



## CLEARING PERMIT

*Granted under section 51E of the Environmental Protection Act 1986*

<b>Purpose Permit number:</b>	CPS 3206/1
<b>Permit Holder:</b>	Kimberley Metals Group Pty Ltd
<b>Duration of Permit:</b>	15 October 2009 – 15 October 2014

The Permit Holder is authorised to clear native vegetation subject to the following conditions of this Permit.

### PART I – CLEARING AUTHORISED

**1. Purpose for which clearing may be done**

Clearing for the purpose of constructing a temporary access track and drilling of water bores adjacent to the track.

**2. Land on which clearing is to be done**

LOT 703 ON PLAN 220061 (DURACK 6743)

**3. Area of Clearing**

The Permit Holder must not clear more than 2.2 hectares of native vegetation within the area hatched yellow on attached Plan 3206/1.

**4. Application**

This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

**5. Compliance with Assessment Sequence and Management Procedures**

Prior to clearing any native vegetation under conditions 1, 2 and 3 of this Permit, the Permit Holder must comply with the Assessment Sequence and the Management Procedures set out in Part II of this Permit.

### PART II – ASSESSMENT SEQUENCE AND MANAGEMENT PROCEDURES

**6. 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:

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

**7. Flora management**

- Prior to undertaking any clearing authorised under this Permit, the site shall be inspected by a *flora specialist* for the presence of the following *priority flora taxa*:
  - Phyllanthus aridus* (Euphorbiaceae); and
  - Grevillea miniata* (Proteaceae)

- (b) Where *priority flora taxa* are identified in relation to condition 7(a) of this Permit, the Permit Holder shall ensure that:
- (i) all records of *priority flora taxa* are submitted to the CEO; and
  - (ii) no clearing occurs with 10 metres of identified *priority flora taxa*, unless approved by the CEO.

### **PART III - RECORD KEEPING AND REPORTING**

#### **8. Records must be kept**

- (a) The Permit Holder must maintain the following records for activities done pursuant to this Permit in relation to the clearing of native vegetation authorised under this Permit:
- (i) the species composition, structure and density of the cleared area;
  - (ii) 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;
  - (iii) the date that the area was cleared; and
  - (iv) the size of the area cleared (in hectares).
- (b) In relation to flora management pursuant to condition 7 of this Permit:
- (i) the location of each *priority flora taxa* recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings; and
  - (ii) the species name of each *priority flora taxa* identified.

#### **9. Reporting**

- (a) The Permit Holder must provide to the CEO, on or before 30 June of each year, a written report of records required under condition 8 of this Permit and activities done by the Permit Holder under this Permit between 1 January and 31 December of the preceding year.
- (b) Prior to 24 August 2014, the Permit Holder must provide to the CEO a written report of records required under condition 8 of this Permit where these records have not already been provided under condition 9(a) of this Permit.

#### **Definitions**

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

*flora specialist* means a person with specific training and/or experience in the ecology and taxonomy of Western Australian flora;

*priority flora taxa* means those plant taxa that described as priority flora classes 1, 2, 3 or 4 in the *Department's Declared Rare and Priority Flora List for Western Australia* (as amended).



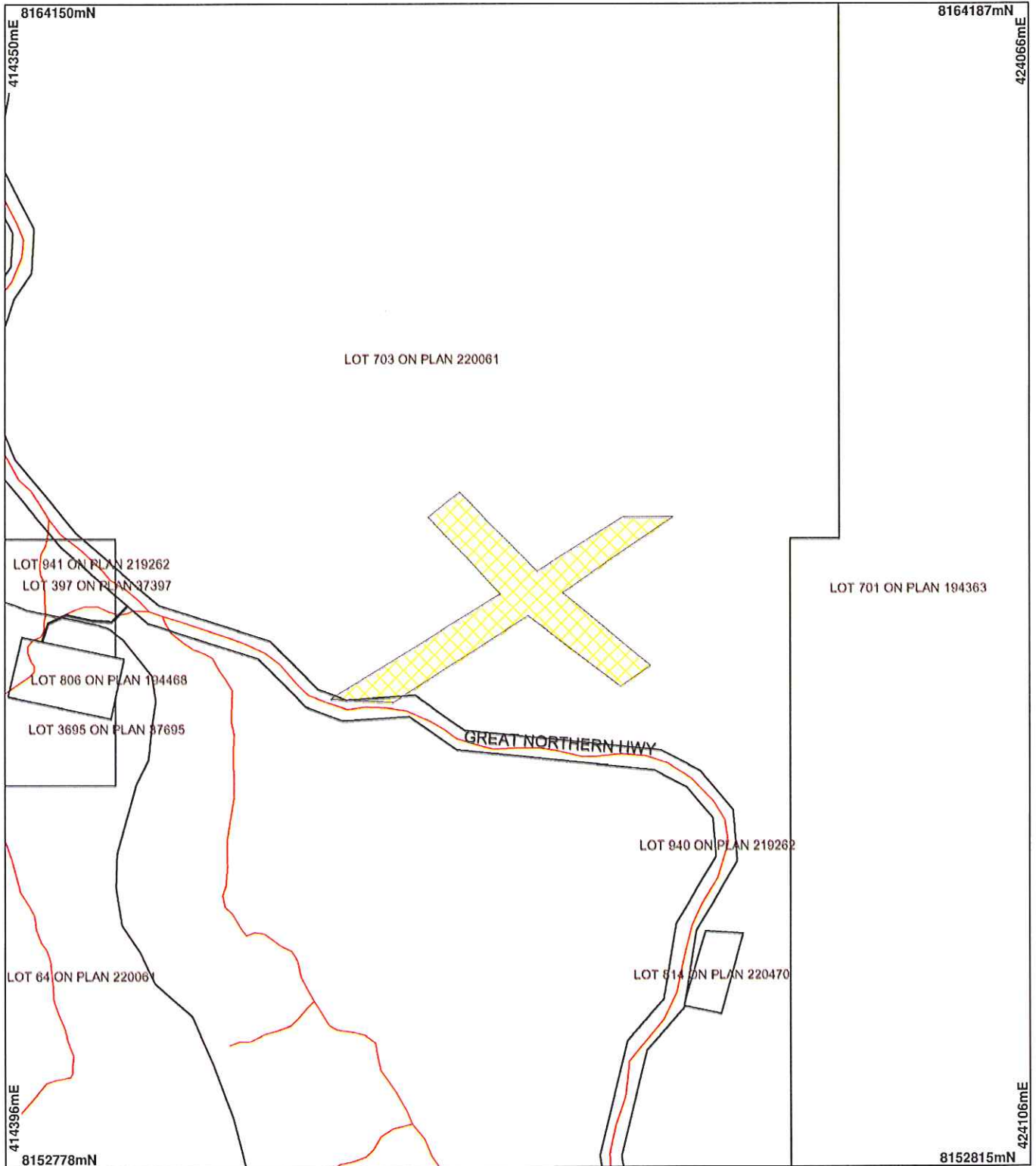
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Kelly Faulkner  
MANAGER  
NATIVE VEGETATION CONSERVATION BRANCH

*Officer delegated under Section 20  
of the Environmental Protection Act 1986*

24 September 2009

# Plan 3206/1



## LEGEND

- |                             |                                |
|-----------------------------|--------------------------------|
| <b>Clearing Instruments</b> | <b>Cadastral for labelling</b> |
| Areas Approved to Clear     | 20090529_Threatened_Fauna      |
| Road Centrelines            | Cadastral                      |
| Cadastral                   |                                |



Scale 1:52799

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

*K Faulkner* Date 24/9/09

K Faulkner  
Officer with delegated authority under Section 20 of the Environmental Protection Act 1986

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.



Department of Environment and Conservation

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\* Project Data is denoted by asterisk. This data has not been quality assured. Please contact map author for details.



**1. Application details**

**1.1. Permit application details**

Permit application No.: 3206/1  
 Permit type: Purpose Permit

**1.2. Proponent details**

Proponent's name: Kimberley Metals Group Pty Ltd

**1.3. Property details**

Property: LOT 703 ON PLAN 220061 ( DURACK 6743)  
 LOT 703 ON PLAN 220061 ( DURACK 6743)

Local Government Area:  
 Colloquial name:

**1.4. Application**

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
2.2		Mechanical Removal	Road construction or maintenance

**2. Site Information**

**2.1. Existing environment and information**

*2.1.1. Description of the native vegetation under application*

Vegetation Description	Clearing Description	Vegetation Condition	Comment
Beard Vegetation Association: 820 - Grasslands, high grass savanna sparse low tree; snappy gum (Eucalyptus brevifolia) over upland tall grass & curly spinifex on granite 825 - Grasslands, high grass savanna woodland; cabbage gum & Eucalyptus foelscheana over upland tall grass & curly spinifex on basalt (Shepherd, 2007)	The vegetation to be cleared is in very good (Keighery, 1994) condition. Clearing is to be by raised blade cutting and is for a temporary access track and water bores.	Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery 1994)	The condition of the vegetation was assessed by aerial photography.

**3. Assessment of application against clearing principles**

**(a) Native vegetation should not be cleared if it comprises a high level of biological diversity.**

**Comments** **Proposal may be at variance to this Principle**  
 The proposed clearing of 2.2 hectares of native vegetation for the purpose of constructing an access track and drilling of water bores adjacent to the track. Clearing will be by raised blade and the applicant will attempt to avoid large rubble and boulder piles, termite mounds and large mature trees (APM, 2009). The vegetation complexes of the application area are mapped as 820 and 825 and are described as grasslands, high grass savanna sparse low tree; snappy gum (Eucalyptus brevifolia) over upland tall grass & curly spinifex on granite; and grasslands, high grass savanna woodland; cabbage gum & Eucalyptus foelscheana over upland tall grass & curly spinifex on basalt (Shepherd, 2007). Both vegetation associations have approximately 100% of the Pre-European extent remaining (Shepherd et al., 2007).

The most western section of the application area occurs within the Great Northern Highway road reserve. This vegetation has been previously disturbed for road maintenance. A variety of weed species have been identified on an access track leading to the same mining tenement as the proposed clearing application (APM, 2009). One of these weed species, *Sida acuta*, is a priority listed weed species. Weed management conditions will be placed on the permit to mitigate the spread of weeds in and out of the application area.

A flora and vegetation survey (Ecologia, 2006) undertaken within similar vegetation nearby identified 2 priority flora species that may occur within the application area. These are *Phyllanthus aridus* (P3) and *Grevillea miniata* (P4). Both these species prefer landform systems that may be present within the application area (APM,

2009). A flora management condition will be placed on the permit to mitigate potential impacts of clearing on flora of conservation significance.

**Methodology** APM (2009)  
Ecologica (2006)  
Shepherd (2007)

**(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.**

**Comments** **Proposal is not likely to be at variance to this Principle**  
Fauna habitats within the proposed area to be cleared are well represented elsewhere within the local and regional area. The area to be cleared does not represent a fauna corridor and therefore the clearing will not remove an ecological linkage that is necessary for the maintenance of fauna.

The majority of the vegetation in the Victoria Bonaparte bioregion is in excellent condition. Given the proposed clearing (2.2ha) is for a temporary access track and the method of clearing is by raised blade, with termite mounds, large rubble and boulder piles to be avoided, it is unlikely that the proposed clearing will have any impact on habitat for fauna indigenous to Western Australia.

**Methodology** GIS Database:  
- Sac Biodatasets (7/8/09)

**(c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.**

**Comments** **Proposal is not likely to be at variance to this Principle**  
There are no records of rare flora within the local area (30km radius) of the application area. Given this, it is unlikely that the clearing as proposed is at variance to this principle.

**Methodology** GIS Database:  
- Sac Biodatasets (7/8/09)

**(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.**

**Comments** **Proposal is not likely to be at variance to this Principle**  
There are no recorded occurrences of Threatened Ecological Communities (TEC's) within the local area (30km radius). Therefore, it is unlikely that the clearing as proposed is part of, or could be considered necessary for the maintenance of a TEC.

**Methodology** GIS Database:  
- Sac Biodatasets (7/8/09)

**(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.**

**Comments** **Proposal is not at variance to this Principle**  
Mapped Beard (1980) vegetation association 820 and 825 had approximately 100% of its pre-clearing extent remaining within the Victoria Bonaparte bioregion in 2007).

	Pre-European (ha)	Current extent (ha)	Remaining (%)	% In reserves DEC Managed Land
<b>IBRA Bioregions*</b>				
Victoria				
Bonaparte	1,871,372	1,848,352	98.77	5.83
<b>Shire*</b>				
Wyndham East Kimberley	11,191,430	11,074,546	98.96	11.37
<b>Beard Vegetation Association with Bioregion*</b>				
820*	53,191	53,191	100	
825*	54,879	54,879	100	

\* (Shepherd et al. 2007)

Given the high vegetation representation within the local and regional area, it is not likely that the vegetation within

the application area is considered to be a significant remnant of native vegetation within an extensively cleared area.

**Methodology** Shepherd (2007)

**(f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.**

**Comments Proposal is at variance to this Principle**

Wilson River is located 1.8km west of the application area and numerous minor perennial watercourses and drainage lines are located within the application area. The Department of Water has advised that water licences are not required for this proposal (DEC TRIM Ref: DOC98390).

Given the above, the clearing as proposed, is at variance to this principle.

**Methodology** DEC TRIM Ref: DOC98390

GIS Database:

- Hydrography linear - DOW 13/7/06

- Hydrography linear (hierarchy) - DoW 13/7/06

**(g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.**

**Comments Proposal is not likely to be at variance to this Principle**

The application is for the construction of water bores and a temporary access track. The clearing for the access track will be by raised blade clearing to open up access for a drilling rig (APM, 2009). This type of clearing is unlikely to cause land degradation. Clearing for water bores will be approximately 20m<sup>2</sup> (APM, 2009) which given the size is unlikely to cause or exacerbate land degradation.

The application is unlikely to be at variance to this principle.

**Methodology** References:

APM (2009)

**(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.**

**Comments Proposal is not likely to be at variance to this Principle**

There are no conservation areas (estate, covenants, etc) within the immediate proximity of the area under application. The vegetation associations within the Victoria Bonaparte bioregion are highly represented. The proposed clearing is unlikely to contribute to an ecological linkage to a conservation area.

Given this it is unlikely that the proposed clearing is at variance to this principle.

**Methodology** GIS Database:

- CALM Managed Lands and Waters - CALM 01/06/05

**(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.**

**Comments Proposal is not likely to be at variance to this Principle**

The subject property lies within The Ord River and Tributaries Area as proclaimed area under the Rights in Water and Irrigation Act 1914. Any groundwater extraction and/or taking or diversion of surface water for the purposes other than domestic and/or stock watering is subject to licence by the Department of Water. The Department of Water has advised that water licences are not required for this proposal (DEC TRIM Ref: DOC98390).

Groundwater salinity levels within the local area are low (500-1000mg/L). The discharge of saline water onto the receiving environment is not anticipated during drilling (APM, 2009).

The proposed clearing is unlikely to be at variance to this principle.

**Methodology** APM (2009)

DEC TRIM Ref: DOC98390

**(j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.**

**Comments Proposal is not likely to be at variance to this Principle**

The limited amount of clearing proposed (2.2 hectares) in comparison with the extent of the Victoria Bonaparte bioregion (approximately 1,848,352 hectares remaining) (Shepherd, 2007) is unlikely to result in an increase in peak flood height or flood peak duration.

Further to this, the existing vegetation consists of shallow rooted grasses and shrubs with minimal tree root systems, thus the proposed clearing of vegetation is unlikely to significantly affect the level of the ground water table.

Given the above, it is unlikely that the proposed clearing will cause or exacerbate the incidence or intensity of flooding.

**Methodology** Shepherd (2007)

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

**Comments**

The subject property lies within The Ord River and Tributaries Area as proclaimed area under the Rights in Water and Irrigation Act 1914. Any groundwater extraction and/or taking or diversion of surface water for the purposes other than domestic and/or stock watering is subject to licence by the Department of Water. The Department of Water have advised that water licences are not required for this proposal (DEC TRIM Ref: DOC98390).

The applicant has also applied for a Miscellaneous licence from the Department of Mines and Petroleum (DEC TRIM Ref: DOC94271).

A submission was received from Kimberley Land Council on behalf of Lumugal Native Title Group (DEC TRIM ref: DOC97059). Environmental concerns raised by KLC in their submission have where possible been addressed in the 10 clearing principles.

The proposal covers an area in which there exists two registered Indigenous Heritage Site.

Written authority for the applicant to access the land to conduct the proposed clearing has been provided by the Department of Regional Development and Lands Team Leader of the Kimberley - Pilbara (DEC TRIM Ref: DOC98850).

**Methodology**

#### **4. Assessor's comments**

**Comment**

The application has been assessed against the clearing principles, planning instruments and other matters in accordance with s51O of the Environmental Protection Act 1986, and the proposed clearing is at variance to Principle (f), may be at variance to Principle (a) and is not likely to be at variance to the remaining clearing Principles.

#### **5. References**

- APM (2009) Animal Plant Mineral. Kimberley Metals Group Pty Ltd. Ridges Iron Ore Project Water Bore Exploration Program.  
Ecologia (2006) Ecologia. Argyle Iron Ore Project: Conservation significant flora and rainforest thicket assessment.  
Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.  
Shepherd, D.P. (2007). Adapted from: Shepherd, D.P., Beeston, G.R., and Hopkins, A.J.M. (2001), Native Vegetation in Western Australia. Technical Report 249. Department of Agriculture Western Australia, South Perth. Includes subsequent updates for 2006 from Vegetation Extent dataset ANZWA1050000124.

#### **6. Glossary**

Term	Meaning
BCS	Biodiversity Coordination Section of DEC
CALM	Department of Conservation and Land Management (now BCS)
DAFWA	Department of Agriculture and Food
DEC	Department of Environment and Conservation
DEP	Department of Environmental Protection (now DEC)
DoE	Department of Environment

DoIR	Department of Industry and Resources
DRF	Declared Rare Flora
EPP	Environmental Protection Policy
GIS	Geographical Information System
ha	Hectare (10,000 square metres)
TEC	Threatened Ecological Community
WRC	Water and Rivers Commission (now DEC)