



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 4459/1
Permit Holder:	Orica Australia Pty Ltd
Duration of Permit:	12 December 2011 – 12 December 2016

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 constructing an Ammonium Nitrate Emulsion Plant

2. Land on which clearing is to be done

Lot 63 on Deposited Plan 172079, Pippingarra.

3. Area of Clearing

The Permit Holder must not clear more than 4 hectares of native vegetation within the area cross hatched yellow on attached Plan 4459/1.

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.

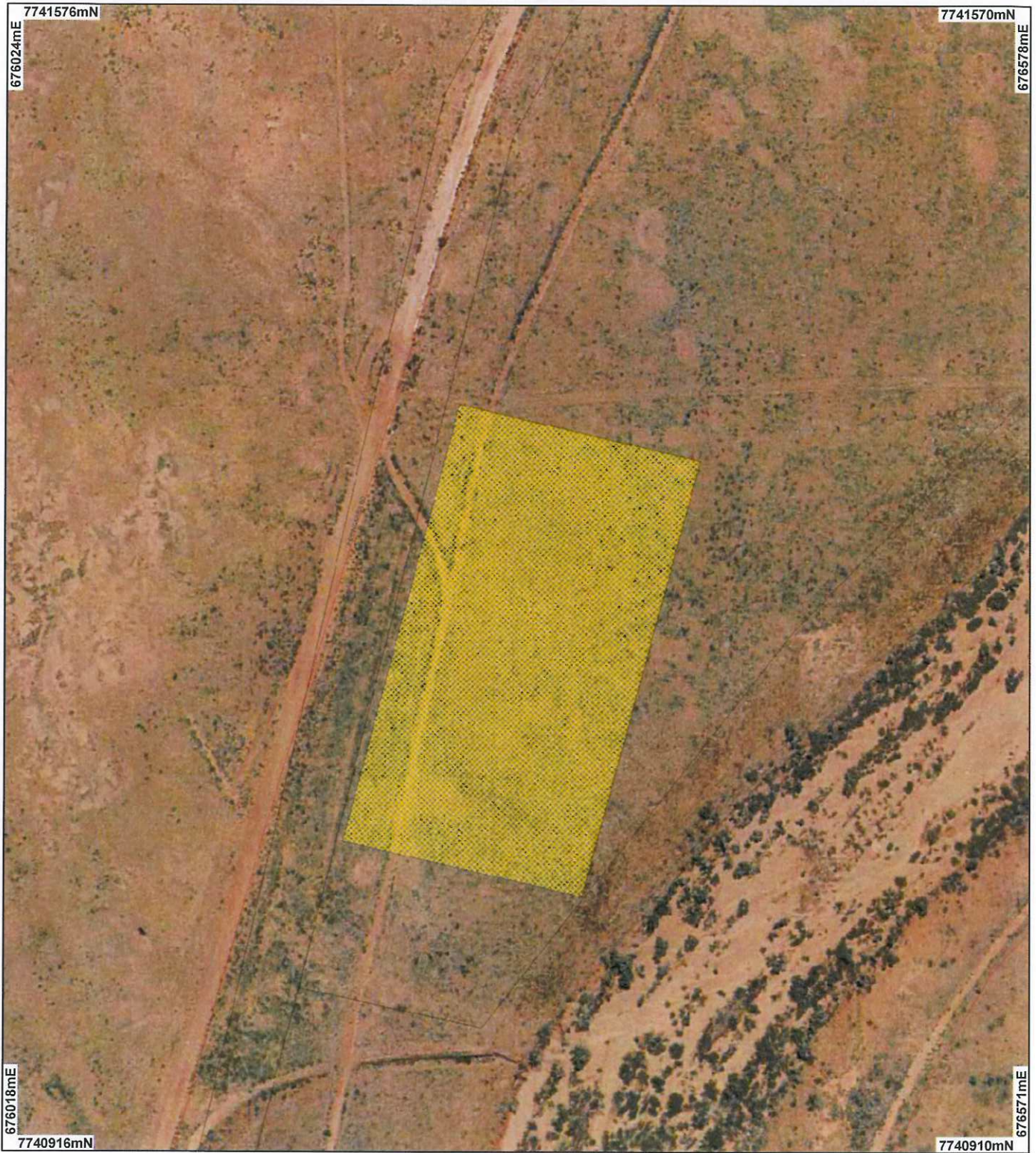


Kelly Faulkner
MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

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

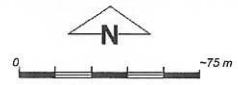
16 November 2011

Plan 4459/1



LEGEND

- | | | |
|---|---|--------------|
| Clearing instruments | | Towns |
|  Areas Approved to Clear |  Port Hedland 50cm Orthomosaic - Landgate 2004 | |
|  Road Centrelines | | |
|  Cadastre | | |

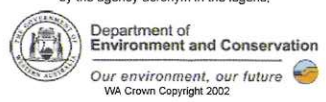


Scale 1:3045
(Approximate when reproduced at A4)
Geocentric Datum Australia 1994

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

 Date 16/01/09
K Faulkner

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



* Project Data. This data has not been quality assured. Please contact map author for details.



1. Application details

1.1. Permit application details

Permit application No.: 4459/1
Permit type: Area Permit

1.2. Proponent details

Proponent's name: Orica Australia Pty Ltd

1.3. Property details

Property: LOT 63 ON PLAN 172079 (PIPPINGARRA 6722)
Local Government Area: Town of Port Hedland

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 16 November 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
Mapped Beard vegetation association 589 is described as 'Mosaic: Short bunch grassland - savanna / grass plain (Pilbara) / Hummock grasslands, grass steppe; soft spinifex' (Shepherd, 2009).	The application is to clear up to 4 hectares of native vegetation within Lot 63 on Plan 172079 (R29232) Pippingarra, for the purpose of Ammonium Nitrate Emulsion facility construction. The vegetation under application is considered to be open low shrubland of mixed Acacia spp and hummock grasslands of Triodia epactia with patches of clayey-loam wet areas dominated by small annuals (URS, 2011).	Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery 1994)	Condition of Vegetation assessed using aerial imagery (Port Hedland 50cm Orthomosaic - Landgate 2004), and supporting documentation supplied by the applicant (URS, 2011).

3. Assessment of application against clearing principles

Comments

The application is to clear up to 4 hectares of native vegetation within Lot 63 on Plan 172079 (R29232) Pippingarra, for the purpose of constructing an Ammonium Nitrate Emulsion Plant. The application area is approximately 15 km southeast of Port Hedland.

The area under application is within an extensively vegetated landscape with approximately 100 per cent vegetation representation within the local area (10km radius). Flora and fauna of conservation significance are known to occur within the local area however given the highly vegetated landscape, the proposed clearing is not likely to impact their conservation status.

One record of *Mitrasacme nudicaulis* var. *nudicaulis* was found within the survey area (Lot 63), north of the application area (URS, 2011). This species is not listed as threatened however, its occurrence in this area is significant as it is not normally found within the Pilbara region. Given the exceptional high rainfall in early 2011 and the large range extension of this species it is possible that more numbers of the species occur in the wider hummock grassland area (URS, 2011).

The assessment determined that the proposed clearing is not likely to significantly impact any biodiversity, habitat or environmental values or cause appreciable land degradation within the local or regional context. Therefore, the proposed clearing is not likely to be at variance to any of the clearing principles.

Methodology References:
DEC (2007 -)
URS (2011)

GIS databases:
- Port Hedland 50cm Orthomosaic - Landgate 2004
- SAC Biodatasets - accessed 1 August 2011

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

Comments

The application area falls within the 'Pilbara' groundwater and surface water areas under the Rights in Water and Irrigation Act 1914. The Department of Water (DoW 2011) advises that the proponent should contact DoW to ensure sustainable groundwater allocation limits have not been reached and that the Ammonium Nitrate Emulsion Facility may be subject to further assessment.

Orica Australia Pty Ltd has acquired a 10 year lease from the Minister for Mines and Petroleum over Reserve 29232 being Lot 63 on Deposited Plan 172079 for the proposed Ammonium Nitrate Emulsion Plant (Department of Mines and Petroleum, 2011).

Orica Australia Pty Ltd has received a Dangerous Goods Site Licence and Security Risk Substance Manufacture Licence issued in accordance with the Dangerous Goods Safety Act 2004 and regulations GST Exempt – (Div. 81) for the Ammonium Nitrate Emulsion manufacturing Facility (Department of Mines and Petroleum, 2011a).

The management order over the reserve 29232 being Lot 63 on Deposited Plan 172079 has been amended under the Land Administration Act 1997 to include the purpose of manufacturing and storage of explosives and security risk substances (Department of Regional Development and Lands, 2011).

The Town of Port Hedland has given planning approval for the proposed Ammonium Nitrate Emulsion facility (Town of Port Hedland, 2011).

The area under application is located within a Native Title area registered to the Kariyarra people. Notification was sent the claimants seeking comments on the application, however no response has been received to date.

Works approval from DEC has been applied for.

Methodology Department of Regional Development and Lands (2011)
Department of Mines and Petroleum (2011)
Department of Mines and Petroleum (2011a)
DoW (2011)
Orica Australia (2011c)
Town of Port Hedland (2011)

GIS Databases:
- Cadastre
- Native Title
- RIWI Act, Groundwater areas
- RIWI Act, Surface water areas, Irrigation districts

4. References

- URS (2011) Report – Supporting Documentation for Clearing Permit Application, Pilbara Ammonium Nitrate Plant. Prepared by URS for Orica Australia Pty Ltd. DEC ref: A408247
- DEC (2007 -) NatureMap: Mapping Western Australia's Biodiversity. Department of Environment and Conservation. URL: <http://naturemap.dec.wa.gov.au/>. Accessed 1/08/2011
- DoW (2011) Application to clear native vegetation under the Environmental Protection Act 1986 – CPS 4459/1. DEC ref: A422446
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Department of Mines and Petroleum (2011) Lease Agreement. Orica Australia Clearing Permit Application CPS 4459/1 (DEC Ref:A449291).
- Department of Regional Development and Lands (2011) Management Order Amendment. Orica Australia Clearing Permit Application CPS 4459/1 (DEC Ref:A431149).
- Department of Mines and Petroleum (2011a) Dangerous Goods and Security Risk Manufacture Licenses. Orica Australia Clearing Permit Application CPS 4459/1 (DEC Ref:A425473).
- Shepherd, D.P. (2009) Adapted from: Shepherd, D.P., Beeston, G.R., and Hopkins, A.J.M. (2001), Native Vegetation in

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)