



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 6016/2
Permit type: Purpose

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 East Pilbara
Colloquial name: West Angelas Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
62		Mechanical Removal	Mineral Exploration & Access Tracks

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 23 April 2015

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. Two vegetation associations are located within the application area (GIS Database):

- 18:** Low woodland; mulga (*Acacia aneura*); and
- 82:** Hummock grasslands, low tree steppe; snappy gum over *Triodia wiseana* (GIS Database).

A flora and vegetation survey of the application area conducted by Biota (2014) identified the following eight vegetation types:

H1: *Eucalyptus leucophloia* scattered low trees over *Acacia maitlandii* scattered shrubs over *Triodia* sp. Shovelanna Hill (S. van Leeuwen 3835), *T. pungens* open hummock grassland.

P1: *Corymbia deserticola* scattered low trees over *Eucalyptus gamophylla* scattered low mallees over *Acacia* spp. scattered tall shrubs over *Triodia* sp. Shovelanna Hill (S. van Leeuwen 3835) open hummock grassland.

P2: *Acacia aptaneura*, *A. ayersiana* low open woodland over *Eremophila forrestii* open shrubland over *Triodia melvillei* open hummock grassland.

P3: *Acacia aptaneura*, *A. ayersiana*, *A. pruinocarpa* low open woodland over *Triodia* sp. Shovelanna Hill (S. van Leeuwen 3835), *T. pungens* open hummock grassland.

D1: *Eucalyptus xerothermica* low open woodland over *Acacia maitlandii*, *Petalostylis labicheoides*, *Androcalva luteiflora* open shrubland over *Themeda triandra* very open tussock grassland with *Triodia pungens* very open hummock grassland.

D2: *Eucalyptus trivalva* low mallee woodland over *Triodia pungens* very open hummock grassland.

D3: *Corymbia hamersleyana* low open woodland over *Acacia monticola* tall shrubland over *Themeda triandra* very open tussock grassland with *Triodia pungens* very open hummock grassland.

G1: *Corymbia ferritcola* low open woodland over *Acacia monticola* tall open shrubland over *Themeda triandra* very open tussock grassland with *Triodia pungens* scattered hummock grasses.

Clearing Description

West Angelas Project.
Robe River Limited proposes to clear up to 62 hectares of native vegetation within a total boundary of approximately 654 hectares for the purpose of mineral exploration and access tracks. The project is located approximately 88 kilometres west of Newman, in the Shire of East Pilbara.

Vegetation Condition

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

To

Disturbed: Structure severely disturbed; regeneration to good condition requires intensive management.

Comment

The vegetation condition was derived from a flora and vegetation survey conducted by Biota (2014).

Clearing Permit CPS 6016/1 was granted by the Department of Mines and Petroleum (DMP) on 8 May 2014 and authorised the clearing of 2 hectares of native vegetation for access tracks within a total boundary of approximately 20 hectares.

On 6 February 2015, Robe River Ltd applied to amend CPS 6016/1 to increase the authorised clearing area by 60 hectares and the approved boundary by 634 hectares. The applicant also requested that mineral exploration be added as a purpose to the amended permit.

3. Assessment of application against clearing principles

Comments

The amendment is to increase the authorised clearing area by 60 hectares and the approved boundary by 634 hectares. The applicant also requested that mineral exploration be added as a purpose to the amended permit.

There are no known Threatened flora, Threatened Ecological Communities or Priority Ecological Communities located within the application area (Biota 2014; GIS Database).

Nine Priority flora species were recorded within the application area during the flora and vegetation survey (Biota, 2014), comprising:

- Three Priority 2 species: *Aristida lazardis*, *Hibiscus* sp. Gurinbiddy Range (M.E. Trudgen 15708) and *Vittadinia pustulata*;
- Five Priority 3 species: *Aristida jerichoensis* var. *subspinulifera*; *Indigofera* sp. Gilesii (M.E. Trudgen 15869), *Rhagodia* sp. Hamersley (M.Trudgen 17794), *Sida* sp. Barlee Range (S. van Leeuwen 1642) and *Triodia* sp. Mt Ella (M.E. Trudgen 12739); and
- One Priority 4 species: *Goodenia nuda*.

Potential impacts to biodiversity as a result of the proposed clearing may be minimised by the implementation of a flora management condition. It is recommended that the flora management condition apply to flora species of high conservation significance and those species that have restricted distributions and/or have been recorded infrequently within the application area and surrounds.

Six fauna habitats were identified within the application area during the fauna survey including; Triodia plains, open Mulga woodland on plains, hills and slopes, minor drainages, major drainages and gorges. These landforms and their associated vegetation occur elsewhere in the West Angelas locality and are widespread and well represented in the Pilbara bioregion (Biota, 2014; GIS Database).

There are no permanent watercourses or water bodies mapped within the area under application (GIS Database). However, there are two major drainage lines (mapped as vegetation units D1 and D2) in the eastern section of the application area, together with two gorges (mapped as vegetation unit G1) in the western section of the application area, all of which represent substantial drainage lines for the area (Biota, 2014; GIS Database). Potential impacts to watercourses as a result of the proposed clearing may be minimised by the implementation of a watercourse management condition.

The land systems associated with the application area are not susceptible to erosion (Van Vreeswyk et al., 2004) and the proposed clearing is not likely to cause a deterioration in the quality of surface or underground water or increase the incidence or intensity of flooding (GIS Database).

The application area is not located within any conservation areas (GIS Database). There are no conservation areas within 30 kilometres of the application area (GIS Database).

The application has been assessed against the clearing principles, planning instruments and other matters in accordance with s.51O of the *Environmental Protection Act 1986* and may be at variance to Principles (a) & (f). The assessment against the remaining clearing principles is consistent with the assessment contained in decision report CPS 6016/1.

Methodology

Biota (2014)
 Van Vreeswyk et al (2004)
 GIS Database:
 - DEC Tenure
 - Hydrography, linear
 - IBRA WA (Regions - Sub Regions)
 - Pre-European Vegetation
 - Rangeland Land System Mapping
 - Threatened and Priority Flora
 - Threatened Ecological Sites Buffered

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

Comments

There is one Native Title claim over the area under application (GIS Database). The claim WC2005/003 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 no 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 Regulation, Department of Parks and Wildlife 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 23 February 2015 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 - Determined by the Federal Court
- Native Title Claims - Filed at the Federal Court
- Native Title Claims - Registered with the NNTT

4. References

- Biota (2014) West Angelas Deposit F Native Vegetation Clearing Permit Report. Report prepared for Rio Tinto Pty Ltd, October 2014.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Van Vreeswyk, A.M.E., Payne, A.L., Hennig, P., and Leighton, K.A. (2004) An Inventory and Condition Survey of the Pilbara Region, Western Australia, Department of Agriculture, Western Australia

5. Glossary

Acronyms:

BoM	Bureau of Meteorology, Australian Government
DAA	Department of Aboriginal Affairs, Western Australia
DAFWA	Department of Agriculture and Food, Western Australia
DEC	Department of Environment and Conservation, Western Australia (now DPaW and DER)
DER	Department of Environment Regulation, Western Australia
DMP	Department of Mines and Petroleum, Western Australia
DRF	Declared Rare Flora
DotE	Department of the Environment, Australian Government
DoW	Department of Water, Western Australia
DPaW	Department of Parks and Wildlife, Western Australia
DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities (now DotE)
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
s.17	Section 17 of the <i>Environmental Protection Act 1986</i> , Western Australia
TEC	Threatened Ecological Community

Definitions:

{DPaW (2013) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia}:-

- T** **Threatened species:**
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna or the Wildlife Conservation (Rare Flora) Notice for Threatened Flora (which may also be referred to as Declared Rare Flora).

Threatened Fauna and Flora are further recognised by DPaW according to their level of threat using IUCN Red List criteria. For example Carnaby's Cockatoo *Calyptorhynchus latirostris* is specially protected under the *Wildlife Conservation Act 1950* as a threatened species with a ranking of Endangered.
- Rankings:
CR: Critically Endangered - considered to be facing an extremely high risk of extinction in the wild.
EN: Endangered - considered to be facing a very high risk of extinction in the wild.
VU: Vulnerable - considered to be facing a high risk of extinction in the wild.
- X** **Presumed Extinct species:**
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Presumed Extinct Fauna and Wildlife Conservation (Rare Flora) Notice for Presumed Extinct Flora (which may also be referred to as Declared Rare Flora).
- IA** **Migratory birds protected under an international agreement:**
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice.
Birds that are subject to an agreement between governments of Australia and Japan, China and The Republic of Korea relating to the protection of migratory birds and birds in danger of extinction.
- S** **Other specially protected fauna:**
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 4 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- P1** **Priority One - Poorly-known species:**
Species that are known from one or a few collections or sight records (generally less than five), all on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, Shire, rail reserves and Main Roads WA road, gravel and soil reserves, and active mineral leases and under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes.
- P2** **Priority Two - Poorly-known species:**
Species that are known from one or a few collections or sight records, some of which are on lands not under imminent threat of habitat destruction or degradation, e.g. national parks, conservation parks, nature reserves, State forest, unallocated Crown land, water reserves, etc. Species may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes.
- P3** **Priority Three - Poorly-known species:**
Species that are known from collections or sight records from several localities not under imminent threat, or from few but widespread localities 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 localities but do not meet adequacy of survey requirements and known threatening processes exist that could affect them.
- 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 do not qualify for Conservation Dependent, but that are close to qualifying for Vulnerable.
(c) Species that have been removed from the list of threatened species during the past five years for reasons other than taxonomy.
- P5** **Priority Five - Conservation Dependent species:**
Species that are not threatened but are subject to a specific conservation program, the cessation of which would result in the species becoming threatened within five 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.