

4 Cook Street  
West Perth WA 6005  
Australia

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Email: info@mbsenvironmental.com.au

6 March 2013

Native Vegetation Assessment Branch  
Department of Mines and Petroleum  
Mineral House  
100 Plain Street  
EAST PERTH WA 6004

Attention: Ms Tricia Hudgell

**Re: CPS 5110/1 – Clearing Permit Application Amendment for Windarra Nickel Project**

Please find attached an amendment application for purpose permit CPS5110/1 for the Poseidon Nickel Limited (Poseidon) Windarra Nickel Project.

Poseidon seeks to increase the clearing required for their Windarra Nickel Project to 135 hectares within 320 hectares. This application is for an increase in clearing and application area to allow for additional infrastructure that was anticipated to be constructed using the exemption under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*, Schedule 1. The proposed clearing area also includes clearing at the intersection of the Cerberus Haul road and gazetted Laverton-Leonora Road Reserve (M022), which overlies ML261SA. A Main Roads (WA) Authority to Seek Clearing Approval within M022 is provided in Appendix 3.

Poseidon also seeks to amend a clerical error relating to the CP 5110/1 licence expiry date, as outlined in the attached form.

Please find the following enclosed:

- Figure 1 – Application area and Figure 2 – Proposed Clearing Area for the Cerberus Haul Road.
- Appendix 1 - Copy of CPS5110/1 permit with proposed changes highlighted.
- Appendix 2 - C4 Application form.
- Appendix 3 – Main Roads WA (MRWA) Authority to Seek Clearing Approval.
- Appendix 4 – Poseidon Letter of Authority in regards to Clearing Permit Applications.
- CD with the proposed Clearing Permit Application Area shape files in MGA 94 (Zone 51).

Should you have any questions regarding this clearing amendment application, please contact myself via email at [freea@mbsenvironmental.com.au](mailto:freea@mbsenvironmental.com.au) or Kristy Sell via email at [ksell@mbsenvironmental.com.au](mailto:ksell@mbsenvironmental.com.au) or by phone at MBS Environmental on (08) 9226 3166.

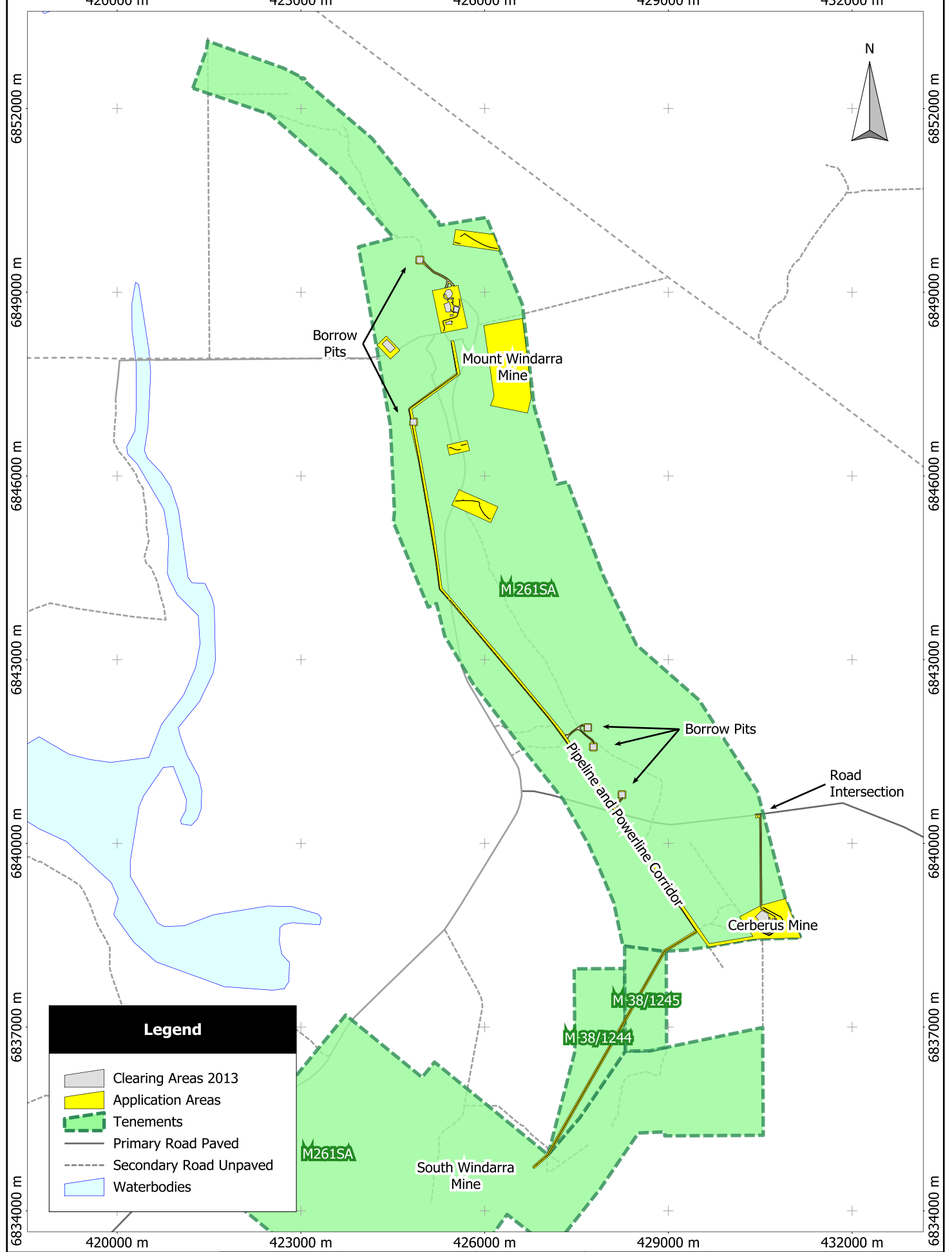
Yours sincerely

**MBS Environmental**



**Freea Itzstein-Davey**  
Senior Environmental Scientist

cc. Poseidon - Attention: Messrs Robert Dennis and Michael Rodriguez  
cc. Department of State Development – Attention Ms Sally Walker



**Legend**

- Clearing Areas 2013
- Application Areas
- Tenements
- Primary Road Paved
- Secondary Road Unpaved
- Waterbodies

Environmental + Water Resource Consultants

**MBS ENVIRONMENTAL**

4 Cook St  
West Perth WA 6005  
Telephone: + 618 9226 3186  
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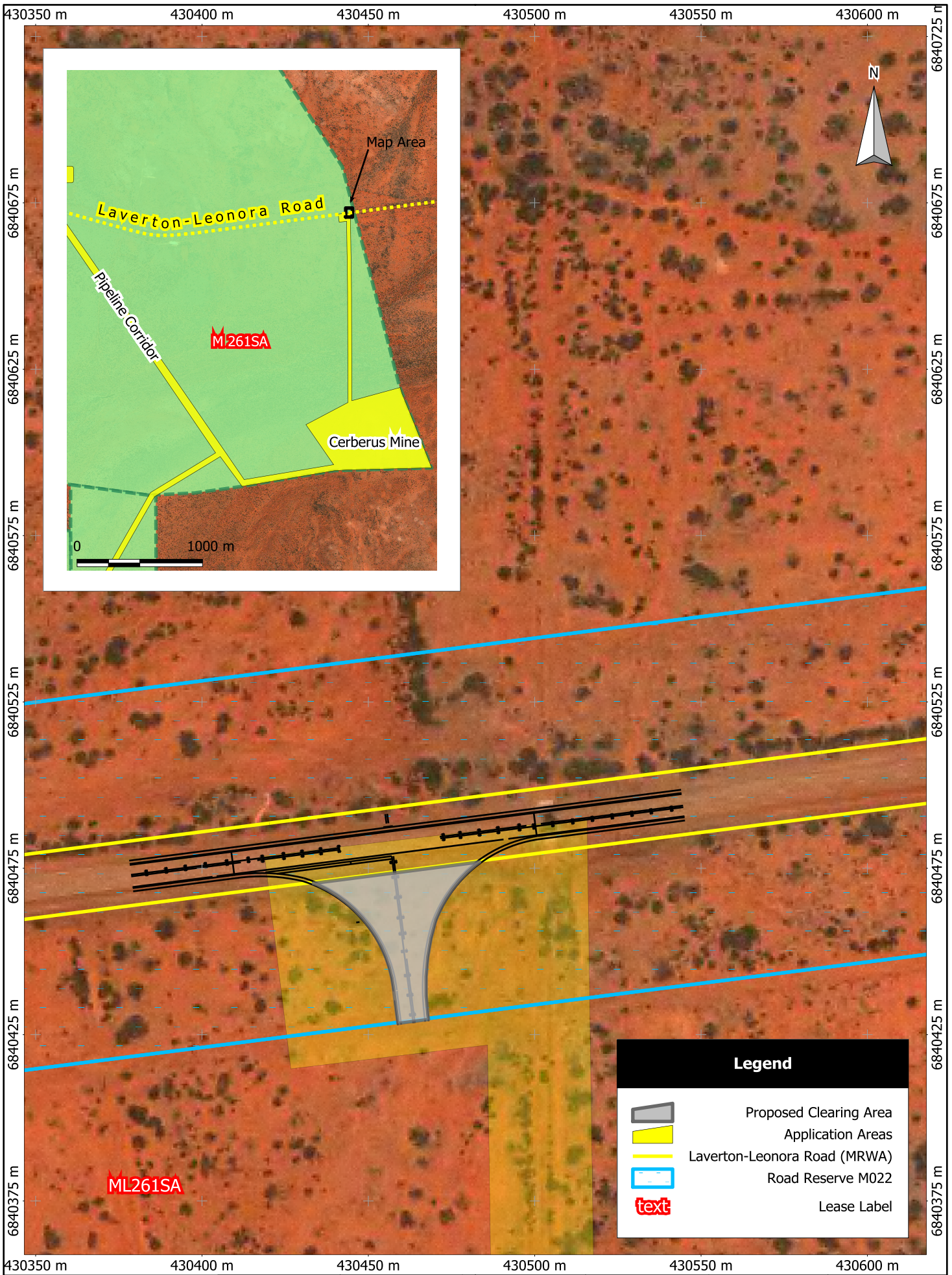
Scale: 1:80000  
Original Size: A4  
Grid: MGA94(51)






0 2000 m

Poseidon Nickel Limited  
Windarra Nickel Project  
Clearing Permit

Application Areas

**Figure 1**



Legend	
	Proposed Clearing Area
	Application Areas
	Laverton-Leonora Road (MRWA)
	Road Reserve M022
	Lease Label

Environmental + Water  
Resource Consultants

**MBS**  
ENVIRONMENTAL

4 Cook St  
West Perth WA 6005  
Telephone: + 618 9226 3186  
Facsimile: + 618 9226 3177  
info@mbsenvironmental.com.au

Scale: 1:1500  
Original Size: A4  
Air Photo Date: 2005  
Grid: MGA94(51)

0 40 m

Poseidon Nickel Limited  
Windarra Nickel Project  
Clearing Permit

Proposed Clearing Area  
for Cerberus Haul Road

**Figure 2**

**Appendix 1: CPS5110/1 Proposed Changes**



## CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

<b>Purpose Permit number:</b>	5110/1
<b>Duration of Permit:</b>	25 August 2012 – 25 August 2022
<b>Permit Holder:</b>	Poseidon Nickel Limited

The Permit Holder is authorised to clear native vegetation subject to the following conditions of this Permit.

### PART I – CLEARING AUTHORISED

- Land on which clearing is to be done**  
*Poseidon Nickel Agreement Act 1971, Mining Lease 261SA (AM 70/261)*
- Purpose for which clearing may be done**  
Clearing for the purposes of mineral production and associated activities.
- Area of Clearing**  
The Permit Holder must not clear more than 72.6 hectares of native vegetation. All clearing must be within the area cross-hatched yellow on attached Plan 5110/1.
- Type of Clearing Authorised**  
The Permit Holder shall not clear native vegetation unless the purpose for which the clearing is authorised is enacted within 6 months of the authorised clearing being undertaken.
- Period in which clearing is authorised**  
The Permit Holder shall not clear any native vegetation after 25 August 2017.
- 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.
- Compliance with Assessment Sequence and Management Procedures**  
Prior to clearing any native vegetation under Conditions 1, 2, 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

- 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:
  - avoid the clearing of native vegetation;
  - minimise the amount of native vegetation to be cleared; and
  - reduce the impact of clearing on any environmental value.

**9. 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*:

- (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.

**10. Vegetation Management**

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

**11. Retain and spread vegetative material and topsoil**

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) within 12 months following clearing authorised under this permit, *revegetate* and *rehabilitate* the areas that are no longer required for the purpose for which they were cleared under this Permit by:
  - (i) re-shaping the surface of the land so that it is consistent with the surrounding 5 metres of uncleared land; and
  - (ii) laying the vegetative material and topsoil retained under Condition 11(a).
- (c) within 4 years 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.

### **PART III - RECORD KEEPING AND REPORTING**

#### **12. Records to 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 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 or decimal degrees;
- (ii) the date that the area was cleared;
- (iii) the size of the area cleared (in hectares); and
- (iv) purpose for which clearing was undertaken.

(b) 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; and
- (iii) the size of the area *revegetated* and *rehabilitated* (in hectares).

#### **13. Reporting**

(a) The Permit Holder shall provide a report to the Executive Director, Environment, Department of Mines and Petroleum by 31 July each year for the life of this permit, demonstrating adherence to all conditions of this permit, and setting out the records required under Condition 12 of this permit in relation to clearing carried out between 1 July and 30 June of the previous financial year.

(b) Prior to 25 August 2022, the Permit Holder must provide to the Executive Director, Environment, Department of Mines and Petroleum 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:

*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 100 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 *revegetation* that can be established from in situ seed banks 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;

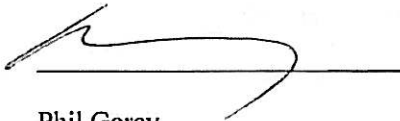


*revegetation* means the re-establishment of a cover of *local provenance* native vegetation in an area using methods such as *regeneration, direct seeding* and/or *planting*, so that the species composition, structure and density is similar to pre-clearing vegetation types in that area;

*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*;

*weeds* 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*.



Phil Gorey  
EXECUTIVE DIRECTOR  
ENVIRONMENT  
DEPARTMENT OF MINES AND PETROLEUM

Officer with delegated authority under Section 20  
of the Environmental Protection Act 1986

2 August 2012

**Appendix 2: FORM C4, Application for an Amendment to a Clearing Permit**



# Application for an amendment to a clearing permit

Environmental Protection Act 1986 s 51M

## FORM C4

Clearing of native vegetation is prohibited in Western Australia except where a clearing permit has been granted or an exemption applies. A person who causes or allows unauthorised clearing commits an offence.

Date stamp

### Part 1 Clearing permit details

FILE REFERENCE	Permit number	Permit holder's name as it appears on the permit
	CPS 5110/1	Poseidon Nickel Limited

### Part 2 Proposed changes

Additional information to support the assessment of your application to amend may be attached.

If you are applying on behalf of the Permit Holder, please attach your agent's authority expressly authorising you to act on behalf of the Permit Holder.

Please ensure you have included the following as part of your application:

- A completed application form that is signed and dated by the permit holder,
- A photocopy of the granted Clearing Permit, with proposed changes highlighted; and
- Payment

Please tick below the proposed change(s) to your Clearing Permit:

- extend the duration of the permit;
- vary a due date of complying with a permit condition;
- amend the size of the area permitted to be cleared, or remove a land parcel listed on the permit;
- correct a clerical error or make an administrative change; or
- other.

Details of proposed changes:

Poseidon seeks to increase the clearing required for their Windarra Nickel Project to 135 ha within 320 ha. This application for an increase in clearing and application areas is to allow for additional infrastructure that was anticipated to be constructed using the exemption under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, Schedule 1. Additional infrastructure also includes clearing of the proposed Cerberus haul road intersection with the Leonora-Laverton road, which occurs on the gazetted road reserve M022.

Also, amendments to a clerical error relating to the CP 5110/1 licence expiry date.

### Part 3 Contact/Applicant details

Person with whom Department of Environment and Conservation or Department of Mines and Petroleum should liaise concerning the clearing application.

\*If applying as a company or incorporated body, please also supply the registered business office address.

Given name, family name and title (Mr, Mrs, Ms, etc) (Please print)

Michael Rodriguez

Position (Director, Secretary, Consultant etc)

Group Technology Manager

Postal / Business address\*

Postal PO Box 190  
WEST PERTH WA 6872

Business Poseidon Nickel Limited  
Unit 8, Churchill Court  
331-335 Hay Street, SUBIACO WA 6008

Fixed Telephone number (08) 93828799

Mobile telephone number

Fax number (08) 9382 4760

Email michael.rodriguez@poseidon-nickel.com.au

**Part 4 Declaration & Signature**


For your application to be accepted, it must be signed either on behalf of the company or as an individual.

By signing this form you are declaring that the statements on this form are true and correct. Providing false or misleading information is an offence under s112 of the Environmental Protection Act 1986.

Please indicate if you are signing as an individual or a company:

- An individual.** For individual permit holder(s), all landowners must sign this form.
- or
- A company.** A person duly authorised to sign for an on behalf of the incorporated body or company must sign this form. If your company is required to use a common seal, you must affix this seal and have this application signed by an authorised director(s) in accordance with the Corporations Law.

Signature(s)

(1) 

(2)

Date

06 March 2013

Print name(s)

(1) Michael Rodriguez

(2)

Common Seal (if used)

Position

(1) Group Technology Manager

(2)

Company Name and Australian Company Number (ACN)

Poseidon Nickel Limited - ACN 060 525 206

**Part 5 Application checklist**

Additional information to assist in the assessment of your proposal may be attached to this application – e.g. reports on salinity, fauna or flora studies or other environmental reports conducted for the site could be included in electronic format and submitted on CDROM.

Please ensure you have included the following as part of your application:

REQUIRED

- A completed application form that is signed and dated by all landowners, or the applicant acting on behalf of or likely to become the landowner.
- An aerial photograph or map with a north arrow clearly identifying the areas of vegetation propose to be cleared.
- Payment

IF APPLICABLE

- If you are applying on behalf of the Permit Holder, please attach your agent's authority expressly authorising you to act on behalf of the Permit Holder.

**Part 6 Lodgement**

Send original applications to amend permits granted by the Department of Environment and Conservation to:

Department of Environment and Conservation  
Native Vegetation Conservation Branch  
Locked Bag 104, Bentley Delivery Centre, BENTLEY WA 6983

Telephone: 9219 8744

For further information: [www.dec.wa.gov.au/nvc](http://www.dec.wa.gov.au/nvc), or Email: [nvp@dec.wa.gov.au](mailto:nvp@dec.wa.gov.au)

Send original applications to amend permits granted by the Department of Mines and Petroleum to:

Department of Mines and Petroleum  
Native Vegetation Assessment Branch  
Mineral House  
100 Plain St EAST PERTH WA 6004

Telephone: 9222 3333.

For further information: [www.dmp.wa.gov.au/nvabinfo](http://www.dmp.wa.gov.au/nvabinfo)

Electronic versions or facsimiles of this application form are not acceptable. Please retain a copy of this form for your records. Incomplete applications will be returned.

**CONFIDENTIAL OR COMMERCIAL SENSITIVE INFORMATION**

Information submitted as part of this application may be made publicly available. If you wish to submit information that you believe to be commercially sensitive or otherwise confidential, then you should submit that information in an appendix to this application, with a written statement of reasons why you request that each item of information be kept confidential. The Department will take reasonable steps to protect confidential or commercially sensitive information. Please note in particular that all submitted information may be the subject of an application for release under the *Freedom of Information Act 1992*. If you have any enquiries regarding the provision of relevant information as part of this application contact either the Department of Environment and Conservation or the Department of Mines and Petroleum.

If there is insufficient room on any part of this form, please continue on a separate sheet of paper and attach to this form.

**Part 7 Fees**

Make cheques or money orders payable to:

**Department of Environment and Conservation** for all clearing purposes granted by this agency.

or

**Department of Mines and Petroleum** for all permits granted by this agency.

Do not send cash in the mail.

**Please indicate the Clearing Permit application fee that is being paid:**

**AREA PERMIT**

- \$50 to alter the requirements of, or increase the area covered by an Area Permit by less than 1ha; or
- \$100 to increase the area covered by an Area Permit by between 1ha and 10ha; or
- \$200 to increase the area covered by an Area Permit by more than 10ha.

**PURPOSE PERMIT**

- \$200 to alter any requirement of a Purpose Permit.

**Payment method (tick applicable box):**

- Cheque
- Money Order
- Credit Card (complete details below)

Credit Card Number

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Card Holder Name

Expiry Date

Signature

OFFICE USE ONLY

Card Type:

- Bank Card
- Master Card
- Visa

Contact Phone Number

**Appendix 3: MRWA Authority to Seek Clearing Approval**



Enquiries: Kellie Keable on 90801432  
Our Ref: 12/1114  
Your Ref:

ABN: 50 860 676 021

20 March 2012

Mr Rob Dennis  
Chief Operating Officer  
Poseidon Nickel  
Unit 8 Churchill Court  
331 – 335 Hay Street  
Subiaco WA 6008

Dear Rob

**AUTHORISATION TO ACT ON BEHALF OF MAIN ROADS WESTERN AUSTRALIA**

On behalf of Main Roads Goldfields Esperance Region, I hereby grant authorisation to Poseidon Nickel to apply for a Clearing Permit under Section 51E of the *Environmental Protection Act 1986*, for works within the Leonora Laverton Road M022 road reserve, Laverton.

Regards

Shane Power  
REGIONAL MANAGER



Australian Business  
Excellence Awards  
Bronze Award 2007

**Appendix 4: Letter of Authority**




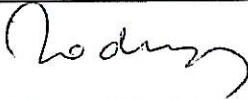
12 June 2012

Native Vegetation Assessment Branch  
Department of Mines and Petroleum  
Mineral House  
100 Plain Street  
EAST PERTH WA 6004

To whom it may concern,

**Re: Letter of Authority in regard to Clearing Permit Applications**

Please be advised that the following people are authorised to sign each 'Application for Clearing Permit' on behalf of Poseidon Nickel Limited for the Windarra Nickel Project.

Name	Signature
Robert Dennis	
Michael Rodriguez	

Yours sincerely,



Robert Dennis

Chief Operating Officer

Poseidon Nickel Limited