



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 5639/4  
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 Project

### 1.4. Application

|                    |           |                    |                                                                                                                                       |
|--------------------|-----------|--------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| Clearing Area (ha) | No. Trees | Method of Clearing | For the purpose of:                                                                                                                   |
| 145                |           | 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: 6 May 2021

## 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) which identified three vegetation types within the original permit boundary.

A flora and vegetation survey was conducted over the additional areas added to the permit during amendments 5639/2 and 5639/3 by Astron (2015). The survey identified thirteen vegetation types within the additional areas included in those amendments (Astron, 2015).

The additional area included in amendment 5639/4 has been mapped as the following vegetation types (Rio Tinto, 2020):

**AbAaAoTeTe:** Open shrubland of *Acacia bivenosa*, *Acacia ancistrocarpa*, *Acacia orthocarpa*, over Hummock grassland of *Triodia wiseana*, *Triodia epactia*.

**EIAoTw:** Scattered low trees of *Eucalyptus leucophloia* subsp. *leucophloia*, over tall shrubland of *Acacia orthocarpa*, over Hummock grassland of *Triodia wiseana*.

**Clearing Description** Robe Valley Mineral Exploration.  
Robe River Limited proposes to clear up to 145 hectares of native vegetation within a boundary of approximately 761 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 (2015).

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 5639/1 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.

CPS 5629/2 was amended on 29 August 2019 for the purposes of increasing the permit boundary to 677 hectares, increasing the amount of approved clearing to 85 hectares, including additional tenure, extending the period in which clearing can be undertaken and extending the permit duration.

The permit holder has applied to amend CPS 5639/3 to increase the permit boundary to 761 hectares and increase the amount of clearing authorised to 145 hectares.

### 3. Assessment of application against Clearing Principles

#### Comments

Robe River Limited has applied to amend the permit to increase the amount of clearing authorised from 85 to 145 hectares and increase the clearing permit boundary to include an additional 83 hectare area. The proposed amendment is to facilitate the construction of a new landfill facility and extend mine support infrastructure associated with the Mesa K iron ore mine.

The vegetation types mapped within the amendment areas have been previously mapped within the permit boundary, with the large majority of the area mapped as the AbAaAoTeTe vegetation type (Rio Tinto, 2020). Neither of these vegetation types within the additional areas have been identified as being a Threatened or Priority Ecological Community (TEC/PEC) (Rio Tinto, 2020; GIS Database). Parts of the amendment area have been previously disturbed and the vegetation is in a more degraded condition (Rio Tinto, 2020). The PEC '*Triodia pisolitica* (formerly *Triodia* sp. Robe River) assemblages of the mesas of the West Pilbara' has been previously recorded within the greater permit area. There has been approximately 30.55 hectares of this PEC mapped within the clearing permit boundary. The increasing amount of clearing has the potential to impact on the PEC. Potential impacts to the PEC may be minimised by a condition which restricts the clearing to approximately a quarter of the mapped extent of the PEC to ensure it is well represented the local area.

The Priority 3 flora species *Triodia pisolitica* has been previously recorded within the permit boundary (Astron, 2015; Rio Tinto, 2019). There are no previous records of this species within the amendment area (Rio Tinto, 2020). The vegetation types within the additional area are not likely to support *Triodia pisolitica* based on known records and habitat preferences (Rio Tinto, 2020). The habitat within the additional area is also not likely to be significant for other species of Priority flora which have been previously recorded in the local area. There are over 320,000 records of *Triodia pisolitica* within the Rio Tinto database, of which approximately 19,000 were recorded within the permit boundary (Ecologia, 2013; Rio Tinto, 2019). The clearing of an additional 60 hectares is not likely to have a significant impact on the larger population of this species.

There are two broad fauna habitats mapped within the amendment area; grassland plains and stony hills and slopes (Rio Tinto, 2020). Both of these habitats are present within the permit boundary and are also well represented outside of the permit boundary. The Pilbara Leaf-nosed Bat *Rhinonicteris aurantia* - Vulnerable) has been recorded within the permit area and may use the grassland plains habitat to forage in the area. The area may also be used for foraging by other conservation significant fauna species such as Northern Quoll, Pilbara Olive Python and Ghost Bat. Whilst these species may forage in the amendment area, similar habitat is well represented in the surrounding areas and the amendment area is unlikely to represent significant habitat for fauna. Potential impacts to this habitat may be minimised by the current permit condition restricting the clearing solely for the purpose of access tracks. The clearing of an additional 60 hectares within the permit boundary is not expected to have a significant impact on native fauna.

There are no watercourses within the permit area and no vegetation has been identified as growing in association with a watercourse (Rio Tinto, 2020; GIS Database). The amendment area is comprised of the Boolgeeda and Robe land systems (GIS Database). Both of these land systems are generally not prone to land degradation (Van Vreeswyk et al., 2004). The permit area is not located in or adjacent to any conservation areas (GIS Database). 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 incidence or intensity of flooding (GIS Database).

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 previous decision reports.

**Methodology** Astron (2015)  
Ecologia (2013)

Rio Tinto (2019)  
Rio Tinto (2020)  
Van Vreeswyk et al. (2004)

GIS Database:

- Hydrography, Linear
- Imagery
- Landsystem Rangelands
- Pre-European Vegetation
- Public Drinking Water Source Areas
- Threatened and Priority Ecological Communities boundaries
- Threatened and Priority Ecological Communities buffers

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

### Comments

There is one native title claim over the area under application (DPLH, 2021). This claim has been determined by the Federal Court 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 47 registered Aboriginal Sites of Significance within the application area (DPLH, 2021). 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 14 December 2020 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 (2021)

## 4. References

- Astron (2015) 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.
- DPLH (2021) Aboriginal Heritage Inquiry System. Department of Planning, Lands and Heritage.  
<http://maps.daa.wa.gov.au/AHIS/> (Accessed 22 March 2021).
- Ecologia (2012) Middle Robe and East Deepdale Biological Survey. Report prepared by Ecologia Environment for Rio Tinto Iron Ore, 2012.
- Ecologia Environment (2013) Deepdale East Mesa Drilling Program Native Vegetation Clearing Survey. Report for Rio Tinto Ltd, by Ecologia Environment, 2013
- 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 (2019) Desktop Flora, Vegetation and Fauna Habitat Assessment at Mesa K, Supporting Report. Report prepared for Robe River Limited by Rio Tinto, June 2019.
- Rio Tinto (2020) Pannawonica Deepdale Landfill Desktop Review and Statement Addressing the 10 Clearing Principles. Rio Tinto, August 2020.
- Van Vreeswyk, A.M.E., Payne, A.L., Leighton, K.A. and Hennig, P. (2004) An inventory and condition survey of the Pilbara Region, Western Australia. Technical Bulletin No. 92. Department of Agriculture, South Perth, Western Australia.

## 5. Glossary

### Acronyms:

|               |                                                                                   |
|---------------|-----------------------------------------------------------------------------------|
| <b>BC Act</b> | <i>Biodiversity Conservation Act 2016</i> , Western Australia                     |
| <b>BoM</b>    | Bureau of Meteorology, Australian Government                                      |
| <b>DAA</b>    | Department of Aboriginal Affairs, Western Australia (now DPLH)                    |
| <b>DAFWA</b>  | Department of Agriculture and Food, Western Australia (now DPIRD)                 |
| <b>DAWE</b>   | Department of Agriculture, Water and the Environment, Australian Government       |
| <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>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>DoE</b>      | Department of the Environment, Australian Government (now DAWE)                                                           |
| <b>DoEE</b>     | Department of the Environment and Energy (now DAWE)                                                                       |
| <b>DoW</b>      | Department of Water, Western Australia (now DWER)                                                                         |
| <b>DPaW</b>     | Department of Parks and Wildlife, Western Australia (now DBCA)                                                            |
| <b>DPIRD</b>    | Department of Primary Industries and Regional Development, Western Australia                                              |
| <b>DPLH</b>     | Department of Planning, Lands and Heritage, Western Australia                                                             |
| <b>DRF</b>      | Declared Rare Flora                                                                                                       |
| <b>DSEWPaC</b>  | Department of Sustainability, Environment, Water, Population and Communities (now DAWE)                                   |
| <b>DWER</b>     | Department of Water and Environmental Regulation, Western Australia                                                       |
| <b>EP Act</b>   | <i>Environmental Protection Act 1986</i> , Western Australia                                                              |
| <b>EPA</b>      | Environmental Protection Authority, Western Australia                                                                     |
| <b>EPBC Act</b> | <i>Environmental 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 |
| <b>PEC</b>      | Priority Ecological Community, Western Australia                                                                          |
| <b>RIWI Act</b> | <i>Rights in Water and Irrigation Act 1914</i> , Western Australia                                                        |
| <b>TEC</b>      | 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.