



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 4492/2
Permit Holder:	Oakajee Port and Rail Pty Ltd
Duration of Permit:	10 October 2011 –10 October 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 groundwater investigations, access tracks, drill pads, laydown areas and pipelines.

2. Land on which clearing is to be done

Lot 11804 on Plan 238483 (Nunierra 6630)
Lot 300 on Plan 64844 (Nunierra 6630)
Lot 11705 on Plan 232041 (Nunierra 6630)
Lot 11803 on Plan 28258 (South Murchison and Yalgoo 6635)
Lot 11993 on Plan 92247 (Woolgorong 6630)
Lot 1695 on Plan 251870 (South Murchison 6635)
Lot 301 on Plan 40347 (Woolgorong 6630)
Lot 302 on Plan 40347 (South Murchison 6635)
Road Reserve (South Murchison 6635)
Road Reserve (Woolgorong 6630)

3. Area of Clearing

The Permit Holder must not clear more than 50 hectares of native vegetation within the area crosshatched yellow on attached Plan 4492/2.

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

- (a) In accordance with this Permit, the permit holder may clear *native vegetation for project activities*, which means any one or more of the following:
- establishment of water bores and water pipelines
 - construction of *turkey nest dams*
 - maintenance of existing access tracks
 - construction of access tracks
 - construction of 50m by 50m drill pads
 - construction of evaporation sumps and re-circulation tanks
 - 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) installation and maintenance of signage
- (xiii) *rehabilitation* of cleared areas and rework of *rehabilitated* areas

(b) 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, 3 and 5 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. 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.

9. 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) *Ardeotis australis* (Australian Bustard)

(b) Where *Egernia stokesii subsp. Badia* (Western Spiny-tailed Skink) habitat is identified in relation to condition 9(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 *Leipoa ocellata* (Malleefowl) mounds or *Ardeotis australis* (Australian Bustard) nests are identified in relation to conditions 9(a)(ii) and (iii) of this Permit, the Permit Holder shall ensure that no clearing occurs within 50 metres of the identified *Leipoa ocellata* (Malleefowl) mounds and *Ardeotis australis* (Australian Bustard) nests, unless approved by the CEO.

10. 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 *priority flora*.

(b) Where *priority flora* are identified in relation to condition 10(a) of this Permit, the Permit Holder shall ensure that no clearing of identified *priority flora* occurs and no clearing occurs within 20 metres of identified *priority flora*, unless approved by the CEO.

11. 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 geotechnical investigations, *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 11(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 11(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 11(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 11(c)(ii) of this permit, the Permit Holder shall repeat condition 11(c)(i) and 11(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 11(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 11(c)(ii), the CEO may require the Permit Holder to undertake additional *planting* and *direct seeding* in accordance with the requirements under condition 11(d).

PART IV – RECORD KEEPING AND REPORTING

12. 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 9 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; and
 - (ii) the species of fauna reasonably likely to utilise, or that have been observed utilising, the habitat/s.

- (c) In relation to flora management pursuant to condition 10 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 11 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;
 - (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.

13. 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 12 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 10 July 2016, the Permit Holder must provide to the CEO a written report of records required under condition 12 of this Permit where these records have not already been provided under condition 13(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 with specific training and/or experience in the ecology and taxonomy of Western Australian flora;

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 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;

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;

optimal time means the period from April to May for undertaking *direct seeding*, and the period from May to June for undertaking *planting*;

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 or 4 in the *Department's Declared Rare and Priority Flora List for Western Australia* (as amended);

project activities means those activities described in condition 5(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 a species listed in Appendix 3 of the "Environmental Weed Strategy" published by the Department of Conservation and Land Management (1999), and plants declared under section 37 of the Agriculture and Related Resources Protection Act 1976.

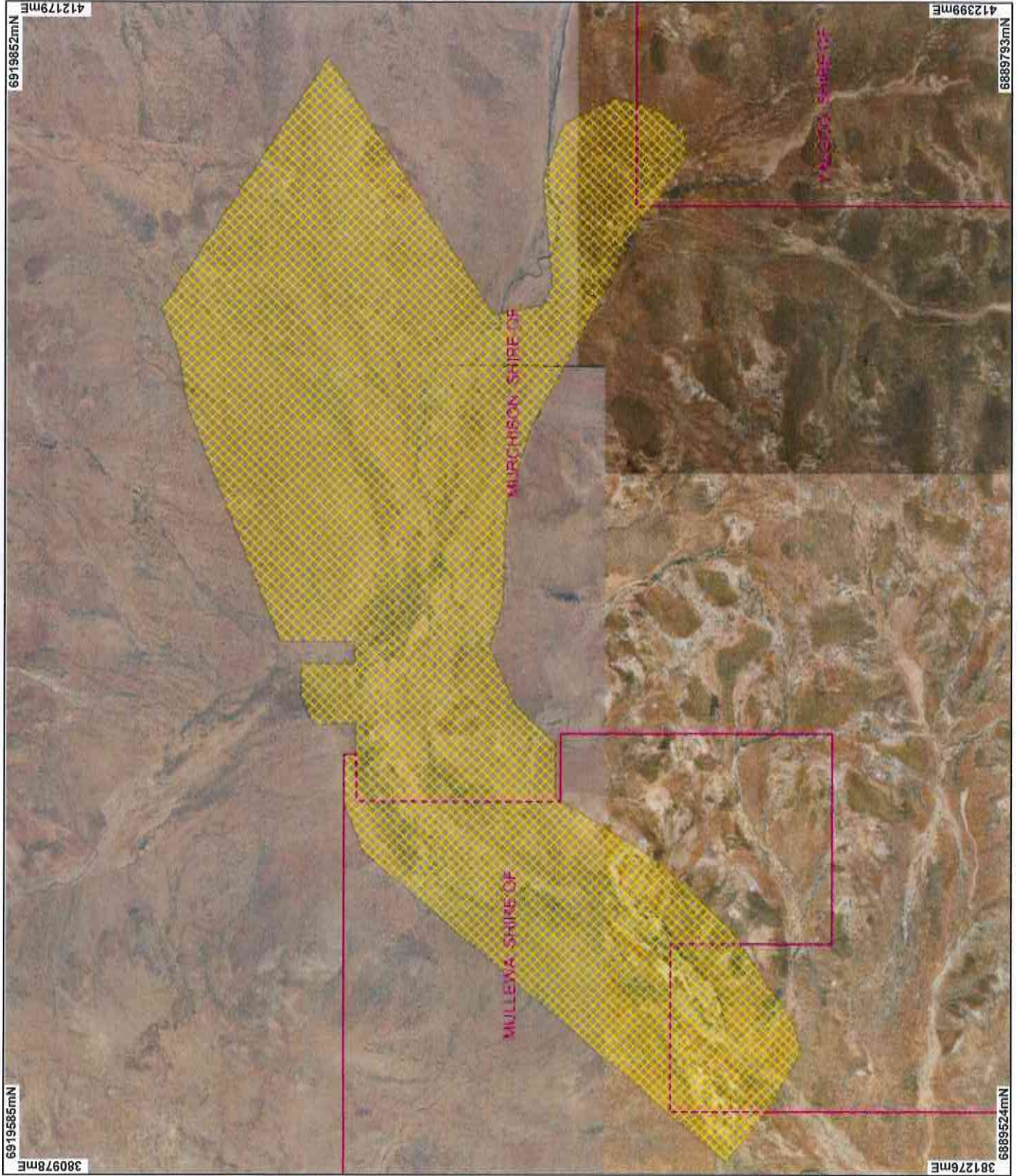


Kelly Faulkner
MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

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

1 March 2012

Plan 4492/2



LEGEND

- Local Government Authorities
- Clearing Instruments
- Areas Approved as Cover
- Tullering 50cm Orthomosaic - Landgate 2005
- Tardis 80cm Orthomosaic - Landgate 2006
- Wurarga 1.4m Orthomosaic - Landgate 2003
- Muggamurra 10cm Orthomosaic - Landgate 2006

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



0 3.75 km

Scale 1:17486
 (Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: (REDS in this map have not been projected. This may result in geometric distortion for measurement purposes)

[Signature]
 K Faulkner
 Date 1/3/12

Office 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.: 4492/2
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Oakajee Port and Rail Pty Ltd

1.3. Property details

Property:
LOT 11804 ON PLAN 238483 (NUNIERRA 6630)
LOT 300 ON PLAN 64844 (NUNIERRA 6630)
LOT 11705 ON PLAN 232041 (NUNIERRA 6630)
LOT 11803 ON PLAN 28258 (SOUTH MURCHISON 6635)
LOT 11993 ON PLAN 92247 (WOOLGORONG 6630)
LOT 11803 ON PLAN 28258 (YALGOO 6635)
LOT 1695 ON PLAN 251870 (SOUTH MURCHISON 6635)
LOT 11993 ON PLAN 92247 (WOOLGORONG 6630)
ROAD RESERVE (WOOLGORONG 6630)
LOT 301 ON PLAN 40347 (WOOLGORONG 6630)
LOT 302 ON PLAN 40347 (SOUTH MURCHISON 6635)
ROAD RESERVE (SOUTH MURCHISON 6635)

Local Government Area: Shires of Mullewa, Murchison and Cue

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 1 March 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
5 Beard (1980) vegetation associations:	This application by Oakajee Port and Rail Pty Ltd (OPR) is to clear up to 50ha of native vegetation within an approximate 22, 000ha footprint, for groundwater investigations associated with Oakajee Port and Rail's (OPR's) proposed 570km railway corridor. 30.4km of the application area consists of the Greenough River paleochannel which drains from the Yilgarn Plateau to the Indian Ocean.	Completely Degraded: No longer intact; completely/almost completely without native species (Keighery 1994)	The condition of the vegetation was determined from aerial photography and a consultant's Level 1 Vegetation, Flora and Fauna Desktop Assessment (Astron, 2011).
204: Succulent steppe with open scrub; scattered mulga & Acacia sclerosperma over saltbush & bluebush		to	
40: Shrublands; acacia scrub, various species	The vegetation ranges from excellent to degraded (Keighery, 1994) condition, with disturbance caused by grazing and weeds apparent in some areas (Astron, 2011).	Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994)	
326: Low woodland over scrub; mulga over bowgada & minnieritchie scrub		To	
240: Succulent steppe with open scrub; scattered Acaica sclerosperma & bowgada over saltbush & bluebush	Vegetation in the application area has been subjected to a log history of pastoral activities and feral grazing is a recognised threat to the landscape (Astron, 2011).	Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994)	
268: Succulent steppe with open scrub; scattered Acacia sclerosperma over saltbush & bluebush		To	
326: Low woodland over scrub; mulga over bowgada & minnieritchie scrub (Shepherd 2009)		Very Good: Vegetation structure altered; obvious signs of disturbance	
		To	
		Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive.	

3. Assessment of application against clearing principles

Comments

The applicant has requested this permit be amended to remove the fauna management condition 9(a)(iv). This administrative amendment was made after seeking advice from Department of Environment and Conservation's senior zoologist.

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 4492/1.

Planning instruments, Native Title, Previous EPA decisions or other matters.

Comments

The fauna management condition 9(a) of the permit has been amended to remove the survey requirement for *Oreoica gutturalia subsp. Gutturalis* (Crested Bellbird – southern).

No submissions from the public have been received.

4. 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)