



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 10387/1
Permit Holder:	BHP Iron Ore Pty Ltd
Duration of Permit:	From 27 August 2024 to 27 August 2034

The permit holder is authorised to clear *native vegetation* subject to the following conditions of this permit.

PART I – CLEARING AUTHORISED

1. Clearing authorised (purpose)

The permit holder is authorised to clear *native vegetation* for the purpose of removing old rail sleepers and other rail materials, soil testing and *rehabilitation*.

2. Land on which clearing is to be done

Lot 5418 on Deposited Plan 404418, Mulga Downs
 Lot 909 on Deposited Plan 72909, Newman
 Lot 19 on Deposited Plan 48921, Newman

3. Clearing authorised

The permit holder must not clear more than 2.74 hectares of *native vegetation* within the areas cross-hatched yellow in Figure 1 and Figure 2 of Schedule 1.

4. Period during which clearing is authorised

The permit holder must not clear any *native vegetation* after 27 August 2029.

PART II – MANAGEMENT CONDITIONS

5. Avoid, minimise, and reduce impacts and extent of clearing

In determining the *native vegetation* authorised to be cleared under this permit, the permit holder must apply the following principles, set out in descending 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.

6. Weed management

When undertaking any *clearing* authorised under this permit, the permit holder must take the following measures to minimise the risk of 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.

7. Fauna Management – Pre-clearance survey

- (a) Within 72 hours prior to undertaking any *clearing* authorised under this permit, the permit holder shall engage a *fauna specialist* to undertake clearance surveys within the areas cross-hatched yellow in Figure 1 and Figure 2 of Schedule 1 for:
 - (i) greater bilby (*Macrotis lagotis*), including the identification and inspection of any burrows identified;
 - (ii) northern quoll (*Dasyurus hallucatus*), including the identification and inspection of any dens identified;
 - (iii) western pebble-mound mouse (*Pseudomys chapmani*), including the identification and inspection of mounds identified; and
- (b) Where evidence of burrows, mounds and/or dens are identified under condition 7(a) of this permit, the permit holder must:
 - (i) not clear within 10 metres of greater bilby burrow(s), unless approved by the *CEO*;
 - (ii) not clear within 10 metres of western pebble-mound mouse mound(s), unless approved by the *CEO*; and
 - (iii) not clear artificial denning habitat of the northern quoll between October and March, unless approved by the *CEO*.
- (c) Where fauna is identified under condition 7(a) of this permit, the permit holder must include the following in a report submitted to the *CEO* within three months of undertaking any *clearing* authorised under this permit:
 - (i) the species name of each identified fauna species under condition 7(a) of this permit;
 - (ii) the number of individuals identified;
 - (iii) the date each individual was identified;
 - (iv) the location of each fauna species identified under condition 7(a) of this permit, including the location of identified burrows, mounds and/or dens, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (GDA2020), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
 - (v) the name of the *fauna specialist* that undertook surveys under condition 7(a) of this permit; and
 - (vi) the methodology used to survey the permit area.

8. Directional clearing

The permit holder must conduct clearing activities in a slow, progressive manner in one direction, towards adjacent native vegetation, to allow fauna to move into adjacent native vegetation ahead of the clearing activity.

9. Fauna management – time of clearing

The permit holder must undertake all activities authorised under this permit during *daytime hours*.

10. Flora Management

- (a) Prior to undertaking any *clearing* authorised under this permit, the permit holder shall engage a *botanist* to conduct a *targeted flora survey* of the area authorised to clear under this permit for the presence of *priority flora*:
- (b) Where *priority flora* are identified in relation to condition 10(a) of this permit, the permit holder must ensure:
 - (i) no *clearing* occurs within 20 metres of the identified *priority flora*, unless approved by the *CEO*; and
 - (ii) no *clearing* of the identified *priority flora* unless approved by the *CEO*.
- (c) Where *priority flora* are identified under condition 10(a) of this permit, the permit holder must include the following in a report submitted to the *CEO* within three months of undertaking any *clearing* authorised under this permit:
 - (i) the species name of each *priority flora* individual(s) identified under condition 10(a) of this permit;
 - (ii) the number of individuals identified;
 - (iii) the date each individual was identified;
 - (iv) the location of each *priority flora*, identified under condition 10(a), either as the location of individual plants, or where this is not practical, the areal extent of the population and an estimate of the number of plants, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (GDA2020), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
 - (v) the name of the *botanist* that undertook the *targeted flora survey* under condition 10(a) of this permit; and
 - (vi) the methodology used during the *targeted flora survey* under condition 10(a) of this permit.

11. Revegetation and rehabilitation (temporary works)

The permit holder must:

- (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) as soon as is practicable, and no later than 12 months following *clearing* authorised under this permit, *revegetate* and *rehabilitate* the areas for *temporary works* under this permit by:
 - (i) re-shaping the surface of the land so that it is consistent with the surrounding five metres of uncleared land;
 - (ii) ripping the ground on the contour to remove soil compaction;

- (iii) laying the vegetative material and topsoil retained under condition 11(a) of this permit on the cleared area(s); and
- (iv) undertaking *weed* control over the *revegetated* and *rehabilitated* areas.
- (c) within 24 months of laying the vegetative material and topsoil on the cleared area in accordance with condition 11 (a) of this permit:
 - (i) engage an *environmental specialist* to determine the species composition, structure and density of the area *revegetated* and *rehabilitated*; and
 - (ii) engage an *environmental specialist* to make a determination as to whether the composition, structure and density determined under condition 11(c)(i) of this permit will, without further *revegetation* and/or *rehabilitation*, result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area.
- (d) If the determination made by the *environmental specialist* under condition 11(c)(ii) of this permit is that the species composition, structure, and density of the area *revegetated* and *rehabilitated* will not, without further *revegetation* and/or *rehabilitation*, result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area, the permit holder must revegetate the area by deliberately planting *local provenance* propagating material and/or *direct seeding* of *local provenance* seeds that will result in a similar species composition, structure, and density of native vegetation to the pre-clearing vegetation types in that area.
- (e) Where additional *planting* or *direct seeding* of *native vegetation* is undertaken in accordance with condition 11(d) of this permit, the permit holder must repeat the activities required by condition 11(c) and 11(d) of this permit within 24 months of undertaking the additional *planting* or *direct seeding* of *local provenance native vegetation*.
- (f) Where a determination is made by an *environmental specialist* under condition 11(c)(ii) 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, that determination shall be submitted to the *CEO* within three months of the determination being made by the *environmental specialist*.
- (g) Where a notice is received from the *CEO* specifying that further planting of local provenance propagating material is, in the *CEO*'s reasonable opinion, necessary to ensure the native vegetation will result in similar species composition, structure and density to that of the pre-clearing vegetation types in that area, the permit holder must carry out the further *planting* and/or *direct seeding* specified in the *CEO*'s notice, during the next optimal time after receiving the *CEO*'s notice.

PART III - RECORD KEEPING AND REPORTING

12. Records that must be kept

The permit holder must maintain records relating to the listed relevant matters in accordance with the specifications detailed in Table 1 below.

Table 1: Records that must be kept

No.	Relevant matter	Specifications
1.	In relation to the authorised <i>clearing</i> activities generally	<ul style="list-style-type: none"> (a) the species composition, structure, and density of the cleared area; (b) the location where the <i>clearing</i> occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (GDA2020), expressing the geographical coordinates in Eastings and Northings; (c) the date that the area was cleared; (d) the direction of clearing; (e) the size of the area cleared (in hectares); (f) actions taken to avoid, minimise, and reduce the impacts and extent of <i>clearing</i> in accordance with condition 5 of this permit; (g) actions taken to minimise the risk of the introduction and spread of <i>weeds</i> in accordance with condition 6 of this permit; and (h) actions taken to undertake clearing during <i>daytime hours</i> in accordance with condition 9 of this permit.
2.	In relation to pre-clearance fauna survey pursuant to condition 7.	<ul style="list-style-type: none"> (a) results of the pre-clearance surveys undertaken in accordance with condition 7 of this permit; (b) a copy of the <i>fauna specialist's</i> report.
3.	In relation to flora management pursuant to condition 10	<ul style="list-style-type: none"> (c) actions taken to avoid the <i>clearing</i> of <i>priority flora</i> species, including a 20 metre avoidance buffer; (d) (c) a copy of the <i>botanist's</i> report in accordance with condition 10(c) of this permit.
4.	In relation to the <i>revegetation</i> and <i>rehabilitation</i> of areas pursuant to condition 11	<ul style="list-style-type: none"> (a) the size of the areas <i>revegetated</i> and <i>rehabilitated</i>; (b) the date(s) on which the <i>revegetation</i> and <i>rehabilitation</i> was undertaken; (c) the boundaries of the areas <i>revegetated</i> and <i>rehabilitated</i> (recorded digitally as a shapefile); (d) a description of the <i>revegetation</i> and <i>rehabilitation</i> activities undertaken, including actions taken to implement hygiene protocols and <i>weed</i> control; (e) any remediation actions undertaken; and (f) a copy of the determinations made by the <i>environmental specialist</i>.

13. Reporting

The permit holder must provide to the *CEO* the records required under condition 12 of this permit when requested by the *CEO*.

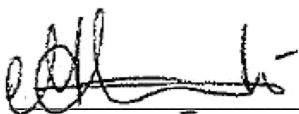
DEFINITIONS

In this permit, the terms in Table 2 have the meanings defined.

Table 2: Definitions

Term	Definition
botanist	means a person who holds a tertiary qualification specialising in environmental science or equivalent and has a minimum of two (2) years' work experience in Western Australian flora identification and undertaking flora surveys native to the bioregion being inspected or surveyed, or who is approved by the <i>CEO</i> as a suitable environmental specialist for the bioregion, and who holds a valid flora licence issued under the <i>Biodiversity Conservation Act 2016</i> .
CEO	Chief Executive Officer of the <i>department</i> responsible for the administration of the <i>clearing</i> provisions under the <i>Environmental Protection Act 1986</i> .
clearing	has the meaning given under section 3(1) of the <i>EP Act</i> .
condition	a condition to which this <i>clearing</i> permit is subject under section 51H of the <i>EP Act</i> .
conservation significant fauna	Means those fauna species listed as critically endangered, endangered, vulnerable, migratory or priority under the <i>Department of Biodiversity, Conservation and Attractions Threatened and Priority fauna List for Western Australia</i> (as amended)
daytime hours	means the duration starting half an hour before sunrise and ending half an hour after sunset.
department	means the <i>department</i> established under section 35 of the <i>Public Sector Management Act 1994</i> (WA) and designated as responsible for the administration of the <i>EP Act</i> , which includes Part V Division 3.
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 holds a tertiary qualification in environmental science or equivalent and has a minimum of 2 years work experience relevant to the type of environmental advice that an environmental specialist is required to provide under this permit, or who is approved by the <i>CEO</i> as a suitable environmental specialist.
EP Act	<i>Environmental Protection Act 1986</i> (WA)
fauna specialist	means a person who holds a tertiary qualification specialising in environmental science or equivalent, and has a minimum of 2 years work experience in fauna identification and surveys of fauna native to the region being inspected or surveyed, or who is approved by the <i>CEO</i> as a suitable fauna specialist for the bioregion.
fill	means material used to increase the ground level, or to <i>fill</i> a depression.
local provenance	means native vegetation seeds and propagating material from natural sources within 200 kilometres and same IBRA subregion of the cleared area.
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.

Term	Definition
native vegetation	has the meaning given under section 3(1) and section 51A of the <i>EP Act</i> .
optimal time	means the period from November to December for undertaking direct seeding and <i>planting</i> without irrigation
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 <i>priority flora</i> classes 1, 2, 3, or 4 in the <i>Department of Biodiversity, Conservation and Attractions Threatened and Priority flora List for Western Australia</i> (as amended)
revegetate/ed/ion and rehabilitate/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.
targeted flora survey	means a field-based investigation, including a review of established literature, of the biodiversity of flora and vegetation of the permit area, focusing on habitat suitable for flora species that are being targeted and carried out during the optimal time to identify those species. Where targeted flora are identified in the permit area, the survey must also include a minimum of a 10 metre radius of the surrounding areas to place the permit area into local context.
temporary works	means works associated with the purpose of the proposed clearing that are temporary in nature.
weeds	means any plant – <ul style="list-style-type: none"> (a) that is a declared pest under section 22 of the <i>Biosecurity and Agriculture Management Act 2007</i>; or (b) published in a <i>Department of Biodiversity, Conservation and Attractions</i> species-led ecological impact and invasiveness ranking summary, regardless of ranking; or (c) not indigenous to the area concerned.

END OF CONDITIONS

Meenu Vitarana**MANAGER****NATIVE VEGETATION REGULATION**

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

2 August 2024

Schedule 1

The boundary of the area authorised to be cleared is shown in the maps below (Figure 1 and Figure 2).

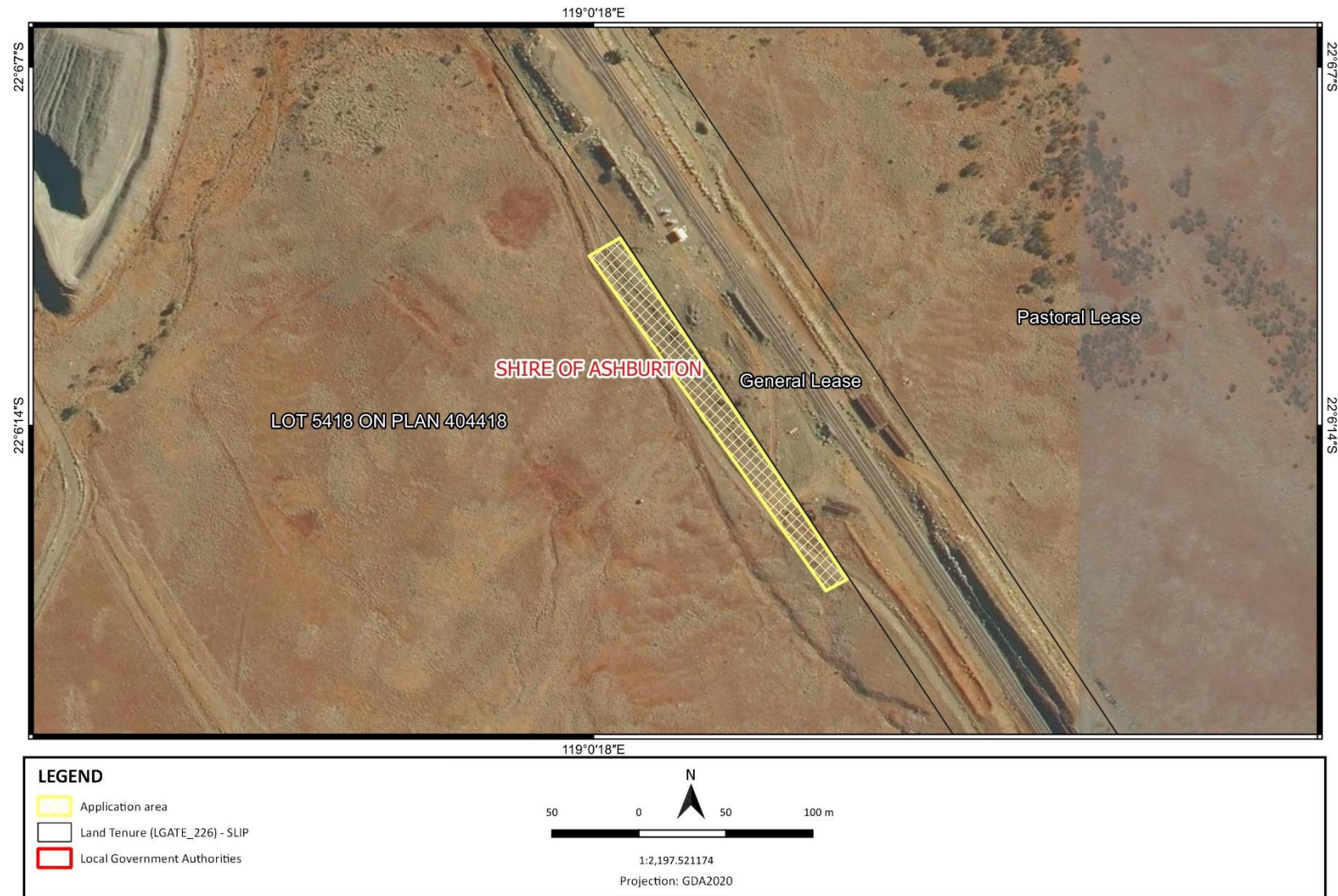


Figure 1: Map of the boundary of the area within which *clearing* may occur

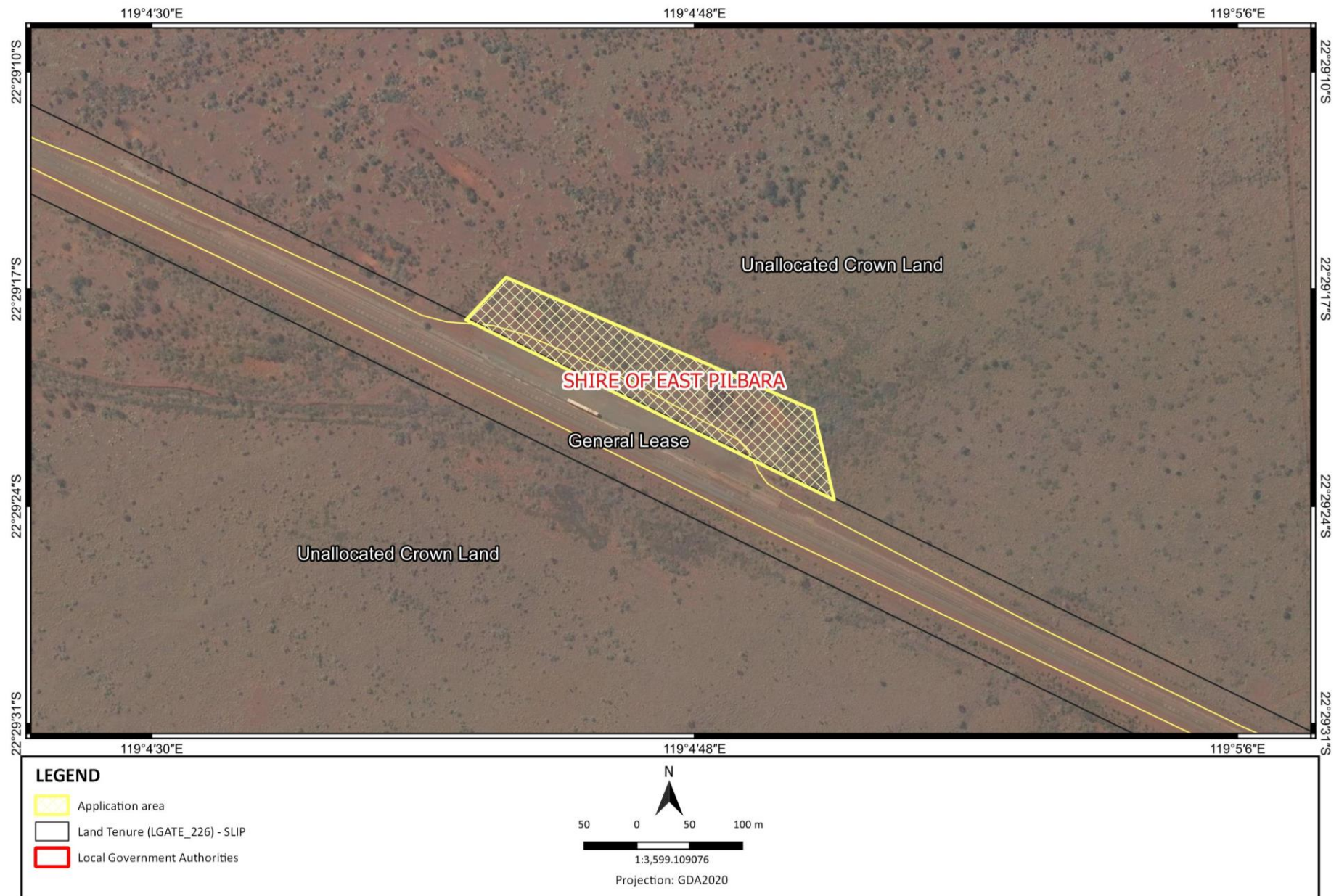


Figure 2: Map of the boundary of the area within which *clearing* may occur