



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 4436/2
Permit Holder:	Oakajee Port and Rail Pty Ltd
Duration of Permit:	26 September 2011 –26 September 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 35 on Plan 238323, East Murchison
Lot 36 on Plan 238366, Meekatharra

2. Area of Clearing

The Permit Holder must not clear more than 100 hectares of native vegetation within the area cross-hatched yellow on attached Plan 4436/2.

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) *Macrotis lagotis* (Greater Bilby)
- (iii) *Ardeotis australis* (Australian Bustard)
- (iv) *Pseudomys chapmani* (Western Pebble-Mound Mouse)
- (v) *Idiosoma nigrum* (Shield-backed Trapdoor Spider).

(b) Where *Egernia stokesii* subsp. *badia* (Western Spiny-tailed Skink) habitat is identified in relation to condition 7(a)(i) 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 *Ardeotis australis* (Australian Bustard) nests, *Pseudomys chapmani* (Western Pebble-Mound Mouse) mounds and/or *Macrotis lagotis* (Greater Bilby) burrows are identified in relation to condition 7(a) (ii), (iii) and (iv) of this Permit, the Permit Holder shall ensure that no clearing occurs within 50 metres of the identified *Ardeotis australis* (Australian Bustard) nests, *Pseudomys chapmani* (Western Pebble-Mound Mouse) mounds or *Macrotis lagotis* (Greater Bilby) burrows, unless approved by the CEO.

(d) Where *Idiosoma nigrum* (Shield-backed Trapdoor Spider) burrows are identified in relation to condition 7(a)(v) of this Permit, the Permit Holder shall ensure that no clearing occurs within 10 meters of the identified burrows.

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. Priority ecological community management

- (a) Prior to undertaking any clearing authorised under this Permit, the area(s) shall be inspected by an *environmental specialist* who shall identify Jack Hills Vegetation Complex (banded ironstone formation).
- (b) Where Jack Hills Vegetation Complex (banded ironstone formation) is identified in relation to condition 9(a), the Permit Holder shall ensure that no clearing occurs within 50 metres of identified Jack Hills Vegetation Complex (banded ironstone formation), unless approved by the CEO.

10. 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 10(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 10(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 10(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 10(c)(ii) of this permit, the Permit Holder shall repeat condition 10(c)(i) and 10(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 10(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 10(c)(ii), the CEO may require the Permit Holder to undertake additional *planting* and *direct seeding* in accordance with the requirements under condition 10(c)(ii).

PART III – RECORD KEEPING AND REPORTING

11. 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 Jack Hills Vegetation Complex (banded ironstone formation) management pursuant to condition 9 of this Permit:
- (i) the location of the Jack Hills Vegetation Complex (banded ironstone formation) 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 composition, structure and density of each Jack Hills Vegetation Complex (banded ironstone formation) identified; and
 - (iii) a copy of the *environmental specialist's* report.
- (e) In relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 10 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.

12. 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 11 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 26 June 2021, the Permit Holder must provide to the CEO a written report of records required under condition 11 of this Permit where these records have not already been provided under condition 12(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.

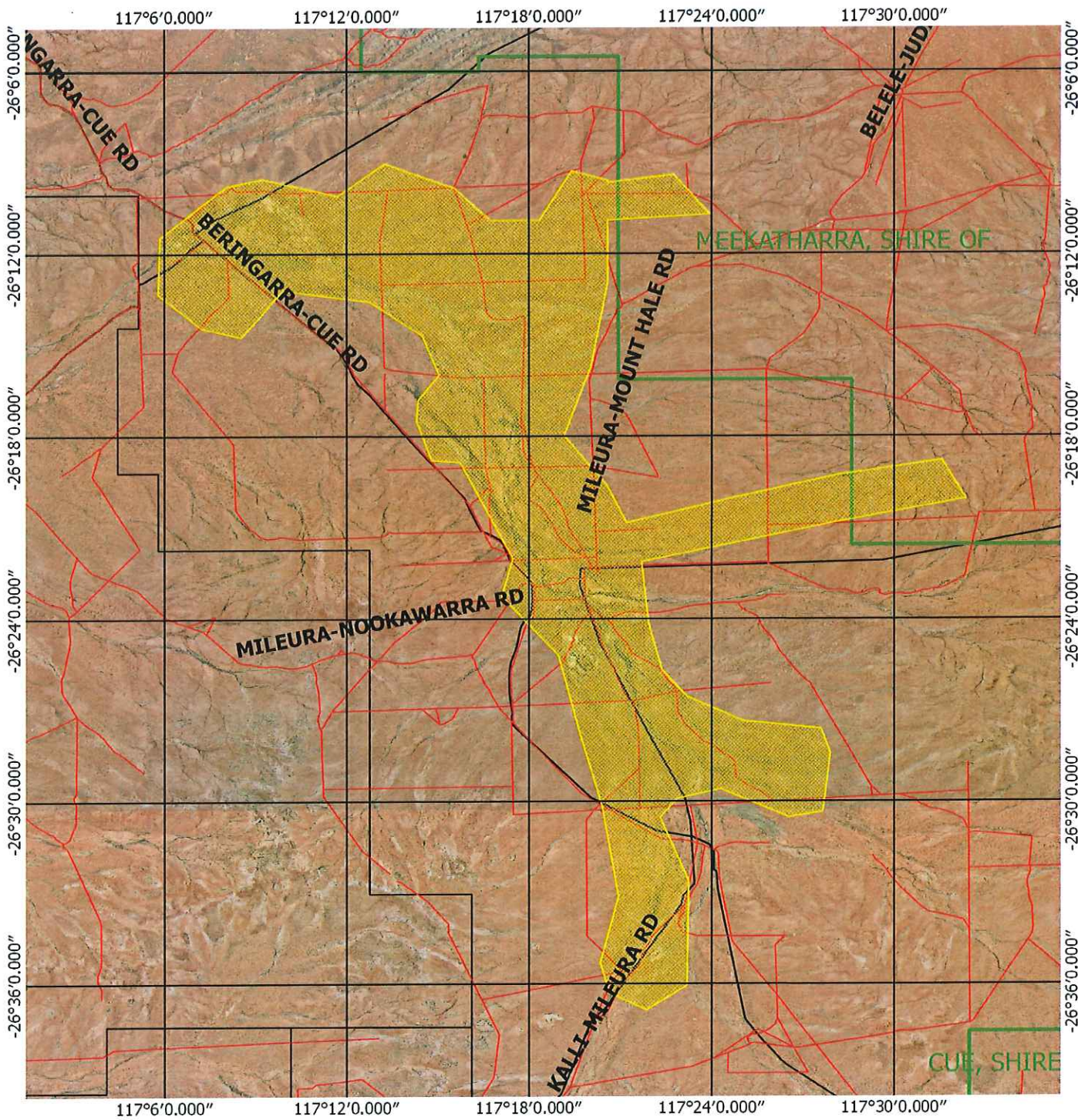


Simon Weighell
A/ MANAGER
CLEARING REGULATION

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

26 May 2016

Plan 4436/2



Legend

- Areas approved to clear
- Roads
- LGA
- Virtual Mosaic (LGATE-V001)



1:240,000

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





1. Application details

1.1. Permit application details

Permit application No.: 4436/2
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Oakajee Port and Rail Pty Ltd

1.3. Property details

Property: Lot 36 on Plan 238366, Meekatharra
Lot 35 on Plan 238323, East Murchison
Local Government Authority: Shires of Murchison and Meekatharra
DER Region: Midwest
Localities: East Murchison, Meekatharra

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
100		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 (g), and is not likely to be at variance to any of the remaining clearing principles.

This application is an amendment to Clearing Permit CPS 4436/1, 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
Four 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; BVA 204 is described as succulent steppe with open scrub; scattered mulga & <i>Acacia sclerosperma</i> over saltbush & bluebush; BVA 2081 is described as shrublands; bowgada and associated spp. Scrub (Shepherd <i>et al</i> , 2001).	Oakajee Port and Rail Pty Ltd proposes to clear up to 100 hectares of native vegetation for the purpose of geotechnical investigations. This application is to amend Clearing Permit CPS 4436/1 to extend the duration of the permit for a further five years.	Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994).	The description and condition of the vegetation was determined from aerial photography and a Level 1 Vegetation, Flora and Fauna Desktop Assessment (Oakajee Port and Rail, 2011).

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 4436/1. The properties as listed on CPS 4436/1 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 4436/1.

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

Planning instruments and other relevant matters.

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

The area under application is zoned Pastoral in the Shire of Murchison (Western Australian Planning Commission, 2015).

There has been no clearing within the application area to date (Oakajee Port and Rail, 2016).

No public submissions were received from the recent advertising period.

Methodology References:
- Oakajee Port and Rail (2016)
- Western Australian Planning Commission (2015)

GIS Databases:
- Aboriginal Sites of Significance

4. References

- 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 (2015) Shire of Murchison Local Planning Scheme No. 1. Department of Planning, Perth. [http://www.planning.wa.gov.au/Local-planning-schemes.asp?f=Murchison%20-%20Shire%20of%20\(Scheme%201\)](http://www.planning.wa.gov.au/Local-planning-schemes.asp?f=Murchison%20-%20Shire%20of%20(Scheme%201))