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Department of Water and Environmental Regulation
Clearing Regulation Branch

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BHP IRON ORE MINING OPERATIONS: Application for a new Native Vegetation Clearing (Purpose) Permit to Rehabilitate Historical Disturbance Areas between Chainages 220 and 268

BHP Iron Ore Pty Ltd (BHP) has identified the need to remove old stockpiled treated wooden sleepers that have been stored outside of the existing rail tenure. These stockpile areas were established during the rail construction in the 1960's and have experienced some regrowth of vegetation around the stored material.

BHP is seeking to remove the sleepers and any other rail material from these areas, undertake soil testing to confirm if any contamination has occurred and then rehabilitate the areas. As these activities will result in the clearing of a small amount of regrowth native vegetation BHP is seeking a Native Vegetation Clearing (Purpose) Permit (NVCP) over the stockpile areas.

This document supports the application for an NVCP covers 2.74 ha across two stockpile areas (**Figure 1**).

Tenure

The proposed NVCP falls with the following section 91 (s91) areas (**Attachment 3**):

- Lic 01024-2009_AI 2838931; and
- Lic 01089-2014_A12838934.

Heritage

The Land Access Unit is the internal group within BHP that manages Aboriginal heritage matters. The Land Access Unit is responsible for ensuring that BHP complies with the *Aboriginal Heritage Act, 1972*, and all other state and federal heritage legislation. All land disturbance activities are subject to ethnographic and archaeological surveys as part of an internal PEHR. The PEHR process ensures that all heritage sites in the vicinity of the project area are identified and avoided where practicable.

The Application Area is situated within the Banjima Native Title Claim (WC2011/006). No heritage sites have been identified within the Application Area. If any heritage sites are identified that cannot practicably be avoided, BHP will consult the relevant traditional owners and seek approval under the *Aboriginal Heritage Act 1972* before the site is disturbed.

The Banjima People have been consulted as part of the Section 91 tenure application and are aware that this NVCP is being sought to enable the removal of historical rail waste and to enable the areas to be rehabilitated back into the surrounding landscape.

Existing Environment

A number of biological surveys have been undertaken within the Application Area. The most relevant studies are:

- *Mainline Rail Expansion Level 2 Flora and Vegetation Survey* (Onshore, 2014a) (**Appendix 1**);
- *Consolidation of Regional Vegetation Mapping BHP Billiton Iron Ore Pilbara Tenure* (Onshore, 2014b) (**Appendix 2**);
- *Consolidation of Regional Fauna Habitat Mapping BHP Billiton Iron Ore Pilbara Tenure* (Biologic, 2017) (**Appendix 3**); and
- *Mainline Rail Expansion Vertebrate Fauna Survey* (Biologic, 2013) (**Appendix 4**).

Flora and Vegetation

The vegetation within the Application Area is classified as the following two vegetation associations, as mapped by Beard (1975):

- 111: Hummock grasslands, shrub steppe; *Eucalyptus gamophylla* over hard spinifex.
- 175: Short bunch grassland - savanna/grass plain (Pilbara)

There is more than 99% of these vegetation associations remaining.

The Application Area has three Broad Floristic Communities with three vegetation associations (Onshore, 2014a and 2014b) (**Figure 2**).

Table 1: Vegetation Associations

Broad Floristic Community	Vegetation Association	
<i>Astrebla</i> Tussock Grassland	SP AspeAriSpau SifCotrTebc Opa	Tussock Grassland of <i>Astrebla pectinata</i> , <i>Aristida inaequiglumis</i> and <i>Sporobolus australasicus</i> with Low Open Shrubland of <i>Sida fibulifera</i> , <i>Corchorus trilocularis</i> and <i>Tephrosia</i> sp. Bungaroo Creek (M.E. Trudgen 11601) and Open Herbs of <i>Operculina aequisejala</i> on brown medium clay on basalt plains.
<i>Acacia</i> Low Woodland	FP ApAaApr AsyErfPto CcAriArc	Low Woodland of <i>Acacia paraneura</i> , <i>Acacia aptaneura</i> and <i>Acacia pruinocarpa</i> over Open Shrubland of <i>Acacia synchronicia</i> , <i>Eremophila forrestii</i> subsp. <i>forrestii</i> and <i>Ptilotus obovatus</i> over Open Tussock Grassland of * <i>Cenchrus ciliaris</i> , <i>Aristida inaequiglumis</i> and <i>Aristida contorta</i> on red brown loam on floodplains.
<i>Triodia</i> Hummock Grassland	SP TbTp HIAancAi Ch	Hummock Grassland of <i>Triodia basedowii</i> and <i>Triodia pungens</i> with High Open Shrubland of <i>Hakea lorea</i> subsp. <i>lorea</i> , <i>Acacia ancistrocarpa</i> and <i>Acacia inaequilatera</i> and Scattered Low Trees of <i>Corymbia hamersleyana</i> on red brown loamy sand on stony plains.

None of these vegetation associations are representative of:

- A Threatened Ecological Community (TEC), listed under the *Environment Protection and Biodiversity Conservation Act, 1999* (EPBC Act) or *Biodiversity Conservation Act, 2016* (BC Act) (Onshore, 2014; ENV 2008); or
- A Priority Ecological Community (PEC), as listed by the Department of Biodiversity, Conservation and Attractions (DBCA) of Western Australia under the BC Act (Onshore, 2014; ENV 2008).

Vegetation condition within the Application Area ranges from Completely Degraded to Very Good (Onshore, 2014a and 2014b). Vegetation adjacent to the Application Area is in similar or better condition to the vegetation of the Application Area.

No species listed under the EPBC Act or gazetted as Threatened Flora species under the BC Act), or listed as Priority Flora by DBCA were identified within or adjacent to the Application Area (Onshore, 2014a).

Vertebrate Fauna

Biologic (2017) identified three vertebrate fauna habitats within the Application Area (**Figure 3**):

- Gilgai Plain;
- Mulga Woodland; and
- Sand Plain.

No conservation significant species have been recorded from the Application Area (Biologic, 2014a):

Based on the occurrence of the two habitat types and conservation fauna species previously recorded in the vicinity of the Application Area, four species are considered to potentially occur within the Application Area (i.e. those considered 'likely' or 'possible' to occur within the Application Area) on a transient basis:

- Fork-tailed Swift (*Apus pacificus*), (Migratory EPBC Act; Schedule 5 WC Act);
- Grey Falcon (*Falco hypoleucos*) (Vulnerable EPBC Act, Vulnerable BC Act);
- Peregrine Falcon (*Falco peregrinus*) (Other Specially Protected Fauna BC Act); and
- Short-tailed Mouse (*Leggadina lakedownensis*) (DBCA Priority 4);

Prior to undertaking any clearing BHP will:

- Inspect areas of Sand Plain habitat to be cleared to identify any Greater Bilby burrows. No clearing will occur within 10 metres of an active Greater Bilby burrows, without permission of the CEO of DWER.
- Inspect stored sleepers to identify any evidence of significant fauna species sheltering within the sleeper piles.

Assessment against the 10 Clearing Principles

The proposed activities are not likely to be at variance to any of the ten clearing principles:

a) *Native vegetation should not be cleared if it comprises a high level of biological diversity.*

Clearing of vegetation within the Application Area is not considered to be at variance with this principle as the vegetation clearing within the Application Area is not considered to represent a higher level of biodiversity compared to surrounding vegetated areas.

No significant species have been identified within or adjacent to the Application Area.

The vegetation of the Application Area is of a similar type and is in worse condition than the surrounding area.

b) *Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia.*

Four conservation significant fauna species have the potential to be transient visitors to the Application Areas. Clearing is unlikely to have a significant impact on these species for the following reasons:

- similar habitat is well represented outside the Application Area;
- similar habitat within close vicinity to the Application Area was found to be in the same or better condition than that of the Application Area; and
- Prior to undertaking any clearing of Sand Plain habitat the area will be inspected to identify any Greater Bilby burrows. No clearing will occur within 10 metres of an active Greater Bilby burrows, without permission of the CEO of DWER.
- Prior to undertaking any clearing stored sleepers will be inspected to identify any evidence of significant fauna species sheltering within the sleeper piles.

Habitat within the Application Area is not considered to be significant habitat for fauna species within the local area.

c) *Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.*

Clearing of vegetation within the Application Area is not considered to be at variance with this principle as no rare flora are known, or are likely, to occur within the Application Area.

d) *Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community.*

Clearing of vegetation is not considered to be at variance with this principle as no TECs, PECs or other significant ecological communities occur in the Application Area.

e) *Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.*

Clearing native vegetation within the Application Area will not significantly reduce the known extent of the vegetation community in the bioregion. It is not considered to be at variance with this principle.

f) *Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.*

There are no major watercourses, wetlands or drainage lines within the Application Area. The proposed clearing of vegetation within the Application Area is not considered to be at variance with this principle.

- g) *Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.*

Clearing of vegetation within the Application Area is not considered to be at variance with this principle. Clearing activities will not result in an increased risk of salinity. It is not anticipated that the removal of vegetation will contribute to increased amounts of wind or water erosion in adjacent areas.

This NVCP is being sought to enable the removal of historical rail waste and to enable the areas to be rehabilitated back into the surrounding landscape.

- h) *Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.*

Clearing is not considered to be at variance with this principle as there are no conservation areas located adjacent to or nearby the Application Area.

- i) *Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.*

The clearing of native vegetation is not considered likely to alter the quality of surface or ground water within the Application Area due to the limited clearing within the Application Area and the absence of surface water features. Therefore, clearing of vegetation within the Application Area is not considered to be at variance with this principle.

- j) *Native vegetation should not be cleared if the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.*

The proposed clearing is not considered to be at variance with this principle. The proposed clearing will not cause or exacerbate the incidence or intensity of flooding.

Conclusion

The proposed clearing within the Application Area is unlikely to be at variance to any of the Ten Clearing Principles. The clearing of 2.74 ha of native vegetation to enable the removal of historical rail waste and to enable the areas to be rehabilitated back into the surrounding landscape is unlikely to have any significant negative impacts on the biodiversity and environmental values in the area. All activities will be undertaken in accordance with BHP Iron Ore's *Project Environmental Aboriginal Heritage Review Procedure* which is considered appropriate to manage any potential environmental impacts of the proposal.

- Attachment 1: Forms C1 Application to Amend a Clearing (Purpose) Permit;
- Attachment 2: Figures 1 to 3;
- Attachment 3: s91 Approvals
- Attachment 4: Appendices 1 to 4;
- Attachment 5: Shapefile (in GDA 2020 MGA Zone 50) of the Proposed NVCP Boundary.