



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 3999/2
Permit Holder:	Cazaly Iron Pty Ltd
Duration of Permit:	24 August 2012 – 24 August 2017

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 rail siding construction.

2. Land on which clearing is to be done

Lot 567 on Deposited Plan 68635 (MOORINE ROCK 6425)

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 3999/2.

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. Type of clearing authorised

This Permit authorises the Permit Holder to clear native vegetation for activities to the extent that the Permit Holder has the power to clear native vegetation for those activities under the *Land Administration Act 1997* or any other written law.

6. 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

7. 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.

8. Trapdoor Spider management

- (a) Prior to undertaking any clearing authorised under this Permit, the area(s) shall be inspected by a *fauna specialist* for the presence of *Aganippe castellum* (Tree-stem Trapdoor Spider) burrows.
- (b) Where *Aganippe castellum* (Tree-stem Trapdoor Spider) burrows are identified in relation to condition 8(a) of this Permit, the Permit Holder shall ensure that no clearing occurs within 10 meters of the identified burrows, unless approved by the CEO.

9. Native vegetation conservation (conservation covenant)

- (a) The Permit Holder shall enter into a conservation covenant, agreement to reserve or some other form of binding undertaking to maintain vegetation within Lot 747 on Deposited Plan 164879 and Lot 782 on Deposited Plan 168272.
- (b) The conservation covenant, agreement to reserve or some other form of binding undertaking to maintain vegetation shall include, but not be limited to, the following conditions:
 - (i) native vegetation in the area subject to the conservation reserve must not be cleared, other than for clearing required under the *Bush Fires Act 1954*;
 - (ii) the land subject to the conservation reserve shall not be used for the purpose of cultivation of crops or pasture, or for the de-pasturing of any stock; and
 - (iii) the conservation reserve is to apply in perpetuity and be registered on the title of the property.
- (c) The Permit Holder is to execute and return the conservation covenant, agreement to reserve or some other form of binding undertaking outlined in condition 9(a) of this permit prior to 7 December 2013.

10. Records must 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 or decimal degrees;
 - (ii) the date that the area was cleared; and
 - (iii) the size of the area cleared (in hectares).
- (b) In relation to trapdoor Spider management pursuant to condition 8 of this Permit:
 - (i) the location of each trapdoor spider identified recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees; and
 - (ii) the species name of each trapdoor spider identified.
- (c) In relation to native vegetation conservation of areas pursuant to condition 9 of this Permit, within one month of executing the conservation covenant, agreement to reserve or other form of binding undertaking the Permit Holder shall notify the CEO in writing that the conservation covenant, agreement to reserve or other form of binding undertaking has been completed.

11. Reporting

- (a) The Permit Holder must provide to the CEO on or before 30 June of each year, a written report:
 - (i) of records required under condition 10 of this Permit; and
 - (ii) concerning activities done by the Permit Holder under this Permit between 1 January and 31 December of the preceding year.
- (b) Prior to 24 May 2017, the Permit Holder must provide to the CEO a written report of records required under condition 10 of this Permit where these records have not already been provided under condition 11(a) of this Permit.

Definitions

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

dieback means the effect of *Phytophthora* species on native vegetation;

dry conditions means when soils (not dust) do not freely adhere to rubber tyres, tracks, vehicle chassis or wheel arches;

fauna specialist means a person with training and specific work experience in fauna identification or faunal assemblage surveys of Western Australian fauna;

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

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; and

weed/s means any plant –

- (a) that is declared under section 37 of the *Agriculture and Related Resources Protection Act 1976*; or
- (b) published in the Department of Environment and Conservation's Regional Weed Assessments, regardless of ranking; or
- (c) not indigenous to the area concerned.

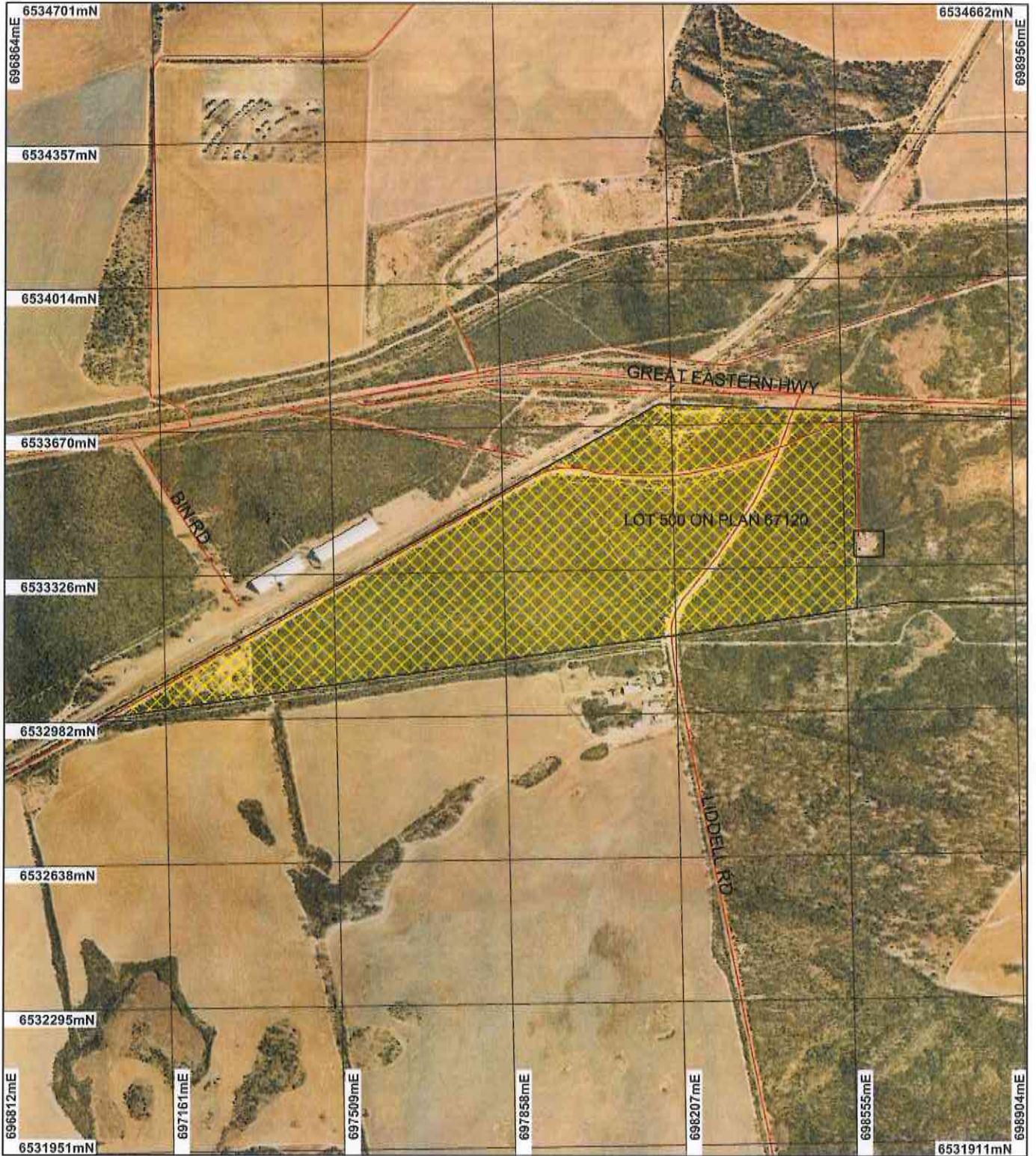


M Warnock
A/MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

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

20 December 2012

Plan 3999/2



LEGEND

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

Southern Cross 50cm
Orthomosaic - Landgate
2004



0 300 m

Scale 1:12196
(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.

M. Warnock Date 20/12/12

M. Warnock

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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1. Application details

1.1. Permit application details

Permit application No.: 3999/2
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Cazaly Iron Pty Ltd

1.3. Property details

Property: LOT 567 ON PLAN 68635 (MOORINE ROCK 6425)
Local Government Area: Shire of Yilgarn
Colloquial name:

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 20 December 2012

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
<p>The vegetation under application is mapped as consisting of the following vegetation types:</p> <ul style="list-style-type: none"> - Beard 1413: Shrublands; acacia, casuarina & melaleuca thicket - Beard 8: Medium woodland; salmon gum & gimlet <p>(Shepherd et. al., 2001).</p>	<p>Five vegetation groups were identified within the applied area (Botanica Consulting, 2010):</p> <ol style="list-style-type: none"> 1) Mixed Eucalyptus woodland (~75% of clearing envelope is comprised of this vegetation) <ul style="list-style-type: none"> - This section of vegetation was considered to be in very good (Keighery, 1994) condition. Upperstorey species included Eucalyptus loxophleba subsp. lissophloia and Eucalyptus leptopoda subsp. leptopoda; understorey species included Waitzia acuminata, Hakea multilineata, Melaleuca cordata and Drummondia hassellii. 2) Gravel pits (~5% of clearing envelope is comprised of this vegetation) <ul style="list-style-type: none"> - The condition of the vegetation within this section was considered to be degraded (Keighery, 1994), mounds of soil and rubbish were present within the gravel pit. The vegetation consisted of an upper storey of Eucalyptus eremophila subsp. eremophila and E. leptopoda subsp. leptopoda. The understorey species included Ptilotus polystachyus, Allocasuarina campestris, Hibbertia exasperata, Cassytha melantha, Acacia enervia subsp. enervia and Acacia fragilis. subsp. fragilis. 3) Eucalyptus capillosa subsp. capillosa over Melaleuca hamata (~10% of clearing envelope is comprised of this vegetation) <ul style="list-style-type: none"> - This section of vegetation was considered to be in very good (Keighery, 1994) condition. Upperstorey species included Eucalyptus capillosa subsp. capillosa, E. loxophleba subsp. lissophloia, E. leptopoda subsp. leptopoda and E. rigidula; understorey species included Olearia muelleri, Callitris columellaris, Astroloma serratifolium, Scaevola spinescens, Westringia cephalantha and Eremophila drummondii. 4) Rehabilitation area (~6% of clearing envelope is comprised of this vegetation) 	<p>Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery 1994)</p>	<p>The condition and description of the vegetation under application was determined via the use of aerial imagery and a flora and vegetation survey conducted by Botanica Consulting during November 2009 and March 2010 (Botanica Consulting, 2010).</p>

- This section was considered to be in good (Keighery, 1994) condition. Mixed Eucalyptus woodland. Upper storey species of Eucalyptus loxophleba subsp. lissophloia and Eucalyptus leptopoda subsp. leptopoda; understorey species include Waitzia acuminata, Hakea multilineata, Melaleuca cordata and Drummondita hassellii.

5) Melaleuca thicket (~4% of clearing envelope is comprised of this vegetation)

- This section of vegetation was considered to be in very good (Keighery, 1994) condition. Upperstorey species included Melaleuca lateriflora, Melaleuca acuminata, Melaleuca eleuterostachya and Melaleuca hamata; understorey species included Leptospermum erubescens, Hordeum glaucum, Hordeum leporinum and Vulpia bromoides.

3. Assessment of application against clearing principles

Comments

The applicant applied to amend the wording of clearing permit condition 9 (conservation covenant). The applicant has requested the following:

- to extend the date of entering into the conservation covenant by 12 months,
- to remove the term 'establish' as the vegetation within the proposed covenanting properties is established,
- to include the terms 'procure entry'
- to include the terms 'other comparable land selected in consultation with the CEO'.

A review of current environmental information reveals no new additional information. Therefore the assessment against the clearing principles has not changed and can be found in the Clearing Permit Decision Report CPS 3999/1

Methodology

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

Comments

The applicant requested an amendment to clearing permit condition 9 (conservation covenant). DEC accepts the 12 month extension of condition 9, accepts removing the term 'establish' and does not accept using the term 'procure entry' or 'other comparable land selected in consultation with the CEO'.

DEC notes that in the event that Lot 747 on Deposited Plan 164879 and Lot 782 on Deposited Plan 168727 are unable to be acquired, DEC will consider an application to amend permit CPS 3999/2 to replace these lots with other land of comparable environmental value.

No submissions were received.

Methodology

4. References

- Botanica Consulting (2010) Moorine Rocks Road and Rail Terminal Development, Level 2 Flora and Vegetation Survey. DEC Ref: A335686
- 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., Beeston, G.R., and Hopkins, A.J.M. (2001), Native Vegetation in Western Australia. Technical Report 249. Department of Agriculture Western Australia, South Perth.

5. 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)

