



## CLEARING PERMIT

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

<b>Purpose Permit number:</b>	CPS 4392/2
<b>Permit Holder:</b>	Oakajee Port and Rail Pty Ltd
<b>Duration of Permit:</b>	29 August 2011 – 29 August 2021

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

### **PART I – CLEARING AUTHORISED**

#### **1. Land on which clearing is to be done**

- Lot 86 on Deposited Plan 238307, Yalgoo
- Lot 116 on Deposited Plan 238307, Yalgoo
- Lot 14 on Deposited Plan 238307, South Murchison
- Lot 28 on Deposited Plan 220349, Weld Range
- Lot 124 on Deposited Plan 220349, Weld Range
- Lot 132 on Deposited Plan 220349, Weld Range
- Lot 128 on Deposited Plan 29079, Crown Reserve 12300, Lake Austin
- Lot 141 on Deposited Plan 29079, Crown Reserve 12300, Lake Austin
- Lot 23 on Deposited Plan 220763, South Murchison
- Lot 22 on Deposited Plan 220764, South Murchison
- Lot 91 on Deposited Plan 220764, South Murchison
- Lot 11811 on Deposited Plan 220764, South Murchison
- Lot 94 on Deposited Plan 220763, South Murchison

#### **2. Area of Clearing**

The Permit Holder must not clear more than 130 hectares of native vegetation within the area crosshatched yellow on attached Plan 4392/2.

#### **3. 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.

#### **4. Type of clearing authorised**

- (a) In accordance with this Permit, the permit holder may clear *native vegetation for project activities*, which means any of the following:
- (i) establishment of water *bores* and water pipelines
  - (ii) construction of *turkey nest dams*
  - (iii) maintenance of existing access tracks
  - (iv) construction of up to 8 metre wide access tracks
  - (v) construction of 50 metre by 50 metre drill pads
  - (vi) construction of evaporation sumps and re-circulation tanks

- (vii) construction of containment bunds
- (viii) construction of *laydown areas*
- (ix) construction of crib rooms, sheds, workshops and security gates
- (x) installation of *temporary structures*
- (xi) excavation of test pits and geotechnical works
- (xii) construction of fences around *heritage sites* and other areas to be protected
- (xiii) installation and maintenance of signage
- (xiv) *rehabilitation* of cleared areas and rework of *rehabilitated* areas

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

## **PART II – ASSESSMENT SEQUENCE AND MANAGEMENT PROCEDURES**

### **5. 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.

### **6. Weed control**

When undertaking any clearing or other activity pursuant to this Permit, the Permit Holder must take the following steps to minimise the risk of the introduction and spread of weeds:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (b) ensure that no *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
- (c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

### **7. Fauna management**

(a) Prior to undertaking any clearing authorised under this Permit, the areas shall be inspected by a *fauna specialist* who shall identify habitats suitable to be utilised by fauna species listed below:

- (i) *Egernia stokesii* subsp. *badia* (Western Spiny-tailed Skink)
- (ii) *Leipoa ocellata* (Malleefowl)
- (iii) *Petrogale lateralis* subsp. *lateralis* (Black-footed Rock Wallaby)
- (iv) *Lerista eupoda* (Good-legged Lerista)
- (v) *Ardeotis australis* (Australian Bustard).

(b) Where *Egernia stokesii* subsp. *badia* (Western Spiny-tailed Skink), *Petrogale lateralis* subsp. *lateralis* (Black-footed Rock Wallaby) and *Lerista eupoda* (Good-legged Lerista) habitat is identified in relation to condition 7(a)(i), (iii) and (iv) of this Permit, the Permit Holder shall ensure that no clearing occurs within 50 metres of the identified habitat, unless approved by the CEO.

(c) Where *Leipoa ocellata* (Malleefowl) or *Ardeotis australis* (Australian Bustard) nests are identified in relation to conditions 7(a)(ii) and (v) of this Permit, the Permit Holder shall ensure that no clearing occurs within 50 metres of the identified *Leipoa ocellata* (Malleefowl) and *Ardeotis australis* (Australian Bustard) nests, unless approved by the CEO.



## 8. Flora management

- (a) Prior to undertaking any clearing authorised under this Permit, the Permit Holder shall engage a *botanist* to inspect that area for the presence of rare flora listed in the *Wildlife Conservation (Rare Flora) Notice 2015* and *priority flora*.
- (b) Where rare flora or *priority flora* are identified in relation to condition 8(a) of this Permit, the Permit Holder shall ensure that:
  - (i) no clearing occurs within 50 metres of identified rare flora, unless approved by the CEO, and no clearing of identified rare flora occurs unless approved under section 23F(2) of the *Wildlife Conservation Act 1950*; and
  - (ii) no clearing of identified *priority flora* occurs and no clearing occurs within 20 metres of identified *priority flora*, unless approved by the CEO.

## 9. Retain vegetative material and topsoil, revegetation and rehabilitation

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) At an optimal time within 12 months following completion of *project activities*, *revegetate* and *rehabilitate* areas not required for future scheduled and approved development, by:
  - (i) ripping the ground on the contour to remove soil compaction; and
  - (ii) laying the vegetative material and topsoil retained under condition 9(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 9(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 9(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.
- (d) Where additional *planting* or *direct seeding* of native vegetation is undertaken in accordance with condition 9(c)(ii) of this permit, the Permit Holder shall repeat condition 9(c)(i) and 9(c)(ii) within 24 months of undertaking the additional *planting* or *direct seeding* of native vegetation.
- (e) Where a determination by an *environmental specialist* that the composition, structure and density within areas *revegetated* and *rehabilitated* will result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area, as determined in condition 9(c)(i) and (ii) of this permit, that determination shall be submitted for the CEO's consideration. If the CEO does not agree with the determination made under condition 9(c)(ii), the CEO may require the Permit Holder to undertake additional *planting* and *direct seeding* in accordance with the requirements under condition 9(c)(ii).

## PART III – RECORD KEEPING AND REPORTING

### 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 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 fauna management pursuant to condition 7 of this Permit:
- (i) the location of each habitat identified 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 species of fauna reasonably likely to utilise, or that have been observed utilising, the habitat/s; and
  - (iii) a copy of the *fauna specialist's* fauna survey report.
- (c) In relation to flora management pursuant to condition 8 of this Permit:
- (i) the location of each rare or priority flora species, 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 species name of each rare or priority flora species identified; and
  - (iii) a copy of the *botanist's* flora survey report.
- (d) In relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 9 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 or decimal degrees;
  - (ii) a description of the *revegetation* and *rehabilitation* activities undertaken, including dates;
  - (iii) the size of the area *revegetated* and *rehabilitated* (in hectares);
  - (iv) the species composition, structure and density of *revegetation* and *rehabilitation*; and
  - (v) a copy of the *environmental specialist's* report.

## 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) If no clearing authorised under this Permit was undertaken between 1 January to 31 December of the preceding calendar year, a written report confirming that no clearing under this permit has been carried out, must be provided to the CEO on or before 30 June of each year.
- (c) Prior to 29 May 2021, 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:

**bore** an opening in the ground made or used to obtain access to underground water;

**botanist** means a person who holds a tertiary qualification in environmental science or equivalent, and has a minimum of 2 years work experience in identification and surveys of flora native to the bioregion being inspected or surveyed, or who is approved by the CEO as a suitable botanist for the bioregion;

**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;

**fauna specialist** means a person who holds a tertiary qualification specializing in environmental science or equivalent, and has a minimum of 2 years work experience in fauna identification and surveys of fauna native to the region being inspected or surveyed, or who is approved by the CEO as a suitable fauna specialist for the bioregion, and who holds a valid fauna licence issued under the *Wildlife Conservation Act 1950*;

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

**heritage sites** means:

- (a) an "Aboriginal site" as defined in the *Aboriginal Heritage Act 1972* (WA);
- (b) a "significant Aboriginal area" or "significant Aboriginal object" as defined in the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth); or
- (c) a site that has or is proposed to be listed on the "Register", as that term is defined in the *Heritage of Western Australia Act 1990* (WA); and
- (d) a place that is listed, or proposed to be listed on the "National Heritage List", as that term is defined in the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

**laydown areas** means a place where materials and equipment can be regularly stored on the ground for a period of time;

**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;

**native vegetation** has the meaning given to it in sections 3 and 51A of the *Environmental Protection Act 1986* and regulation 4 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*;

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

**priority flora** means those plant taxa described as priority flora classes 1, 2, 3, 4 or 5 in the *Department's Declared Rare and Priority Flora List for Western Australia* (as amended);

**project activities** means those activities described in condition 4(a) of this Permit;

**regenerate/ed/ion** means re-establishment of vegetation from in situ seed banks and propagating material (such as lignotubers, bulbs, rhizomes) 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;

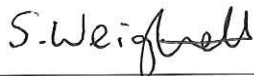
**revegetate/ed/ion** means the re-establishment of a cover of *local provenance* native vegetation in an area using methods such as natural *regeneration*, *direct seeding* and/or *planting*, so that the species composition, structure and density is similar to pre-clearing vegetation types in that area;

**temporary structure** means a structure not placed on permanent footings;

**turkey nest dam** means a dam constructed on relatively flat ground with earth walls on all sides;

**weed/s** means any plant -

- (a) that is a declared pest under section 22 of the *Biosecurity and Agriculture Management Act 2007*; or
- (b) published in a Department of Parks and Wildlife Regional Weed Rankings Summary, regardless of ranking; or
- (c) not indigenous to the area concerned.



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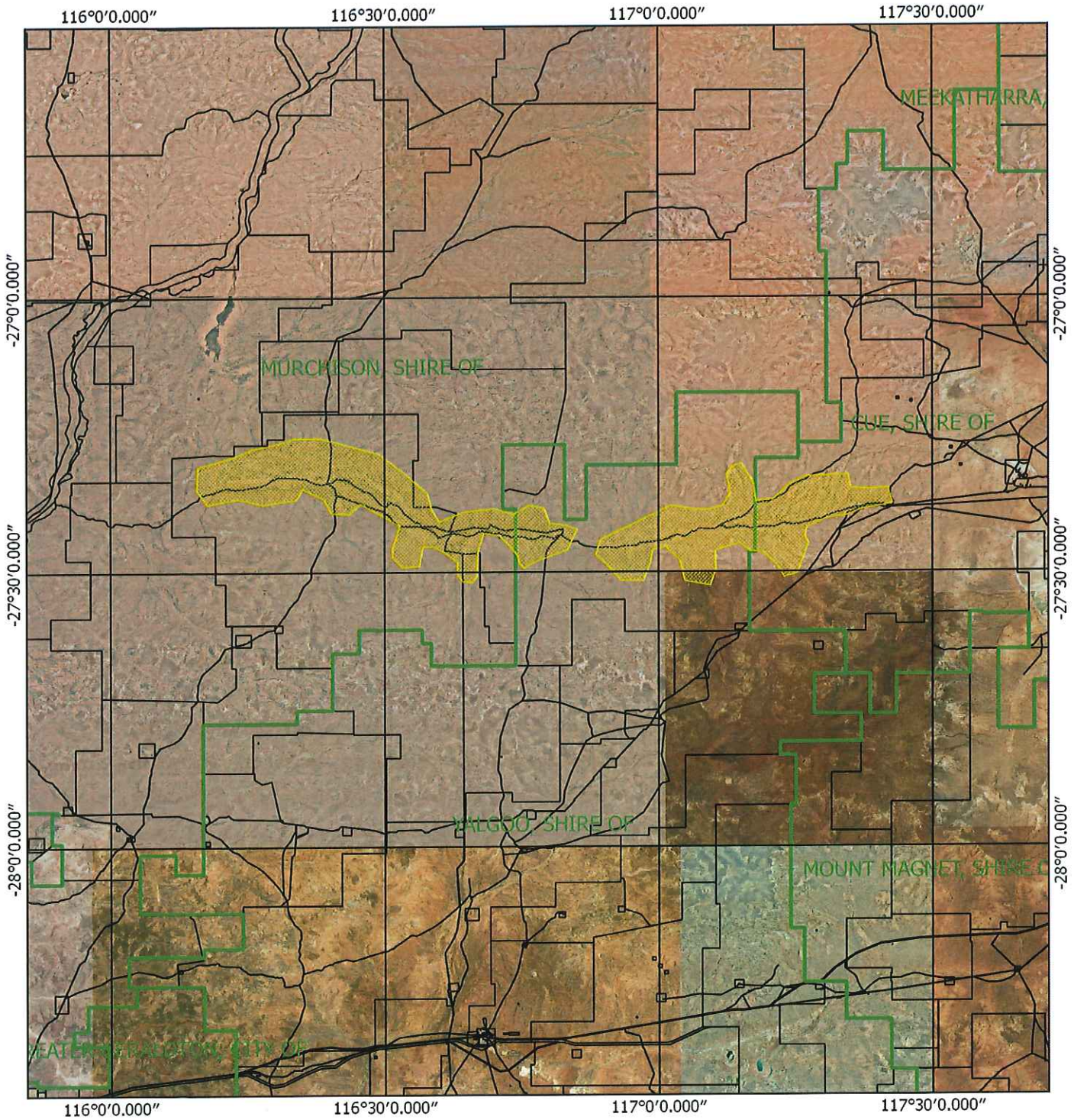
Simon Weighell  
A/ MANAGER  
CLEARING REGULATION

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

26 May 2016



# Plan 4392/2



## Legend

 Areas approved to clear

 Roads

 LGA

 Cadastre

Virtual Mosaic (LGATE-V001)

10 0 10 20 30 40 km



1:780,000

MGA 94  
Geocentric Datum of Australia 1994

*S. Weighell* Date *26/5/16*  
Simon Weighell

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



GOVERNMENT OF  
WESTERN AUSTRALIA





## 1. Application details

### 1.1. Permit application details

Permit application No.: 4392/2  
Permit type: Purpose Permit

### 1.2. Applicant details

Applicant's name: Oakajee Port and Rail Pty Ltd

### 1.3. Property details

Property: Lot 86 on Plan 238307, Yalgoo  
Lot 14 on Plan 238307, South Murchison  
Lot 116 on Plan 238307, Yalgoo  
Lot 132 on Plan 220349, Weld Range  
Lot 28 on Plan 220349, Weld Range  
Lot 124 on Plan 220349, Weld Range  
Lot 141 on Plan 29079, Lake Austin  
Lot 128 on Plan 29079, Lake Austin  
Lot 23 on Plan 220763, South Murchison  
Lot 91 on Plan 220764, South Murchison  
Lot 22 on Plan 220764, South Murchison  
Lot 94 on Plan 220763, South Murchison  
Lot 11811 on Plan 220764, South Murchison  
Road Reserve, South Murchison  
Road Reserve, Weld Range  
Crown Reserve 12300, Lake Austin

Local Government Authority: Shires of Murchison, Cue and Yalgoo  
DER Region: Midwest  
Localities: Yalgoo, South Murchison, Weld Range, Lake Austin

### 1.4. Application

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

### 1.5. Decision on application

Decision on Permit Application: Grant

Decision Date: 26 May 2016

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

This application is an amendment to Clearing Permit CPS 4392/1, with a five year extension of the clearing permit requested, as well as minor amendments to update the permit. It was granted on 26 May 2016. A review of current environmental information reveals no new additional information.

## 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
Five Beard Vegetation Associations (BVA) have been recorded in the application area:  BVA 18 is described as low woodland; mulga ( <i>Acacia aneura</i> );  BVA 29 is described as sparse low woodland; mulga, discontinuous in scattered groups;	Oakajee Port and Rail Pty Ltd proposes to clear up to 130 hectares of native vegetation for the purpose of geotechnical investigations.  This application is to amend Clearing Permit CPS 4392/1 to extend the duration of the permit for a further five years.	Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994)  To  Good: Structure significantly altered by	The condition of the vegetation was determined from aerial photography and a Level 1 Vegetation, Flora and Fauna Desktop Assessment (Oakajee Port and Rail, 2011).



BVA 36 is described as shrublands;  
mulga scrub;

BVA 326 is described as low  
woodlands over scrub; mulga over  
bowgada & minnieritchie scrub;

BVA 1125 is described as succulent  
steppe with scrub; *Acacia victoriae* &  
snakewood over saltbush & bluebush  
(Shepherd *et al*, 2001).

multiple disturbance;  
retains basic  
structure/ability to  
regenerate (Keighery,  
1994).

### 3. Assessment of application against clearing principles

**Comments** The permit holder has applied to extend the duration of the clearing permit for another five years.

The total amount of clearing has not changed from Clearing Permit CPS 4392/1. The properties as listed on CPS 4392/1 remain the same.

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 4392/1.

**Methodology** References:  
- SAC Bio Datasets (Accessed May 2016)

#### Planning instruments and other relevant matters.

**Comments** This application is for the clearing of up to 130 ha of native vegetation within a total project footprint area of 126,380ha for the purpose of groundwater investigations along the Sanford River palaeochannel to locate a sustainable water source (Oakajee Port and Rail, 2011). This application also includes, but is not limited to, the construction of 8m wide access tracks, 50m by 50m drill pads, laydown areas, pipelines, water pumps, fuel storage, containment bunds for potential pipeline breaches, turkey nests, water truck stand pipes, sheds, workshops, fences, security gates and signage (Oakajee Port and Rail, 2011).

The area under application occurs within the boundaries of the Wadjari Yamatji native title claim. Seven registered Aboriginal heritage sites occur within the application areas.

The areas under application are zoned Rural/Mining (Shire of Yalgoo) (Western Australian Planning Commission, 2010); Rural (Shire of Cue) (Western Australian Planning Commission, 2015a); and Pastoral and Settlement (Shire of Murchison) (Western Australian Planning Commission, 2015b).

Since CPS 4392/1 was granted, 3.04 hectares of native vegetation has been cleared (Oakajee Port and Rail, 2016).

No public submissions were received from the recent advertising period.

**Methodology** References:  
- Oakajee Port and Rail (2011)  
- Western Australian Planning Commission (2010)  
- Western Australian Planning Commission (2015a)  
- Western Australian Planning Commission (2015b)  
- Oakajee Port and Rail, 2016)

GIS Databases:  
- Aboriginal Sites of Significance

### 4. References

- Astron (2011) Oakajee Port and Rail Sanford River Paleochannel Level 1 Vegetation, Flora and Fauna Desktop Assessment May 2011, Astron Environmental Services, Perth, Western Australia.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Oakajee Port and Rail (2011) OPR Terrestrial Rail – Native Vegetation Clearing Permit Supporting Report: Appendix A – Pindabarn Creek Paleochannel Level 1 Vegetation, Flora & Fauna Desktop Assessment. DER Ref: A405258.
- Oakajee Port and Rail (2016) Oakajee Port and Rail Project: Request to extend duration of permits, April 2016. DER ref: A1080149.
- Shepherd, D.P., Beeston, G.R. and Hopkins, A.J.M. (2001) Native Vegetation in Western Australia, Extent, Type and Status. Resource Management Technical Report 249. Department of Agriculture, Western Australia.
- Western Australian Planning Commission (2010) Shire of Yalgoo Local Planning Scheme No. 1. Department of Planning, Perth. [http://www.planning.wa.gov.au/Local-planning-schemes.asp?f=Yalgoo%20-%20Shire%20of%20\(Scheme%202\)](http://www.planning.wa.gov.au/Local-planning-schemes.asp?f=Yalgoo%20-%20Shire%20of%20(Scheme%202))
- Western Australian Planning Commission (2015a) Shire of Cue Local Planning Scheme No. 2. Department of Planning, Perth. [http://www.planning.wa.gov.au/Local-planning-schemes.asp?f=Cue%20-%20Shire%20of%20\(Scheme%202\)](http://www.planning.wa.gov.au/Local-planning-schemes.asp?f=Cue%20-%20Shire%20of%20(Scheme%202))
- Western Australian Planning Commission (2015b) Shire of Murchison Local Planning Scheme No. 1. Department of Planning, Perth.