



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 5639/3
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)
Miscellaneous Licence 47/720
Local Government Area: Shire of Ashburton
Colloquial name: Robe Valley Mineral Exploration

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
85		Mechanical Removal	Mineral Exploration, Hydrogeological, Geotechnical and Environmental Investigations, Mine Support Infrastructure and Associated Works

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 29 August 2019

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description The vegetation of the application area is broadly mapped as the following Beard vegetation associations:
603: Hummock grasslands, sparse shrub steppe; *Acacia bivenosa* over hard spinifex; and
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 (GIS Database).

A flora and vegetation survey was conducted over the original permit area between 4 and 10 December 2012 by Ecologia (2012). The application area comprised the following vegetation types:

AcTspRTw: *Acacia citrinoviridis* shrubland over *Triodia* sp. Robe River (M.E. Trudgen et al. MET 12367) and *Triodia wiseana* hummock grassland;

AoTw: *Acacia orthocarpa* shrubland over *Triodia wiseana* hummock grassland;

Te: *Triodia epactia* hummock grassland; and

Tw: *Triodia wiseana* hummock grassland.

A flora and vegetation survey was conducted over the additional amendment areas by Astron (2015a). The amendment area comprised of thirteen vegetation types;

Vegetation of hills, mesas and breakaways

AcTspRTw - Scattered low trees of *Eucalyptus leucophloia* subsp. *leucophloia* over tall open shrubland of *Acacia citrinoviridis* over hummock grassland of *Triodia* sp. Robe River (M.E. Trudgen et al. MET 12367), *Triodia wiseana*;

AiTw - Scattered tall shrubs of *Acacia inaequilatera* over hummock grassland of *Triodia wiseana*;

AoAatTw - Tall open shrubland of *Acacia orthocarpa*, *Acacia atkinsiana* over open hummock grassland of *Triodia wiseana*;

AoTw - Shrubland of *Acacia orthocarpa* over hummock grassland of *Triodia wiseana*;

AprTwTspR - Tall open shrubland of *Acacia pruinocarpa* over open hummock grassland of *Triodia wiseana*, *Triodia* sp. Robe River (M.E. Trudgen et al. MET 12367);

ChAiTw - Scattered low trees of *Corymbia hamersleyana* over scattered tall shrubs of *Acacia inaequilatera* over hummock grassland of *Triodia wiseana*;

EIAoTw - Scattered low trees of *Eucalyptus leucophloia* subsp. *leucophloia* over tall shrubland of *Acacia orthocarpa* over hummock grassland of *Triodia wiseana*;

EIAtuAaTw - *Eucalyptus leucophloia* low open woodland over *Acacia tumida* var. *pilbarensis*, *Acacia atkinsiana* tall shrubland over *Triodia wiseana* very open hummock grassland; and

EITw - Low open woodland of *Eucalyptus leucophloia* subsp. *leucophloia* over hummock grassland of *Triodia wiseana*.

Vegetation of floodplains

CcTeCspp - Low open woodland of *Corymbia candida* over open hummock grassland of *Triodia epactia* and very open tussock grassland of **Cenchrus ciliaris*, **Cenchrus setiger*;

AiTe - Scattered shrubs of *Acacia inaequilatera* over open hummock grassland of *Triodia epactia*; and

AsyAscTe - Scattered tall shrubs of *Acacia synchronicia* and/or *Acacia sclerosperma* subsp. *sclerosperma* over hummock grassland of *Triodia epactia*.

Vegetation of plains

AatAaAbTwTe - Tall open shrubland of *Acacia atkinsiana*, *Acacia ancistrocarpa*, *Acacia bivenosa* over open hummock grassland of *Triodia wiseana*, *Triodia epactia*.

Disturbed

***denotes weed species.**

Clearing Description	Robe Valley Mineral Exploration. Robe River Limited proposes to clear up to 85 hectares of native vegetation within a boundary of approximately 677 hectares, for the purposes of mineral exploration, hydrogeological, geotechnical and environmental investigations, mine support infrastructure and associated works. The project is located approximately 4 kilometres south of Pannawonica, within the Shire of Ashburton.
Vegetation Condition	Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994); to Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994).
Comment	The vegetation condition was derived from vegetation surveys conducted by Ecologia (2013) and Astron (2015a). Clearing permit CPS 5639/1 was granted by the Department of Mines and Petroleum (now the Department of Mines, Industry Regulation and Safety (DMIRS)) on 18 July 2013 and was valid from 10 August 2013 to 31 July 2023. The permit authorised the clearing of up to 10 hectares of native vegetation within a boundary of approximately 370 hectares, for the purpose of mineral exploration. Clearing permit CPS 5639/2 was amended on 10 May 2018, for the purposes of increasing the amount of clearing authorised to 30 hectares, increasing the permit boundary to approximately 570 hectares, and to amend the purpose of clearing to include hydrogeological, geotechnical and environmental investigations, mine support infrastructure, and associated works. The permit holder also amended the annual reporting dates, and extended the duration of the permit by four years. The permit holder has applied to amend CPS 5629/2 for the purposes of increasing the permit boundary, increasing the amount of approved clearing, including additional tenure, extending the period in which clearing can be undertaken and extending the permit duration.

3. Assessment of application against Clearing Principles

Comments

Robe River Limited has applied to increase the area permitted to clear from 30 hectares to 85 hectares, and to increase the permit boundary from 570 hectares to 677 hectares. They have also applied to include additional tenure, extend the duration of the permit, and the permit expiry date.

The flora and vegetation survey within the amended permit boundary identified 13 vegetation associations, one (AcTspRTw) of which is considered to represent the Priority Ecological Community (PEC) (Priority 3) 'Triodia sp. Robe River assemblages of the mesas of the West Pilbara'. Approximately 2.14 hectares of this PEC is mapped within the amendment area, and the PEC is likely to extend outside the amendment boundary (GIS Database). Robe River (2018) advised that Astron (2015a) recorded 42.94 hectares of this PEC in the immediate area, while databases show approximately 717.53 hectares mapped elsewhere (Robe River, 2018). The PEC within the amendment boundary represents 0.3% of the known extent of the PEC, and the proposed clearing of 2.14 hectares is unlikely to impact the conservation status of this PEC.

The flora and vegetation survey identified the Priority 3 Flora species *Triodia pisolitica* also occurring within the amendment area. This species was recorded from 42 locations totalling approximately 3,558 individuals, representing 0.019% of known individuals within the Rio Tinto Database (Astron, 2015a; Robe River, 2019).

There were four broad fauna habitats mapped within the amendment area; Stony hills and slopes, breakaways, mesas, and grassland plains (Robe River, 2019). Astron (2015b) identified the breakaway fauna habitat as containing a high diversity of microhabitats, and an important site of refuge for conservation listed fauna. No species of conservation significance were identified within the breakaway habitat type, however previous surveys have recorded the Pilbara Olive Python, Northern Quoll and Ghost Bat within this habitat type (Astron, 2015a; Robe River, 2019). Potential impacts to conservation significant fauna as a result of the proposed clearing may be minimised by extending the current permit condition that restricts clearing in this habitat to access tracks to the additional area.

The proposed amendment is not likely to have a significant impact on the quality and quantity of surface or groundwater or lead to an increase in the intensity of flooding (GIS Database).

The amendment area intersects the Newman land system (GIS Database). This land system is characterised by rugged jaspillite plateaux, ridges and mountains supporting hard spinifex grasslands. This land system is not prone to erosion (Van Vreeswyk et al., 2004).

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 report CPS 5639/1.

Methodology Astron (2015a)
Astron (2015b)
Rio Tinto (2016)
Robe River (2018)
Robe River (2019)
Van Vreeswyk et al (2004)

GIS Database:
- Hydrography, Lakes
- Hydrography, Linear
- Landsystem Rangelands

Planning Instrument, Native Title, previous EPA decision or other matter.

Comments

There is one Native Title claim over the area under application (DPLH, 2019). 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 numerous registered Aboriginal Sites of Significance within the application area (DPLH, 2019). 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.

The amendment application was advertised on 22 July 2019 by the Department of Mines, Industry Regulation and Safety, inviting submissions from the public. No submissions were received in relation to this application.

Methodology DPLH (2019)

4. References

- Astron (2015a) Middle Robe and East Deepdale Level 2 Vegetation and Flora Assessment Two phase survey. Report prepared by Astron Environmental Services Pty Ltd for Rio Tinto Iron Ore, 2015.
- Astron (2015b) Middle Robe and East Deepdale Level 2 Fauna Assessment Two phase survey. Report prepared by Astron Environmental Services Pty Ltd for Rio Tinto Iron Ore, 2015.
- DPLH (2019) Aboriginal Heritage Enquiry System. Department of Planning, Lands and Heritage.
<http://maps.daa.wa.gov.au/AHIS/> (Accessed 19 August 2019).

- Ecologia (2012) Middle Robe and East Deepdale Biological Survey. Report prepared by Ecologica Environment for Rio Tinto Iron Ore, 2012.
- 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 (2018) Additional information received in relation to Clearing Permit Application CPS 5639/2. Robe River Limited, Western Australia.
- Robe River (2019) Desktop Flora, Vegetation and Fauna Habitat Assessment at Mesa K, Supporting Report. Report prepared for Robe River Limited by Rio Tinto, June 2019.
- Van Vreeswyk, A.M., Payne, A.L., Leighton, K.A. & Hennig, P. (2004) Technical bulletin no. 92: An inventory and condition survey of the Pilbara region, Western Australia. Department of Agriculture, South Perth, Western Australia.

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:

{DBCA (2019) Conservation Codes for Western Australian Flora and Fauna. Department of Biodiversity, Conservation and Attractions, Western Australia}:-

T **Threatened species:**

Listed by order of the Minister as Threatened in the category of critically endangered, endangered or vulnerable under section 19(1), or is a rediscovered species to be regarded as threatened species under section 26(2) of the *Biodiversity Conservation Act 2016* (BC Act).

Threatened fauna is that subset of 'Specially Protected Fauna' listed under schedules 1 to 3 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for Threatened Fauna.

Threatened flora is that subset of 'Rare Flora' listed under schedules 1 to 3 of the *Wildlife Conservation (Rare Flora) Notice 2018* for Threatened Flora.

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 in the immediate future, as determined in accordance with criteria set out in the ministerial guidelines*”.

Listed as critically endangered under section 19(1)(a) of the BC Act in accordance with the criteria set out in section 20 and the ministerial guidelines. Published under schedule 1 of the *Wildlife*

Conservation (Specially Protected Fauna) Notice 2018 for critically endangered fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for critically endangered flora.

EN Endangered species

Threatened species considered to be “*facing a very high risk of extinction in the wild in the near future, as determined in accordance with criteria set out in the ministerial guidelines*”.

Listed as endangered under section 19(1)(b) of the BC Act in accordance with the criteria set out in section 21 and the ministerial guidelines. Published under schedule 2 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for endangered fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for endangered flora.

VU Vulnerable species

Threatened species considered to be “*facing a high risk of extinction in the wild in the medium-term future, as determined in accordance with criteria set out in the ministerial guidelines*”.

Listed as vulnerable under section 19(1)(c) of the BC Act in accordance with the criteria set out in section 22 and the ministerial guidelines. Published under schedule 3 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for vulnerable fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for vulnerable flora.

Extinct Species:

EX Extinct species

Species where “*there is no reasonable doubt that the last member of the species has died*”, and listing is otherwise in accordance with the ministerial guidelines (section 24 of the BC Act).

Published as presumed extinct under schedule 4 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for extinct fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for extinct flora.

EW Extinct in the wild species

Species that “*is known only to survive in cultivation, in captivity or as a naturalised population well outside its past range; and it has not been recorded in its known habitat or expected habitat, at appropriate seasons, anywhere in its past range, despite surveys over a time frame appropriate to its life cycle and form*”, and listing is otherwise in accordance with the ministerial guidelines (section 25 of the BC Act).

Currently there are no threatened fauna or threatened flora species listed as extinct in the wild. If listing of a species as extinct in the wild occurs, then a schedule will be added to the applicable notice.

Specially protected species:

Listed by order of the Minister as specially protected under section 13(1) of the BC Act. Meeting one or more of the following categories: species of special conservation interest; migratory species; cetaceans; species subject to international agreement; or species otherwise in need of special protection.

Species that are listed as threatened species (critically endangered, endangered or vulnerable) or extinct species under the BC Act cannot also be listed as Specially Protected species.

MI Migratory species

Fauna that periodically or occasionally visit Australia or an external Territory or the exclusive economic zone; or the species is subject of an international agreement that relates to the protection of migratory species and that binds the Commonwealth; and listing is otherwise in accordance with the ministerial guidelines (section 15 of the BC Act).

Includes 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 fauna subject to the *Convention on the Conservation of Migratory Species of Wild Animals* (Bonn Convention), an environmental treaty under the United Nations Environment Program. Migratory species listed under the BC Act are a subset of the migratory animals, that are known to visit Western Australia, protected under the international agreements or treaties, excluding species that are listed as Threatened species.

Published as migratory birds protected under an international agreement under schedule 5 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

CD Species of special conservation interest (conservation dependent fauna)

Fauna of special conservation need being species dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened, and listing is otherwise in accordance with the ministerial guidelines (section 14 of the BC Act).

Published as conservation dependent fauna under schedule 6 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

- OS Other specially protected species**
Fauna otherwise in need of special protection to ensure their conservation, and listing is otherwise in accordance with the ministerial guidelines (section 18 of the BC Act).
Published as other specially protected fauna under schedule 7 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.
- P Priority species:**
Possibly threatened species that do not meet survey criteria, or are otherwise data deficient, are added to the Priority Fauna or Priority Flora Lists under Priorities 1, 2 or 3. These three categories are ranked in order of priority for survey and evaluation of conservation status so that consideration can be given to their declaration as threatened fauna or flora.
Species that are adequately known, are rare but not threatened, or meet criteria for near threatened, or that have been recently removed from the threatened species or other specially protected fauna lists for other than taxonomic reasons, are placed in Priority 4. These species 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.