



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 4953/1
Permit Holder:	Robe River Mining Co Pty Ltd
Duration of Permit:	23 June 2012 – 23 June 2017

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 access to, and upgrade of the Millstream Summit Tank

2. Land on which clearing is to be done

Lot 59 on Deposited Plan 213136 - Reserve 36991 (Millstream 6716)

Lot 93 on Deposited plan 213136 – Reserve 36991 (Millstream 6716)

Lot 55 on Deposited Plan 212209 – Reserve 36991 (Millstream 6716)

3. Area of Clearing

The Permit Holder must not clear more than 1 hectare of native vegetation within the area shaded yellow on attached Plan 4953/1.

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 right to access land 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.

8. Vegetation management

- (a) Where practicable the Permit Holder shall avoid clearing riparian vegetation.
- (b) Where a watercourse is to be impacted by clearing, the Permit Holder shall maintain the existing surface flow by use of culverts.

9. Weed control

- (a) 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*:
 - (i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
 - (ii) ensure that no *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
 - (iii) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.
- (b) At least once in each 12 month period for the term of this Permit, the Permit Holder must remove or kill any *weeds* growing within areas cleared under this Permit.

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 in relation to the clearing of native vegetation authorised under this Permit:

- (a) 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;
- (b) the date that the area was cleared; and
- (c) the size of the area cleared (in hectares).

11. Reporting

- (a) The Permit Holder must provide to the CEO on or before 8 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
- (b) Prior to 22 March 2016, 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:

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

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;

riparian vegetation has the meaning given to it in Regulation 3 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004;

watercourse has the meaning given to it in section 3 of the *Rights in Water and Irrigation Act 1914*;

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*;

wetland/s means an area of seasonally, intermittently or permanently waterlogged or inundated land, whether natural or otherwise, and includes a lake, swamp, marsh, spring, dampland, tidal flat or estuary.

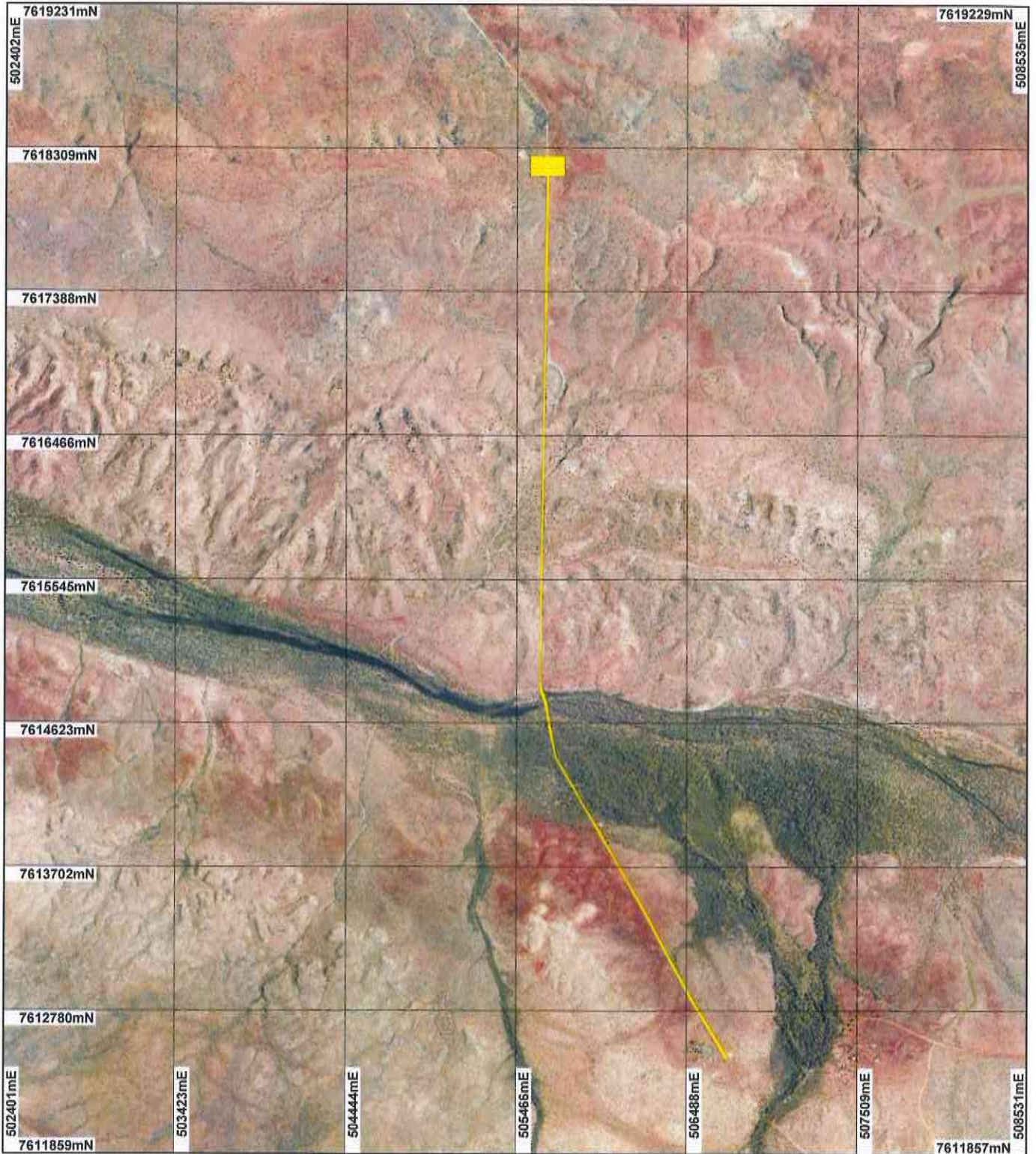


M Warnock
MANAGER, COMPLIANCE AND AUDIT SECTION
NATIVE VEGETATION CONSERVATION BRANCH

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

1 June 2012

Plan 4953/1



LEGEND

Clearing Instruments

- Areas Approved to Clear
- Millstream 80cm Orthomosaic - Landgate 2007



Scale 1:33904

(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.

M Warnock Date 1/6/12
M Warnock

Officer 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.: 4953/1
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Robe River Mining Co Pty Ltd

1.3. Property details

Property: LOT 93 ON PLAN 213136 (MILLSTREAM 6716)
LOT 59 ON PLAN 213136 (MILLSTREAM 6716)
LOT 55 ON PLAN 212209 (MILLSTREAM 6716)

Local Government Area: Shire of Ashburton

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 1 June 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
There are three mapped Beard vegetation associations:	This application is for the purpose of access to, and upgrade of the Millstream Summit Tank, including a standpipe, connection to tank, connections to existing mains, bypass to overflow pit, associated valving and other works.	Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994)	The vegetation condition and description was determined from aerial photography Millstream 80cm Orthomosaic Landgate 2007).
1) Vegetation association 603 is described as 'Hummock grasslands, shrub steppe; kanji over soft spinifex and Triodia wiseana on basalt'		To	
2) Vegetation association 607 is described as 'Hummock grasslands, low tree steppe; snappy gum & bloodwood over soft spinifex and Triodia wiseana.		Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery 1994)	
3) Vegetation association 646 is described as 'Hummock grasslands, shrub steppe; snakewood over Triodia basedowii' (Commonwealth of Australia, 2010).			

3. Assessment of application against clearing principles

Comments

This application is to clear up to 1 hectare of native vegetation for the purpose of upgrading the Millstream Summit Tank. There are no declared rare flora species, threatened or priority ecological communities in the vicinity of the project. The vegetation association to be cleared is well represented and the local area (40km radius) is well vegetated.

Fifteen priority flora species have been recorded in the local area with the closest record being the Priority 4 *Livistona alfredii* (Millstream Fan-palm) which is located approximately 90m east of the application area and inhabits the edges of permanent pools within Millstream Chichester National Park (DEC, 2012). Avoiding the clearing of riparian vegetation will assist in mitigating potential impacts to the Millstream Fan-palm along with other priority species.

Given the thin linear nature of the proposed clearing it is unlikely to have a detrimental impact on fauna or their habitat.

Millstream Chichester National Park is on both sides of the application area. Given the close proximity to this

conservation area, weed management is required to minimise the introduction or spread of weeds into the adjacent National Park. Therefore the proposed clearing may be at variance to Principle (h).

The application area passes through the Fortescue River and the Millstream Pools (listed on the Directory of Important Wetlands). The riparian vegetation of this area is environmentally significant and clearing should be avoided (DEC, 2012). The applicant has advised there is no requirement to interfere with riparian vegetation or the bed or banks of the Fortescue River. Therefore the proposed clearing may be at variance to Principle (f).

To access the summit tank site, the applicant has advised they will be using an existing track which crosses the Fortescue River and there is no requirement to clear a new track or widen the existing track (RTIO, 2012). Given this and the small, thin linear section of clearing across the watercourse the proposed clearing is unlikely to significantly impact on the Fortescue River.

The proposed clearing may be at variance to principles (f) and (h) and is not likely to be at variance to the remaining clearing principles.

Methodology

References:
DEC (2012)
RTIO (2012)

GIS Databases:
-Hydrology linear
-Rivers
-Geomorphic Wetlands
-SAC Biodatasets (accessed 5 April 2012)

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

Comments

The area under applications occurs within a proclaimed surface water and groundwater area under the Rights in Water and Irrigation Act 1914 (RIWI Act)- Pilbara River and Tributaries. Any interference with the bed and banks of a watercourse in this proclaimed area, or abstraction of groundwater, will require a permit from the Department of Water (DoW, 2012).

The applicant has advised there is no requirement to interfere with riparian vegetation or the bed or bank of the Fortescue River (RTIO, 2012). No materials will be built up, windrowed or stockpiled within the river which would obstruct or interfere with the flow of water (RTIO, 2012). On this basis the applicant has advised there is no requirement to obtain a Bed and Banks Permit under the RIWI Act.

The area under applications occurs within the Millstream Water Reserve, a Priority 1 under the Water Source Protection Classification System (Dow, 2012). The Department of Water advise their Water Quality Protection Guidelines and Notes for the mining and mineral industry should be followed to reduce the risks the proposed clearing poses to the Millstream Water Reserve. These are available at <http://drinkingwater.water.wa.gov.au> (DoW, 2012).

It has been noted that this permit covers an area in which there exists multiple registered Indigenous Heritage Sites. It is the responsibility of the proponent to ensure that no Aboriginal Sites of Significance are damaged through the clearing process. In implementing this permit please liaise with the Department of Indigenous Affairs regarding your obligations under the Aboriginal Heritage Act 1972.

It is recommended that the applicant contacts DEC Staff at Millstream-Chichester National Park no less than 5 days prior to commencement of the proposed clearing to notify them of a proposed time frame of the works and a relevant contact person. It is important that the Park staff are notified of impending works which have the potential to impact on the nearby Millstream-Chichester National Park managed by the Department. It is also important in emergency situations (eg. fires) that the Park staff are aware of the location and contact details of personnel operating within the Park (DEC, 2012).

The Shire of Ashburton (2012) has no objections to the proposed clearing.

Methodology

No public submissions have been received.
References:
DEC(2012)
DoW (2012)
RTIO (2012)
Shire of Ashburton (2012)

GIS Databases:
-RIWI Act Areas

4. References

- DEC (2012) Advice for Clearing Permit Application CPS 4953/1, Water Pipeline Reserve 36991, Millstream. Received 23 April 2012. Department of Environment and Conservation, Western Australia (DEC REF A509219).
- DoW (2012) Advice for Clearing Permit Application CPS 4953/1, Water Pipeline Reserve 36991, Millstream. Received 26 April 2012. Department of Environment and Conservation, Western Australia (DEC REF A496930).
- Government of Western Australia (2011); 2011 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). WA Department of Environment and Conservation, Perth.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- RTIO (2012) Advice for Clearing Permit Application CPS 4953/1, Water Pipeline Reserve 36991, Millstream. Received 24 May 2012. Rio Tinto, Perth, Western Australia (DEC REF A507140).
- 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.
- Shire of Ashburton (2012) Advice for Clearing Permit Application CPS 4953/1, Water Pipeline Reserve 36991, Millstream. Received 30 May 2012. Department of Environment and Conservation, Western Australia (DEC REF A497965).

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)