



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 4806/2
Permit Holder:	Fortescue Metals Group Limited
Duration of Permit:	26 April 2012 – 26 April 2027

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 sourcing borrow material for railway formation.

2. Land on which clearing is to be done

Miscellaneous Licence for a Railway and Other Purposes - Miscellaneous Licence 1SA

Located within the following properties:

Lot 5418 on Deposited Plan 404418, Mulga Downs

Lot 45 on Deposited Plan 238216, Chichester

Roebourne – Wittenoom Road Reserve (PIN: 11731518), Chichester

3. Area of Clearing

The Permit Holder must not clear more than 205 hectares of native vegetation within the area hatched yellow on attached Plan 4806/2a.

4. Period in which clearing is authorised

The Permit Holder shall not clear any native vegetation after 26 April 2022.

5. 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.

6. 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.

7. 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

8. Avoid, minimise and reduce the impacts and extent of 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.

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) Prior to 26 May 2022, commence *revegetation* and *rehabilitation* of the area(s) that are no longer required for the purpose for which they were cleared under this Permit
 - (i) re-shaping the surface of the land so that it is consistent with the surrounding 5 metres of uncleared land; and
 - (ii) ripping the ground on the contour to remove soil compaction; and
 - (iii) ripping the pit floor and contour batters within the extraction site; and
 - (iv) 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) and/or install windrows or rock barriers to restrict access to the area cross-hatched red on attached Plan 4806/2 b.
- (f) If the installation of windrows and/or rock barriers is required under condition 9(e), within one month of installing windrows and/or rock barriers the Permit Holder shall notify the CEO in writing that the installation has been completed.

10. Weed control

When undertaking any clearing or other activity authorised under 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 known *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.

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;
 - (iv) the size of the area cleared (in hectares);
 - (v) actions taken to avoid, minimise and reduce the impacts and the extent of clearing in accordance with condition 8 of this Permit; and
 - (vi) actions taken in accordance with condition 10 of this Permit.

- (b) 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;
 - (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 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) Prior to 23 January 2027, 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:

CEO means the Chief Executive Officer of the Department responsible for the administration of the clearing provisions under the *Environmental Protection Act 1986*;

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;

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

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;

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

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.

weed/s means any plant –

- a) that is declared pest under section 22 of the *Biosecurity and Agriculture Management Act 2007*; or
- b) published in a Department of Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking summary, regardless of ranking; or
- c) not indigenous to the area concerned.



Meenu Vitarana
MANAGER
NATIVE VEGETATION REGULATION

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

7 April 2020

Plan 4806/2a

22.04074°S

22.04074°S

118.295714°E

118.389154°E

LOT 45 ON PLAN 238216

LOT 5418 ON PLAN 404418

SHIRE OF ASHBURTON




118.295714°E

118.389154°E

22.088323°S

22.088323°S

Legend

-  Imagery
-  Clearing Instruments Activities
-  Local government authority



(Approximate when reproduced at A4)

GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

Date:

2020.04.07

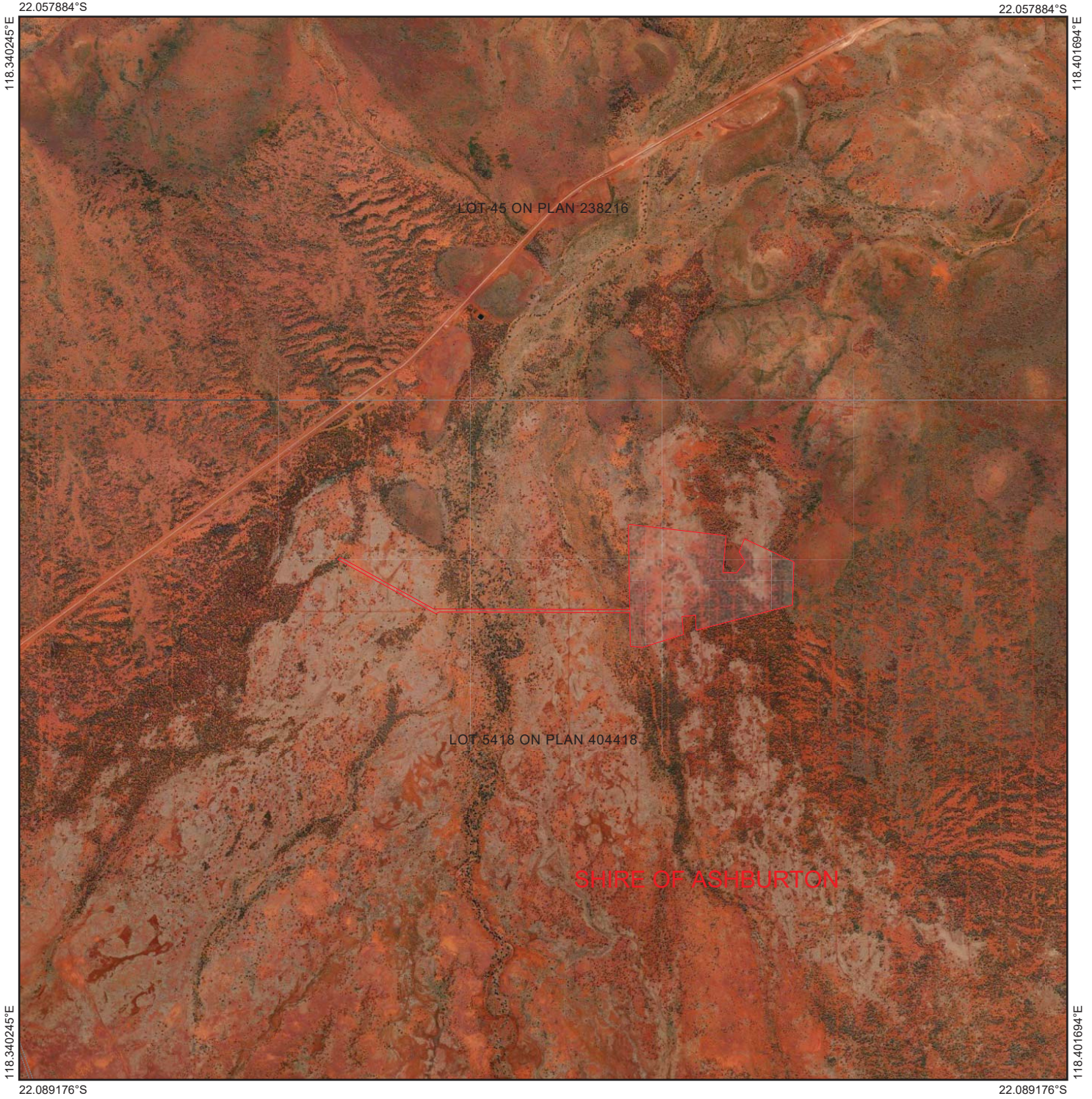
22:41:59

+08'00'






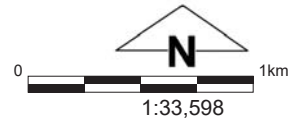
GOVERNMENT OF
WESTERN AUSTRALIA
WA Crown Copyright 2020

Plan 4806/2b



Legend

-  Clearing Instruments Conditions
-  Imagery
-  Local government authority



(Approximate when reproduced at A4)

GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

Date:

2020.04.07

22:44:49

+08'00'



GOVERNMENT OF
WESTERN AUSTRALIA
WA Crown Copyright 2020



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 4806/2
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Fortescue Metals Group Limited
Application received date: 01 May 2019

1.3. Property details

Property: Lot 45 on Plan 238216, Chichester
Lot 5418 on Plan 404418, Mulga Downs
Roebourne – Wittenoom Road Reserve (PIN: 11731518), Chichester
Local Government Authority: Shire of Ashburton
Localities: MULGA DOWNS and CHICHESTER

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
205		Mechanical Removal	Extractive industry

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 7 April 2020

Reasons for Decision: This amendment has been made to amend the period in which the actual clearing is allowed from 26 April 2017 to 26 April 2022.

The clearing permit application has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986* (EP Act). It has been concluded that the proposed clearing is at variance to principle (f), may be at variance to principle (g) and (i), and is not likely to be at variance to the remaining principles.

Through assessment it has been determined that the proposed clearing may impact on vegetation growing in an environment associated with a watercourse, may cause water erosion and may cause deterioration to surface water from increase sedimentation and runoff. However, no significant impacts to the environmental values of the watercourse and surface water are expected given that any potential surface water impacts will be minimised and mitigated in accordance with FMG Rail Corridor Surface Water Management Plan.

Given the above, the Delegated Officer determined that the proposed clearing will not have an unacceptable impact on the environment and decided to grant a clearing permit subject to avoid/minimise, and weed management conditions.

2. Site Information

Clearing Description The application proposed to clear 205 hectares of native vegetation within Lot 45 on Plan 238216, Chichester, Lot 5418 on Plan 404418, Mulga Downs and Roebourne – Wittenoom Road Reserve (PIN: 11731518), Chichester, for the purpose of sourcing borrow material for railway formation.

Vegetation Description The application area is mapped in the 'Pilbara' region of the Interim Biogeographic Regionalisation for Australia (IBRA), and is mapped as the following Beard vegetation associations (Shepherd, 2009):

- 29 described as sparse low woodland; mulga, discontinuous in scattered groups; and
- 562 described as mosaic: Low woodland; mulga in valleys / Hummock grasslands, open low tree-steppe; snappy gum over *Tridodia wiseana*.

Vegetation Condition The condition of the vegetation within the application area is considered to be (Keighery, 1994):

- Very good: Vegetation structure altered; obvious signs of disturbance

To

- Degraded: Structure severely disturbed; regeneration to good condition requires intensive management.

Soil type

The application area is mapped as the following land subsystems (Department of Primary Industries and Regional Development (DPIRD), 2019):

- 284Jm, which is described as Stony hardpan plains and rises supporting groved mulga shrublands, occasionally with spinifex understorey.

Comments

The local area is considered as a 50 kilometre radius of the application area.

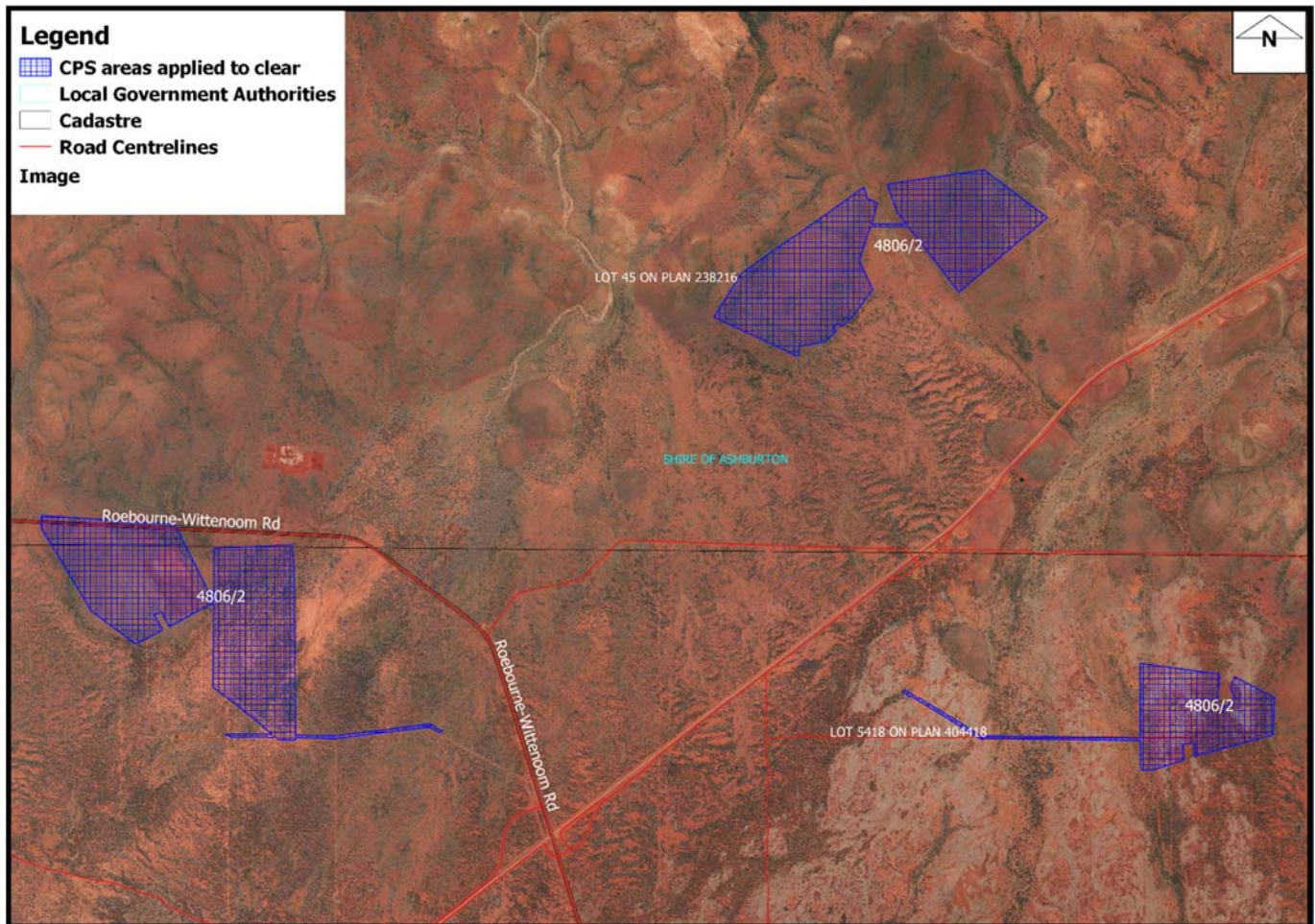


Figure 1 Application area cross hatched blue

3. Assessment of application against clearing principles

Fortescue Metals Group Limited has applied to amend the period in which the actual clearing is allowed from 26 April 2017 to 26 April 2022.

Conditions 8, 9 10 and 11 have been amended to bring the permit in line with the Department of Water and Environmental Regulations (DWER) current practices.

The clearing permit amendment was assessed against the 10 clearing principles outlined in Schedule 6 of the *Environmental Protection Act 1986*. According to available databases there are no additional Threatened flora, priority flora, conservation significant fauna, priority ecological communities or threatened ecological communities recorded within the vicinity of the application area that are likely to be impacted by the proposed clearing.

A review of current environmental information has revealed 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 4806/1.

Planning instruments and other relevant matters

No Aboriginal sites of significance have been mapped within the application area.

The clearing permit amendment application was advertised on the DWER website on 29 May 2019 with a 14 day submission period. No public submissions have been received in relation to this amendment application.

On 13 June 2019 Department of Biodiversity, Conservation and Attractions (DBCA) advised that it has no comments to provide on the current application (DBCA, 2019).

In the application form the applicant advised that: "Under CPS 4806/1, 31.48 ha of the allowed 205 ha limit has been cleared. This clearing occurred during the 2012 calendar year as reported in the *Native Vegetation Clearing Permits: CPS 3757/3, CPS 4078/1, CPS 4103/1, CPS 4318/1 and CPS 4806/1 2013 Annual Report*" (Applicant, 2019a).

In the annual report the applicant advised that: "Rehabilitation monitoring was undertaken in 2014 and 2019 at seven photographic monitoring points. Rehabilitation monitoring to date has indicated limited recovery of the disturbed sites in the south east permit area due to continued livestock and vehicle use of the tracks" Applicant, 2019b).

The applicant has advised that they intend to manage the rehabilitation of borrow pits in accordance with its Borrow Pit Management Plan. Actions with regards to rehabilitation include:

- Borrow pit should be recontoured to be conducive to the surrounding landform
- once the borrow pit has been recontoured and slopes have been reduced to a maximum of 1:5; all topsoil and vegetation is to spread over the area and then deep ripped.
- Topsoil that has been classified as 'weed affected' should be covered with a minimum of 300mm of weed free soil
- Natural stream and drainage flows are to be re-established where practicable to approximate original drainage patterns
- Signs erected to request no vehicular access to rehabilitated areas if required.

The applicant advised that they will then establish a monitoring program to determine the effectiveness of rehabilitation. Should grazing or unauthorised access be determined to be causing poor rehabilitation outcomes, they will consider additional management actions including restricting access through windrows or placement of rock barriers. Condition 9 has been amended to include the requirement for the applicant to install windrows and/or rock barriers to exclude livestock if limited recovery of the disturbed areas required to be rehabilitated continues to occur.

4. References

Applicant. (2019). Application for an amendment to a clearing permit. Application form in relation to clearing permit application CPS 4806/2. DWER Ref: A1784691.

Applicant. (2019b). Annual report for native vegetation clearing: period 1 January to 31 December 2018. Annual report in relation to clearing permit application 4806/2. DWER Ref: A1798988.

Applicant (2020) Response to Information Request – Native Vegetation Clearing Permit 4806/2. DWER Ref: A1869336)

Department of Biodiversity, Conservation and Attractions. (2019). Regional advice in relation to clearing permit application CPS 4806/2. DWER Ref: A1796646.

Department of Primary Industries and Regional Development (DPIRD) (2019). NRInfo Digital Mapping. Department of Primary Industries and Regional Development. Government of Western Australia. URL: <https://maps.agric.wa.gov.au/nrm-info/> (accessed 13 May 2019).

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.