares to approximately 83.95 hectares. This is for the purpose of bringing the permit boundary into line with the tenement boundary and to add minor additional areas. There is no proposed increase to the area authorised to be cleared.

There are no flora or fauna of conservation significance in the proposed amended application area (Robe River Limited, 2012).

The application to increase the permit boundary by 0.95 hectares is unlikely to have any significant environmental impacts above those described in Clearing Permit Decision Report CPS 5266/1. The assessment of the proposed clearing against the Clearing Principles is consistent with the assessment in Decision Report CPS 5266/1.

**Methodology** Robe River Limited (2012)

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

#### Comments

There is one Native Title Claim (WC99/12) over the area under application (GIS Database). This claim has been registered with the National Native Title Tribunal on behalf of the claimant group. 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 multiple registered Aboriginal Sites of Significance in the vicinity of 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. No submissions were received.

**Methodology** GIS Database:  
- Aboriginal Sites of Significance  
- Native Title Claims - Registered with the NNTT

### 4. References

- Biota (2011) Baseline Flora and Vegetation Assessment of Robe Valley Mesas (Mesas B, C, D, E, F, H and I). Report by Biota Environmental Sciences Pty Ltd for Rio Tinto Iron Ore, April 2011.
- 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.
- Robe River Limited (2012) Documentation Accompanying Clearing Permit Amendment Application for CPS 5266/2. Prepared by Robe River Limited, September 2012.
- 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:

<b>BoM</b>	Bureau of Meteorology, Australian Government
<b>CALM</b>	Department of Conservation and Land Management (now DEC), Western Australia
<b>DAFWA</b>	Department of Agriculture and Food, Western Australia
<b>DEC</b>	Department of Environment and Conservation, Western Australia
<b>DEH</b>	Department of Environment and Heritage (federal based in Canberra) previously Environment Australia
<b>DEP</b>	Department of Environment Protection (now DEC), Western Australia
<b>DIA</b>	Department of Indigenous Affairs
<b>DLI</b>	Department of Land Information, Western Australia
<b>DMP</b>	Department of Mines and Petroleum, Western Australia
<b>DoE</b>	Department of Environment (now DEC), Western Australia
<b>DoIR</b>	Department of Industry and Resources (now DMP), Western Australia
<b>DOLA</b>	Department of Land Administration, Western Australia
<b>DoW</b>	Department of Water

<b>EP Act</b>	Environmental Protection Act 1986, Western Australia
<b>EPBC Act</b>	Environment Protection and Biodiversity Conservation Act 1999 (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
<b>RIWI Act</b>	Rights in Water and Irrigation Act 1914, Western Australia
<b>s.17</b>	Section 17 of the Environment Protection Act 1986, Western Australia
<b>TEC</b>	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.