



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 3597/1
Permit Holder:	Robe River Limited
Duration of Permit:	8 May 2010 – 8 May 2015

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 geotechnical investigations.

2. Land on which clearing is to be done

PART LOT 162 ON PLAN 220576 (FORTESCUE 6716)
LOT 148 ON PLAN 93149 (HAMERSLEY RANGE 6716)
UNALLOCATED CROWN LAND - PIN1016550 (HAMERSLEY RANGE 6716)
UNALLOCATED CROWN LAND - PIN1016554 (HAMERSLEY RANGE 6716)
LOT 128 ON PLAN 240249 (FORTESCUE 6716)
LOT 55 ON PLAN 212209 (MILLSTREAM 6716)

3. Area of Clearing

The Permit Holder must not clear more than 18 hectares of native vegetation within the area hatched yellow on attached Plan 3597/1a and Plan 3597/1b.

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:

- (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.

7. Weed control

- (a) When undertaking any clearing or other activity authorised under this Permit, the Permit Holder must take the following steps to minimise the risk of the introduction and spread of *weeds*:
 - (i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
 - (ii) ensure that no *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
 - (iii) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.
- (b) 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.

8. Retain and spread vegetative material and topsoil

The Permit Holder shall:

- (a) retain the vegetative material and topsoil removed by clearing authorised under this Permit and stockpile the vegetative material and topsoil in an area that has already been cleared.
- (b) within 12 months following clearing authorised under this permit, *revegetate* and *rehabilitate* the area(s) that are no longer required for the purpose for which they were cleared under this Permit by:
 - (i) re-shaping the surface of the land so that it is consistent with the surrounding 5 metres of uncleared land; and
 - (ii) laying the vegetative material and topsoil retained under condition 8(a) on the cleared area(s)
- (c) within 24 months of laying the vegetative material and topsoil on the cleared area in accordance with condition 8(b) of this Permit:
 - (i) engage an *environmental specialist* to 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 8(c)(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, *revegetate* the area by deliberately *planting* and/or *direct seeding* native vegetation that will result in a similar species composition, structure and density of native vegetation to pre-clearing vegetation types in that area and ensuring only *local provenance* seeds and propagating material are used.

PART III - RECORD KEEPING AND REPORTING

9. Records to 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 the *revegetation* and *rehabilitation* of areas pursuant to condition 8 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;
 - (iii) the size of the area *revegetated* and *rehabilitated* (in hectares); and
 - (iv) the species composition, structure and density of *revegetation* and *rehabilitation*.

10. 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 9 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 8 February 2015, the Permit Holder must provide to the CEO a written report of records required under condition 9 of this Permit where these records have not already been provided under condition 10(a) of this Permit.

Definitions

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

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;

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;

local provenance means native vegetation seeds and propagating material from natural sources within 50 kilometres of the area cleared.

mulch means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation;

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

regenerate/ed/ion means *revegetation* that can be established from in situ seed banks contained either within the topsoil or seed-bearing *mulch*;

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;

weed/s 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 *Agriculture and Related Resources Protection Act 1976*.

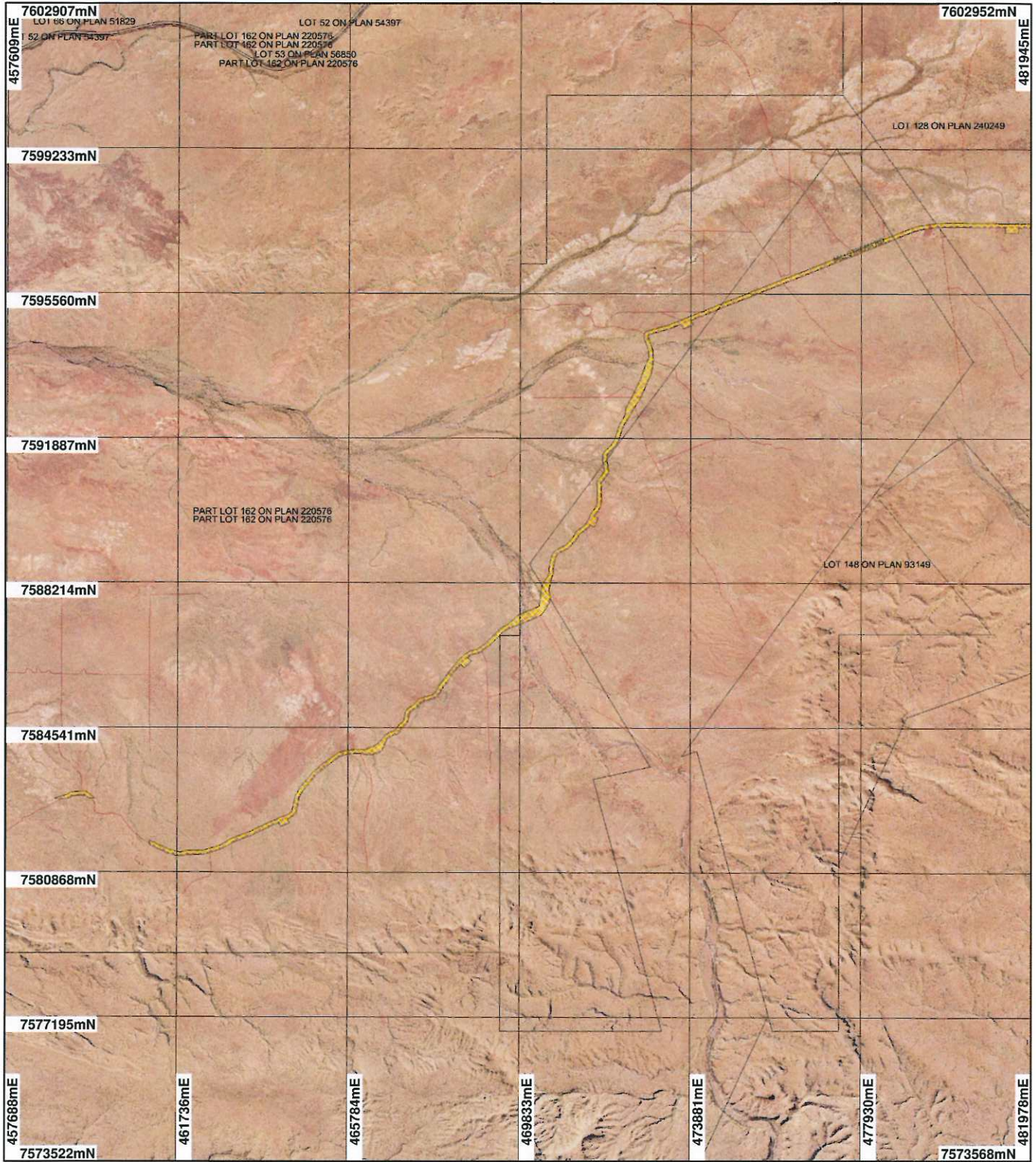


Kelly Faulkner
MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

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

8 April 2010

Plan 3597/1a



LEGEND

- Cadastre
- Road Centrelines
- Clearing Instruments
- Areas Approved to Clear

Elvire 1.4m Orthomosaic - Landgate 2000

Millstream 1.4m Orthomosaic - Landgate 2000



0 ————— -3.75 km

Scale 1:134663

(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 8/4/10

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

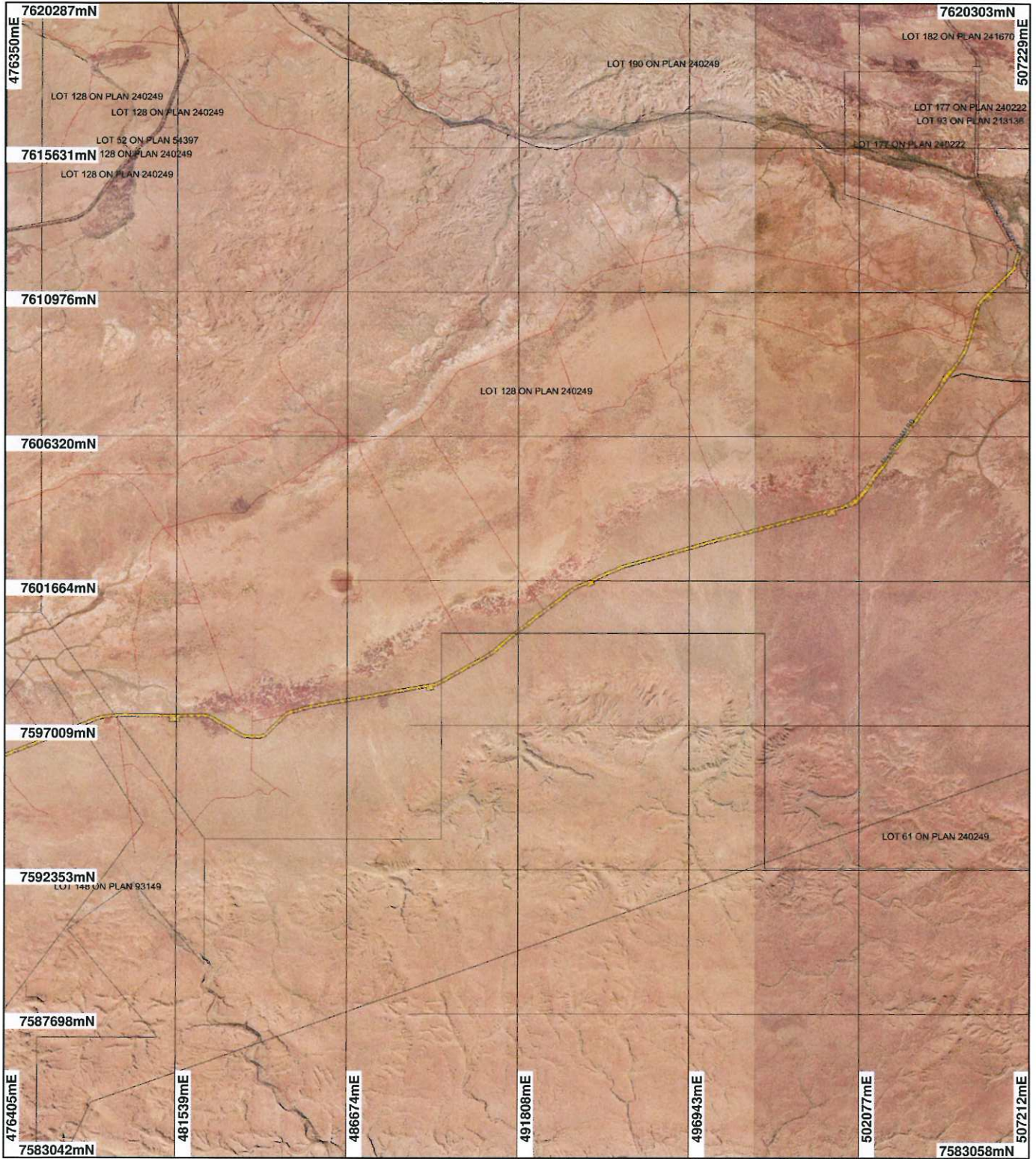
Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.



Department of Environment and Conservation

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Plan 3597/1b



LEGEND

- Cadastre
- Road Centrelines
- Clearing Instruments
- Areas Approved to Clear
- Elvire 1.4m Orthomosaic - Landgate 2000
- Millstream 1.4m Orthomosaic - Landgate 2000



Scale 1:170744

(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 *8/6/10*

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.



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1. Application details

1.1. Permit application details

Permit application No.:	3597/1
Permit type:	Purpose Permit

1.2. Proponent details

Proponent's name:	Robe River Limited
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1.3. Property details

Property:	PART LOT 162 ON PLAN 220576 (FORTESCUE 6716)
	PART LOT 162 ON PLAN 220576 (FORTESCUE 6716)
	LOT 148 ON PLAN 93149 (HAMERSLEY RANGE 6716)
	UNALLOCATED CROWN LAND (HAMERSLEY RANGE 6716)
	LOT 128 ON PLAN 240249 (FORTESCUE 6716)
	UNALLOCATED CROWN LAND (HAMERSLEY RANGE 6716)
	LOT 55 ON PLAN 212209 (MILLSTREAM 6716)
Local Government Area:	
Colloquial name:	

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
18		Mechanical Removal	Geotechnical investigations

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 175 is described as Short bunch grassland - savanna/grass plain (Pilbara).	The proposed clearing of 18 hectares of native vegetation for geotechnical investigations.	Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994)	Vegetation condition was determined through orthomosaic imagery.
Beard vegetation association 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 <i>Triodia wiseana</i> on a lateritic crust.			
Beard vegetation association 645 - Hummock grasslands, shrub steppe; kanji & snakewood over soft spinifex & <i>Triodia wiseana</i> .			
Beard vegetation association 646 - Hummock grasslands, shrub steppe; snakewood over <i>Triodia basedowii</i> . (Shepherd, 2007)			

3. Assessment of application against clearing principles

Comments

The proposal is to clear up to 18 hectare of native vegetation for the purpose of geotechnical investigations. There are no declared rare flora species or threatened ecological communities in the vicinity of the project. The vegetation association to be cleared is well represented and the local area (40km radius) is well vegetated.

The proposed clearing will include the digging of approximately 140 trenches in which fauna may become trapped if they are not backfilled promptly. The proponent has advised that the trenches will be back filled immediately and if not possible that a barrier to prevent fauna access to the trenches will be erected. Given the above and the thin linear nature of the proposed clearing it is unlikely to have a detrimental impact on fauna or their habitat. Millstream Chichester National Park is located nearby the north eastern end of the pipeline. Given the proximity to this conservation area the assessment recommendation is that a weed hygiene condition is imposed to minimise the introduction or spread of weeds into the conservation area.

The proposed clearing crosses Robe River and numerous non perennial watercourses, however the proposed clearing follows the path of the Millstream to Yarraloola road and consequently these watercourse crossings have already been modified. Given this and the small, thin linear section of clearing across the watercourse it is assessments recommendation that the proposed clearing is unlikely to cause any detrimental impact on the watercourses or water quality.

Methodology

GIS database:

- SAC Biodatasets (accessed 3 March 2010)
- Pre European Vegetation (DA 2001)
- Clearing Regulations, Environmentally Sensitive Areas (2009)
- Current Extent of Native Vegetation (NLWRA 2001)
- Hydrography linear - DOW 13/7/06
- Hydrogeology, Statewide 05 Feb 2002
- Soils, Statewide DA 11/99

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

Comments

A submission was received from the Shire of Ashburton advising they have no objections to the proposed clearing (Shire of Ashburton, 2010).

The Department of Water (DOW) advise that the proposed clearing falls within the Millstream Water Reserve which is a priority 1 water reserve and within the RIWI Pilbara River Area. DOW advise the proponent is to contact DOW to identify best management practices within the Millstream Water Reserve and that a bed and banks permit will be required if any interference with the bed or banks of a watercourse is to occur (DOW, 2010).

The Kuruma Marthudunera native title claimants and the Yamatji Marlpa Aboriginal Corporation were notified and comments were sought regarding the proposed clearing but no response has been received by DEC to date.

The proposed clearing falls within the Kuruma Marthudunera native title claimant's area. The proposed clearing crosses two Aboriginal Sites of Significance. The proponent will be advised to contact the Department of Indigenous Affairs to ensure compliance with the Aboriginal Heritage Act 1972.

Methodology

Shire of Ashburton Submission (2010)

GIS database:

- Cadastre - Landgate Dec 07
- Native Title Claims - LA 2/5/07
- Aboriginal Sites of Significance 26 April 2007
- Public Drinking Water Source Areas (PDWSAs) – 07/02/06

4. Assessment 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 assessment recommendation is that the proposed clearing may be at variance to Principle (h) and is not likely to be at variance to the remaining clearing Principles.

5. References

- DEC (2010) Pilbara Regional Advice. Department of Environment and Conservation Trim Ref DOC 123861.
Department of Water (2010). Public Drinking Water Source Area and RIWI Advice. DEC Ref: A296559.
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

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 (now DEC)
DMP	Department of Mines and Petroleum (ex DoIR)
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)