



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 6075/2  
Permit type: Purpose

### 1.2. Proponent details

Proponent's name: Robe River Mining Co Pty Ltd

### 1.3. Property details

Property: Exploration Licence 47/1781  
Local Government Area: Shire of Ashburton  
Colloquial name: Kangeenarina Project

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
3.9		Mechanical Clearing	Mineral Exploration and Access Tracks

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 16 June 2016

## 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. One Beard vegetation association is located within the application area (GIS Database):

**Beard vegetation association 175:** Short bunch grassland - savanna/grass plain (Pilbara) (GIS Database).

A flora and vegetation survey of the application area and surrounding area conducted by Biota Environmental Sciences (2011; 2012) identified seven vegetation types within the application area:

**THs** – *Themeda* sp. Hamersley Station (M.E. Trudgen 11431) tussock grassland on cracking clay plains;

**HITHs** – *Hakea lorea* subsp. *lorea* scattered tall shrubs to low open woodlands over *Themeda* sp. Hamersley Station (M.E. Trudgen 11431) tussock grassland on cracking clay plains;

**EvTHs** – *Eucalyptus victrix* woodland over *Themeda* sp. Hamersley Station (M.E. Trudgen 11431) tussock grassland on cracking clay plains;

**EvExHITHs** – *Eucalyptus victrix*, *E. xerothermica* scattered low trees over *Hakea lorea* subsp. *lorea* scattered tall shrubs to tall open shrubland over *Themeda* sp. Hamersley Station (M.E. Trudgen 11431) open tussock grassland;

**ERib** – *Eriachne benthamii* tussock grassland in low-lying, seasonally damp areas of clay plains;

**EvERib** – *Eucalyptus victrix* scattered low trees over *Eriachne benthamii* very open tussock grassland in low-lying, seasonally damp areas of clay plains; and

**SPINIFEX** – Spinifex (*Triodia* spp.) hummock grasslands on stony plains and low rises.

A flora and vegetation assessment of the amendment area (amendment application CPS 6075/2) conducted by Eco Logical (2015) identified four vegetation units within the amended areas:

**HIVfTHs** - *Hakea lorea* low open woodland over *\*Vachellia farnesiana* open shrubland over *Themeda* sp. Hamersley Station (M.E. Trudgen 11431) tussock grassland over *Polymeria longifolia* scattered herbs;

**VfTHsApPI** - *\*Vachellia farnesiana* scattered tall shrubs to scattered shrubs over *Themeda* sp. Hamersley Station (M.E. Trudgen 11431) and *Astrebla pectinata* tussock grassland over *Polymeria longifolia* open herbland to very open herbland;

**VfAIPi** - *\*Vachellia farnesiana* scattered tall shrubs to scattered shrubs over *Astrebla lappacea* tussock grassland over *Polymeria longifolia* very open herbland; and

**EBTHsBcPd** - *\*Vachellia farnesiana* scattered shrubs over *Eriachne benthamii*, *Themeda* sp. Hamersley Station (M.E. Trudgen 11431), *Brachyachne convergens* and *Panicum decompositum* tussock grassland.

<b>Clearing Description</b>	Kangeenarina Project. Robe River Mining Co Pty Ltd proposes to clear up to 3.9 hectares of native vegetation within a total boundary of approximately 69 hectares, for the purpose of mineral exploration and access tracks. The project is located approximately 43 kilometres north of Tom Price, in the Shire of Ashburton.
<b>Vegetation Condition</b>	Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994);  To:  Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994).
<b>Comment</b>	The vegetation condition was derived from a vegetation survey conducted by Biota Environmental Sciences (2011; 2012).  Clearing Permit CPS 6075/1 was granted by the Department of Mines and Petroleum (DMP) on 29 May 2014 and authorised the clearing of up to 1.5 hectares of native vegetation within a boundary of approximately 41.5 hectares for the purposes of mineral exploration and access tracks.  An application for an amendment to clearing permit 6075/2 was received on 1 April 2016 to increase the amount of clearing from 1.5 to 3.9 hectares and increase the clearing permit boundary from 41.5 to 69 hectares. The permit holder will also be amended from Robe River Limited to Robe River Mining Co Pty Ltd due to an administrative error.

### 3. Assessment of application against clearing principles

#### Comments

Robe River Mining Co Pty Ltd has applied to increase the area permitted to clear from 1.5 hectares to 3.9 hectares, and to increase the permit boundary from 41.5 hectares to 69 hectares.

A flora and vegetation survey was undertaken across the majority of the amended permit boundary and identified found broad vegetation associations, all which are associated with the "*Themeda* grasslands on cracking clays (Hamersley Station, Pilbara)" Threatened Ecological Community (TEC) (Vulnerable) (Eco Logical, 2015; GIS Database). The *Themeda* sp. Hamersley station (M.E. Trudgen 11431) tussock grassland on cracking clay plains is restricted to the Hamersley Station pastoral lease and unallocated Crown land. DPaW (2016) consider all occurrences as significant given that no occurrences lies within any conservation reserves and the perennial grass *Themeda* sp. Hamersley Station (M.E. Trudgen 11431) is a Priority 3 flora taxon that has a restricted distribution. The proposed clearing of 3.9 hectares of native vegetation constitutes 0.082 per cent of the total known area of the TEC, and is unlikely to have a significant impact on the TEC; however the TEC is subject to cumulative impacts from clearing (DPaW, 2016). Potential impacts to this TEC may be minimised through the implementation of a rehabilitation condition.

A total of 136 native taxa, comprising of 29 families and 82 genera were identified within the amended permit boundary during the flora and vegetation survey (Eco Logical, 2015). This survey recorded five Priority flora species within the amendment area, three of which were not recorded within CPS 6075/1; *Astrelba lappacea* (Priority 3), *Stackhousia clementii* (Priority 3), and *Goodenia nuda* (Priority 4). The Priority flora species *Euphorbia* sp. Mt Bruce flats (S. van Leeuwen 3861) (Priority 3) which was identified in the Decision Report for CPS 6075/1 is now known as *Euphorbia australis* var. *glabra* Halford & W.K.Harris (GIS Database). The conservation significance for this species has been elevated in conservation with a reclassification to a Priority 2 species. This species has not been impacted under CPS 6075/1. Given the nature and small scale clearing of the proposed activities, it is unlikely that the clearing of 3.9 hectares of native vegetation within a large permit boundary will significantly impact the conservation significance of any Priority Flora species. Based on the above, the proposed clearing may be at variance to Principle (a).

No Threatened Flora species or Priority Ecological Communities were identified within the amended permit boundary.

One habitat type was mapped within the amendment area; Cracking clay plains with tussock grasses (Eco Logical, 2015). The amendment area does not contain significant fauna habitat or critical feeding or breeding habitat for any conservation significant fauna species (Eco Logical, 2015; GIS Database). Given the nature and small scale clearing of the proposed activities, it is unlikely that the clearing of 3.9 hectares of native vegetation will significantly impact faunal habitat for any conservation significant fauna.

A number of weed species have been identified throughout the amendment area. Clearing activities have the potential to result in an increase in the incidence of weed species, which may negatively impact on the biodiversity of the local area. Potential impacts to biodiversity as a result of the proposed clearing may be minimised by the implementation of existing weed management conditions.

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*, and the proposed clearing may be at variance to Principle (a). The assessment against the remaining clearing Principles remains unchanged, and further information can be found in the previous decision report.

**Methodology** DPaW (2016)  
Eco logical (2015)  
GIS Database

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

##### **Comments**

There is one native title claim (WC2005/006) over the application area (Department of Aboriginal Affairs, 2016). This claim has been registered with the National Native Title Tribunal on behalf of the claimant groups. 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*.

According to available databases, there are numerous registered Aboriginal sites of significance within the application area (Department of Aboriginal Affairs, 2016). 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 25 April 2016 by the Department of Mines and Petroleum inviting submissions from the public. There were no submissions received.

**Methodology** Department of Aboriginal Affairs (2016)

#### **4. References**

- Biota Environmental Sciences (2011) Themeda Grasslands Threatened Ecological Community – Phase 1 Botanical Survey. Prepared for Rio Tinto Iron Ore Pty Ltd, November 2011.
- Biota Environmental Sciences (2012) Themeda Grasslands Threatened Ecological Community – Seasonal Botanical Survey. Prepared for Rio Tinto Iron Ore Pty Ltd, July 2012.
- Department of Aboriginal Affairs (2016) Aboriginal Heritage Enquiry System. Government of Western Australia, <http://maps.dia.wa.gov.au/AHIS2/>. (Accessed 3 May 2016).
- DPaW (2016) Advice received in relation to Clearing Permit Application CPS 6075/2. Species and Communities Branch, Department of Parks and Wildlife, Western Australia, May 2016.
- Eco Logical (2015) Flora and Vegetation Assessment – Kangeenarina Well Exploration Drilling, Native Vegetation Clearing Permit Report Supporting Information. Prepared by Eco Logical Australia for Rio Tinto Iron Ore, 2015.
- 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:**

<b>BoM</b>	Bureau of Meteorology, Australian Government
<b>DAA</b>	Department of Aboriginal Affairs, Western Australia
<b>DAFWA</b>	Department of Agriculture and Food, Western Australia
<b>DEC</b>	Department of Environment and Conservation, Western Australia (now DPaW and DER)
<b>DER</b>	Department of Environment Regulation, Western Australia
<b>DMP</b>	Department of Mines and Petroleum, Western Australia
<b>DRF</b>	Declared Rare Flora
<b>DotE</b>	Department of the Environment, Australian Government
<b>DoW</b>	Department of Water, Western Australia
<b>DPaW</b>	Department of Parks and Wildlife, Western Australia
<b>DSEWPaC</b>	Department of Sustainability, Environment, Water, Population and Communities (now DotE)
<b>EPA</b>	Environmental Protection Authority, Western Australia
<b>EP Act</b>	<i>Environmental Protection Act 1986</i> , Western Australia
<b>EPBC Act</b>	<i>Environment 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:**

{DPaW (2015) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia):-

- T**                    **Threatened species:**  
Published as Specially Protected under the *Wildlife Conservation Act 1950*, listed under Schedules 1 to 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora (which may also be referred to as Declared Rare Flora).  
**Threatened fauna** is that subset of 'Specially Protected Fauna' declared to be 'likely to become extinct' pursuant to section 14(4) of the Wildlife Conservation Act.  
**Threatened flora** is flora that has been declared to be 'likely to become extinct or is rare, or otherwise in need of special protection', pursuant to section 23F(2) of the Wildlife Conservation Act.  
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. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.
- EN**                    **Endangered species**  
Threatened species considered to be facing a very high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.
- VU**                    **Vulnerable species**  
Threatened species considered to be facing a high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.
- EX**                    **Presumed extinct species**  
Species which have been adequately searched for and there is no reasonable doubt that the last individual has died. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Presumed Extinct Fauna and Wildlife Conservation (Rare Flora) Notice for Presumed Extinct Flora.
- IA**                    **Migratory birds protected under an international agreement**  
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 the Bonn Convention, relating to the protection of migratory birds. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 5 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- CD**                    **Conservation dependent fauna**  
Fauna of special conservation need being species dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 6 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- OS**                    **Other specially protected fauna**  
Fauna otherwise in need of special protection to ensure their conservation. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 7 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- P**                      **Priority species**  
Species which are poorly known; or  
Species that are adequately known, are rare but not threatened, and 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.