



GOVERNMENT OF
WESTERN AUSTRALIA

CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Purpose Permit Number: 4380/1

File Number: 2011/004694-1

Duration of Permit: From 24 October 2011 to 24 October 2013

PERMIT HOLDER

Fortescue Metals Group Limited

LAND ON WHICH CLEARING IS TO BE DONE

Lot 71 on Deposited Plan 216352 (NEWMAN 6753)

PURPOSE FOR WHICH THE CLEARING MAY BE DONE

Clearing for the purpose of installation of a Wet Desanding Pilot Plant (Rescreening Facility)

CONDITIONS

1. Area of Clearing

The Permit Holder shall not clear more than 1.73 hectares of native vegetation within the area cross hatched yellow on attached Plan 4380/1.

2. 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.

3. 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.

A handwritten signature in black ink, appearing to be 'K Faulkner', written over a horizontal line.

Kelly Faulkner
MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

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

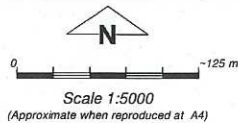
29 September 2011

Plan 4380/1



LEGEND

- Newman 1.4m Orthomosaic - Landgate 2003
- Local Government Authorities
- Cadastre
- Road Centrelines
- Clearing Instruments
- Areas Approved to Clear



Geocentric Datum Australia 1994

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

[Signature] Date 29/9/14
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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1. Application details

1.1. Permit application details

Permit application No.: 4380/1
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Fortescue Metals Group Pty Ltd

1.3. Property details

Property: LOT 71 ON PLAN 216352 (Lot No. 71 GREAT NORTHERN NEWMAN 6753)
Local Government Area: Shire of East Pilbara
Colloquial name: NEWMAN OPERATIONS CENTRE - RESCREENING FACILITY

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
1.73		Mechanical Removal	Building or Structure

1.5. Decision on application

Decision on Permit Application: GRANT
Decision Date: 29 September 2011

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: 18 - Low woodland; mulga (Acacia aneura) (Shepherd, 2009)	The application area is located within part of Lot 71 on Deposited Plan 216352 (Crown Reserve 39519), Newman. The application area is adjacent to an existing racecourse development and associated infrastructure and is on the outskirts of the Newman townsite. Vegetation under application is described as isolated low trees of <i>Corymbia ferritcola</i> over isolated clumps of <i>Acacia sclerosperma</i> over open <i>A. synchronicia/A. pyrifolia</i> over open exotic <i>Cenchrus ciliaris</i> grassland and isolated clumps of <i>Triodia bitextura</i> and scattered herbs (Ecologia Environment, 2011). Previous disturbance is evident, including widespread weed invasion, extensive vehicle tracks, littering and cleared areas (Ecologia Environment, 2011). The vegetation ranges from good to completely degraded (Keighery, 1994) condition, with majority considered to be in degraded (Keighery, 1994) condition.	Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994) To Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994)	Vegetation condition and composition was determined through aerial imagery and Level 1 flora report (Ecologia Environment, 2011).

3. Assessment of application against clearing principles

Comments

Fortescue Metals Group Limited (FMGL) proposes to clear up to 1.73 hectares of native vegetation for the purpose of constructing a small batch wet desanding pilot plant (rescreening facility) on the outskirts of the Newman townsite.

The application area is in a region that retains approximately 90% native vegetation cover in the local area (20 kilometre radius) and the vegetation association proposed to be cleared is typical of the surrounding area.

One threatened and two priority flora species are mapped as occurring within the local area, with known occurrences on different vegetation and soil types as the application area. No priority or threatened flora were found to occur in the application area during a flora survey conducted in March 2011 (Ecologia Environment, 2011). Considering the level of disturbance and alteration present, the vegetation under application is not likely to provide significant habitat for flora of conservation significance.

The open acacia scrubland fauna habitat present is well represented within the region and is not unique to the application area (Ecologia Environment, 2011). Considering the level of disturbance the vegetation under application and the extent of high quality vegetation remaining in the local area, the vegetation under application is not considered to be significant habitat for indigenous fauna.

No watercourse or wetlands occur within the application area. Surface water drainage lines or groundwater will not be impacted by the proposed clearing (Ecologia Environment, 2011).

The application area is with a Public Drinking Water Source Area, the Newman Water Reserve, and the Pilbara Surface and Groundwater Rights in Water and Irrigation Act 1914 areas. The Department of Water (DoW) is satisfied that the proposed clearing of 1.73 hectares is unlikely to have a significant impact on the quality or quantity of groundwater, provided activities are carried out in accordance with DoW advice (DoW, 2011). This advice relates to the clearing activities only and application for approval to conduct the desanding activities should be forwarded to the DoW for assessment (DoW, 2011).

Given the small extent of the proposed clearing, it is unlikely to result in appreciable land degradation or increase the incidence or intensity of flooding.

Considering the above, the proposed clearing of 1.73 hectares is not likely to be at variance to the clearing principles.

Methodology

References:

DoW, 2011

Ecologia Environment, 2011

GIS Databases:

- Newman Townsite 20cm Orthomosaic - Landgate 2002
- Pre-European vegetation - DA 01/01
- Public Drinking Water Source Areas (PDWSAs) - 07/02/06
- RIWI Act, Areas - DoW 13/07/06
- RIWI Act, Groundwater Areas - DoW 13/07/06
- SAC Biodatasets - 17/06/11
- Soils, Statewide - 30/11/99

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

Comments

The property under application is a Crown reserve under management order vested with the Shire of East Pilbara for the purpose of 'raceway and racecourse'.

The proposed development of a small batch wet desanding pilot plant (rescreening facility) requires a scheme amendment to allow industrial pursuits. On 3 August 2011, the Environmental Protection Authority (EPA) determined not to assess the application to amend the Shire of East Pilbara Town Planning Scheme No 4 to rezone from 'Recreation' to 'Special Use' (EPA, 2011).

The Department of Regional Development and Lands (DRDL) and Shire of East Pilbara support the application for a clearing permit on the condition that the company obtains the required scheme amendment and other relevant approval prior to undertaking the works (DRDL, 2011; Shire of East Pilbara, 2011a).

The Shire of East Pilbara granted Planning Approval for the proposed pilot plant on 1 September 2011, subject to conditions (Shire of East Pilbara, 2011b).

DEC works approval has been applied for, for this proposal, and is currently on hold awaiting legal land occupancy.

The application area is in the Pilbara area proclaimed for ground and surface water under the Rights in Water and Irrigation Act 1914. The Department of Water (DoW) advised that any taking or diversion of surface water for purposes other than domestic and/or stock watering, and abstraction of groundwater in this proclaimed area is subject to licence by the DoW. The DoW advised that the proponent contact the DoW to ensure that sustainable groundwater allocation limits have not been reached for the area (DoW, 2011). In addition, any interference with the bed or banks of a watercourse in this proclaimed area will require a permit from the DoW (DoW, 2011).

The application area is also within the Newman Water Reserve priority 3 Public Drinking Water Source Area.

The DoW advised that all activities associated with the clearing, including infrastructure, lay down areas, refuelling, and topsoil storage should be compatible with the DoW's Land Use Compatibility Tables and acceptable activities should be managed using best practices (DoW, 2011). The DoW's Water Quality Protection Guidelines and Water Quality Protection Notes should be followed to reduce the risk the associated activities pose to the Water Reserve and are available from <http://drinkingwater.water.wa.gov.au>

The application area is within the Nyiyaparli People's native title claim area. DEC notified the Nyiyaparli People of this application and provided the opportunity to comment. No comment was received.

There are no known Aboriginal Sites of Significance within the application area.

- Methodology** References:
- DoW, 2011
 - DRDL, 2011
 - EPA, 2011
 - Shire of East Pilbara, 2011a
 - Shire of East Pilbara, 2011b
- GIS Databases:
- Aboriginal Sites of Significance - 26/04/07
 - Native Title Claims - LA 2/5/07
 - Public Drinking Water Source Areas (PDWSAs) - 07/02/06
 - RIWI Act, Areas - DoW 13/07/06
 - RIWI Act, Groundwater Areas - DoW 13/07/06

4. References

- DoW (2011) Application to clear native vegetation under the Environmental Protection Act 1986. Fortescue Metals Group - CPS 4380. PDWSA and RIWI Act advice 4 July 2011. Department of Water, Western Australia. DEC Ref: A412207
- DRDL (2011) Reserve 39519, Lot 71 on Deposited Plan 216352, Great Northern Highway, Newman. Support for clearing permit application 8 June 2011. Department of Regional Development and Lands, Western Australia. DEC Ref: A403974
- Ecologia Environment (2011) Fortescue Metals Group Limited - Level 1 Flora and Desktop Fauna Assessment - Newman Pilot Plant. May 2011. DEC Ref: A397842
- 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. (2009) 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.
- Shire of East Pilbara (2011a) Proposed clearing of portion of Reserve 45776. Support for clearing permit application 8 May 2011. DEC Ref: A398573
- Shire of East Pilbara (2011b) Proposed pilot plant/workshop/laboratory/drum storage Lot 70 Yawerta Drive Newman and part of Reserve 39519. Planning Approval 1 September 2011. DEC Ref: A435604

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)
TEC	Threatened Ecological Community
WRC	Water and Rivers Commission (now DEC)