



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Purpose Permit Number: 2937 / 1
File Number: A0061/200901
Duration of Permit: From 28 March 2009 to 1 March 2019

PERMIT HOLDER

Westdeen Holdings Pty Ltd

LAND ON WHICH CLEARING IS TO BE DONE

Mining Lease 70/308

PURPOSE FOR WHICH THE CLEARING MAY BE DONE

1. Clearing for the purposes of mineral production.

CONDITIONS

1. The Permit Holder shall not clear more than 6.5 hectares of native vegetation, within the areas cross-hatched yellow on attached Plan 2937/1.
2. The Permit Holder shall not clear native vegetation unless actively mining the area to be cleared within 3 months of the clearing.

3. Avoid, minimise etc clearing

In determining the amount of native vegetation to be cleared authorised under this Permit, the Permit Holder must have regard to the following principles, set out in order of preference:

- (a) avoid the clearing of native vegetation;
- (b) minimise the amount of native vegetation to be cleared; and
- (c) reduce the impact of clearing on any environmental value.

4. Weed management

At least once in each 12 month period for the *term* of this Permit, the Permit Holder must remove or kill any *weeds* growing within areas cleared under this Permit.

5. Retain vegetative material and topsoil, ripping, revegetation and rehabilitation

- (a) The Permit Holder shall retain the vegetative material and topsoil removed by clearing authorised under this Permit and stockpile the vegetative material and topsoil in an area that is already cleared.
- (b) Prior to undertaking works pursuant to condition 5(c), the Permit Holder shall rip compacted areas.
- (c) The Permit Holder must within 6 months of clearing, lay the vegetative material and topsoil on any cleared area that is longer required for operational purposes.

(d) Within two (2) years of laying the vegetative material and topsoil on the cleared area in accordance with condition 5(c) of this Permit, the Permit Holder must:

- (i) determine the species composition, structure and density of the area *revegetated* and *rehabilitated*; and
- (ii) where, in the opinion of an *environmental specialist*, the composition structure and density determined under condition 5(d)(i) of this Permit will not result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area, the Permit Holder must deliberately *plant* and/or *direct seed* native vegetation that will result in a similar species composition, structure and density of native vegetation to pre-clearing vegetation types in that area, ensuring only *local provenance* seeds and propagating material are used to *revegetate* and *rehabilitate* the area.

6. Offsets

(a) Determination of *offsets*:

- (i) if part or all of the clearing to be done is or may be at variance with one or more of the clearing principles, then the Permit Holder must implement an *offset* in accordance with conditions 6(a) and 6(b) of this Permit with respect to that native vegetation;
- (ii) in determining the *offset* to be implemented with respect to a particular area of native vegetation proposed to be cleared under this Permit, the Permit Holder must have regard to the *offset* principles contained in condition 6(b) of this Permit;
- (iii) once the Permit Holder has developed an *offset proposal*, the Permit Holder must provide that *offset proposal* to the CEO for the CEO's approval prior to undertaking any clearing to which the *offset* relates, and prior to implementing the *offset*;
- (iv) clearing may not commence until and unless the CEO has approved the *offset proposal*;
- (v) the Permit Holder shall implement the *offset proposal* approved under condition 6(a)(iii); and
- (vi) each *offset proposal* shall include a *direct offset*, timing for implementation of the *offset proposal* and may additionally include *contributing offsets*.

(b) For the purpose of this condition, the *offset* principles are as follows:

- (i) *direct offsets* should directly counterbalance the loss of the native vegetation;
- (ii) *contributing offsets* should complement and enhance the *direct offset*;
- (iii) *offsets* are implemented only once all avenues to avoid, minimise, rectify or reduce environmental impacts have been exhausted;
- (iv) the environmental values, habitat, species, *ecological community*, physical area, ecosystem, landscape, and hydrology of the *offset* should be the same as, or better than, that of the area of native vegetation being *offset*;
- (v) a ratio greater than 1:1 should be applied to the size of the area of native vegetation that is *offset* to compensate for the risk that the *offset* may fail;
- (vi) *offsets* must entail a robust and consistent assessment process;
- (vii) in determining an appropriate *offset*, consideration should be given to ecosystem function, rarity and type of *ecological community*, vegetation *condition*, habitat quality and area of native vegetation cleared;
- (viii) the *offset* should either result in no net loss of native vegetation, or lead to a net gain in native vegetation and improve the *condition* of the natural environment;
- (ix) *offsets* must satisfy all statutory requirements;
- (x) *offsets* must be clearly defined, documented and audited;
- (xi) *offsets* must ensure a long-term (10-30 year) benefit; and
- (xii) an *environmental specialist* must be involved in the design, assessment and monitoring of *offsets*.

7. Records to be kept

The Permit Holder must maintain the following records for activities done pursuant to this Permit:

(a) In relation to the clearing of native vegetation authorised under this Permit:

- (i) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings;
- (ii) the date that the area was cleared;
- (iii) the size of the area cleared (in hectares); and
- (iv) purpose for which clearing was undertaken.

(b) In relation to the *revegetation and rehabilitation* of areas pursuant to condition 5 of this Permit:

- (i) the location of any areas revegetated and rehabilitated, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings;
- (ii) a description of the revegetation and rehabilitation activities undertaken; and
- (iii) the size of the area revegetated and rehabilitated (in hectares).

(c) In relation to the *offset* of areas pursuant to condition 6 of this Permit:

- (i) the location of any area of *offsets* recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings;
- (ii) a description of the *offset* activities undertaken; and
- (iii) the size of the *offset* area (in hectares).

8. Reporting

The Permit Holder shall provide a report to the Director, Environment Division, Department of Mines and Petroleum by 1 March each year for the life of this permit, demonstrating adherence to all conditions of this permit, and setting out the records required under Condition 7 of this permit in relation to clearing carried out between 1 January and 31 December of the previous year.

Definitions

The following meanings are given to terms used in this Permit:

condition means the rating given to native vegetation using the *Keighery scale* and refers to the degree of change in the structure, density and species present in the particular vegetation in comparison to undisturbed vegetation of the same type;

contributing offset/s has the same meaning as is given to that term in the Environmental Protection Authority's *Position Statement No.9: Environmental Offsets*, January 2006;

direct offset/s has the same meaning as is given to that term in the Environmental Protection Authority's *Position Statement No.9: Environmental Offsets*, January 2006;

direct seeding means a method of re-establishing vegetation through the establishment of a seed bed and the introduction of seeds of the desired plant species;

ecological community/ies means a naturally occurring biological assemblage that occurs in a particular type of habitat (English and Blythe, 1997; 1999) – the scale at which ecological communities are defined will depend on the level of detail in the information source, therefore no particular scale is specified;

environmental specialist means a person who is engaged by the Permit Holder for the purpose of providing environmental advice, who holds a tertiary qualification in environmental science or equivalent, and has experience relevant to the type of environmental advice that an environmental specialist is required to provide under this Permit;

fill means material used to increase the ground level, or fill a hollow;

Keighery scale means the vegetation condition scale described in *Bushland Plant Survey: A Guide to Plant Community Survey for the Community (1994)* as developed by B.J. Keighery and published by the Wildflower Society of WA (Inc). Nedlands, Western Australia;

local provenance means native vegetation seeds and propagating material from natural sources within 10-40 kilometres of the area cleared;

offset/s means an offset required to be implemented under condition 6 of this Permit;

offset proposal means an *offset* determined by the Permit Holder in accordance with condition 6 of this Permit;

planting means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired species;

rehabilitate/ed/ion means actively managing an area containing native vegetation in order to improve the ecological function of that area;

revegetate/ed/ion means the re-establishment of a cover of *local provenance* native vegetation in an area using methods such as *regeneration*, *direct seeding* and/or *planting*, so that the species composition, structure and density is similar to pre-clearing vegetation types in that area;

term means the duration of this Permit, including as amended or renewed;

weeds means a species listed in Appendix 3 of the "Environmental Weed Strategy" published by the Department of Conservation and Land Management (1999), and plants declared under section 37 of the *Agricultural and Related Resources Protection Act 1976*.



Ian Briggs
A/DIRECTOR
ENVIRONMENT DIVISION
DEPARTMENT OF MINES AND PETROLEUM
Officer with delegated authority under Section 20
of the Environmental Protection Act 1986

26 February 2009