



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 2193/4  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: BHP Billiton Nickel West Pty Ltd

### 1.3. Property details

Property: Nickel (Agnew) Agreement Act 1974, Mineral Lease 255SA (AML 70/255)  
Mining Lease 36/156  
Mining Lease 36/230  
Local Government Area: Shire of Leonora  
Colloquial name: Leinster Nickel Operations

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
80		Mechanical Removal	Mineral Production and associated activities

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 1 February 2018

## 2. Site Information

### 2.1. Existing environment and information

#### 2.1.1. Description of the native vegetation under application

**Vegetation Description** The vegetation of the application area is broadly mapped as the following Beard vegetation associations:  
18: Low woodland; mulga (*Acacia aneura*); and  
39: Shrublands; mulga scrub (GIS Database).

A flora and vegetation survey conducted by Western Botanical (2007) utilised Land Systems and Habitat Units defined by Pringle et al. (1994) to describe the following vegetation associations within the application area:

**SIMS:** Stony Ironstone Mulga Shrublands occurring on ironstone ridges and associated slopes. Dominated by *Acacia aneura* scrub over *Eremophila latrobei* subsp. *latrobei*, *Scaevola spinescens* open low scrub over *Ptilotus schwartzii* var. *schwartzii*, *P. obovatus* var. *obovatus* open dwarf scrub.

**LHMS:** Lateritic Hardpan Mulga Shrublands occurring on footslopes and plains surrounding SIMS. Dominated by *A. aneura*, *A. ramulosa* var. *linophylla* open low woodland over *E. latrobei* subsp. *latrobei*, *E. spectabilis* subsp. *brevis*, *P. obovatus*, *P. schwartzii* var. *schwartzii* open low scrub over *Eragrostis eriopoda* very open grasses.

**GRMU:** Mulga Groves on Hardpan Plain occurring in drainage lines and depressions. Dominated by *A. aneura*, *Brachychiton gregorii* low forest over *E. spectabilis*, *E. serrulata*, low scrub over *Aristida contorta*, *Eragrostis eriopoda*, *Enneapogon caeruleus* open grasses.

**SAES:** Scattered Acacia-Eremophila Shrublands occurring on a gentle slope of a SIMS ridge. Dominated by *A. aneura*, *A. ramulosa* var. *linophylla* scrub over *E. galeata*, *A. tetragonophylla* open low scrub over *Eriochiton sclerolaenoides*, *Maireana triptera*, *Sclerolaena fusiformis* dwarf scrub.

**GRSS:** Granite Rock Sclerophyll Shrublands occurring on sub-cropping Archaean granite sheets and minor outcrops. Dominated by *A. aneura*, *A. balsamea*, *A. quadrimarginea* scrub over *Dodonaea microzyga* var. *microzyga*, *E. shonae* subsp. *shonae*, *E. latrobei* subsp. *latrobei* open dwarf scrub.

**LMWS:** Lateritic mulga wanderie grassy shrublands occurring on level to very gently inclined plains. Not described by Western Botanical in their flora and vegetation assessment report (Western Botanical, 2007). Pringle et al (1994) describes this habitat unit as dominated by *A. aneura*, *A. linophylla*, *A. ramulosa* shrubs over *E. foliosissima*, *E. forrestii*, *E. gilesii*, *E. latrobei* low shrubs over *Eragrostis eriopoda*, *Eriachne mucronatua*.

#### Clearing Description

Leinster Nickel Operations.  
BHP Billiton Nickel West Pty Ltd proposes to clear up to 80 hectares of native vegetation within a boundary of approximately 221 hectares, for the purpose of mineral production and associated activities. The project is located approximately 13.5 kilometres north of Leinster, within the Shire of Leonora.

<b>Vegetation Condition</b>	<p>Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994);</p> <p>To</p> <p>Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).</p>
<b>Comment</b>	<p>The vegetation condition was derived from a vegetation survey conducted by Western Botanical (2007).</p> <p>Clearing permit CPS 2193/1 was granted by the Department of Industry and Resources (now the Department of Mines, Industry Regulation and Safety) on 17 January 2008, and was valid from 16 February 2008 to 16 February 2013. The permit authorised the clearing of up to 80 hectares of native vegetation for the purpose of mineral production.</p> <p>CPS 2193/2 was granted on 17 January 2008, amending the annual reporting dates.</p> <p>CPS 2193/3 was granted on 31 January 2013, extending the period within which clearing was authorised to 16 February 2018. The permit duration was extended to 16 February 2023, to allow for rehabilitation activities to be undertaken following the completion of clearing. The area approved to clear and the permit boundaries remained unchanged.</p> <p>On 6 November 2017, the Permit Holder applied to extend the period within which clearing is authorised by a further five years to 16 February 2023.</p>

### 3. Assessment of application against Clearing Principles

#### Comments

BHP Billiton Nickel West Pty Ltd has applied to amend the clearing permit to extend the period within which clearing can be undertaken by five years to 16 February 2023. The permit duration has also been extended, to 16 February 2030, to ensure sufficient time to complete rehabilitation activities after the completion of clearing. The size of the area approved to clear (80 hectares), and the permit boundaries remain unchanged.

The amendment is unlikely to result in any significant change to the environmental impacts of the proposed clearing (GIS Database). The assessment of the proposed clearing against the clearing principles remains consistent with the assessment contained in previous versions of the decision report.

#### Methodology

GIS Database:

- Hydrography, linear
- Pre-European Vegetation
- Threatened and Priority Flora
- Threatened and Priority Ecological Communities (TEC/PEC) - Boundaries
- Threatened Fauna

### Planning Instrument, Native Title, previous EPA decision or other matter.

#### Comments

There is one native title claim (WC2011/007) over the area under application (DPLH, 2017). This claim has been registered with the National Native Title Tribunal on behalf of the claimant group. However, the mining tenure has been granted in accordance with the future act regime of the *Native Title Act 1993* and the nature of the act (i.e. the proposed clearing activity) has been provided for in that process, therefore, the granting of a clearing permit is not a future act under the *Native Title Act 1993*.

There are several registered Aboriginal Sites of Significance within or in close proximity to the application area (DPLH, 2017). It is the proponent's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

It is the proponent's responsibility to liaise with the Department of Water and Environmental Regulation and the Department of Biodiversity Conservation and Attractions, to determine whether a Works Approval, Water Licence, Bed and Banks Permit, or any other licences or approvals are required for the proposed works.

**Methodology** DPLH (2017)

### 4. References

- DPLH (2017) Aboriginal Heritage Enquiry System. Department of Planning, Lands and Heritage.  
<http://maps.daa.wa.gov.au/AHIS/> (Accessed 15 December 2017).
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Pringle, H.J.R., Van Vreeswyk, A.M.E., and Gilligan S.A. (1994) An Inventory and Condition Survey of the North Eastern Goldfields, Western Australia. Technical Bulletin No. 87. Department of Agriculture, Western Australia.
- Western Botanical (2007) Flora and Vegetation of the Proposed Rocky's Reward Cutback 2 Project, July 2007. Report prepared for BHP Billiton Nickel West Pty Ltd, by Western Botanical, Western Australia, November 2007.

## 5. Glossary

### Acronyms:

<b>BoM</b>	Bureau of Meteorology, Australian Government
<b>DAA</b>	Department of Aboriginal Affairs, Western Australia (now DPLH)
<b>DAFWA</b>	Department of Agriculture and Food, Western Australia (now DPIRD)
<b>DBCA</b>	Department of Biodiversity Conservation and Attractions, Western Australia
<b>DEC</b>	Department of Environment and Conservation, Western Australia (now DBCA and DWER)
<b>DEE</b>	Department of the Environment and Energy, Australian Government
<b>DER</b>	Department of Environment Regulation, Western Australia (now DWER)
<b>DMIRS</b>	Department of Mines, Industry Regulation and Safety, Western Australia
<b>DMP</b>	Department of Mines and Petroleum, Western Australia (now DMIRS)
<b>DPIRD</b>	Department of Primary Industries and Regional Development, Western Australia
<b>DPLH</b>	Department of Planning, Lands and Heritage, Western Australia
<b>DRF</b>	Declared Rare Flora
<b>DoE</b>	Department of the Environment, Australian Government (now DEE)
<b>DoW</b>	Department of Water, Western Australia (now DWER)
<b>DPaW</b>	Department of Parks and Wildlife, Western Australia (now DBCA)
<b>DSEWPaC</b>	Department of Sustainability, Environment, Water, Population and Communities (now DEE)
<b>DWER</b>	Department of Water and Environmental Regulation, Western Australia
<b>EPA</b>	Environmental Protection Authority, Western Australia
<b>EP Act</b>	<i>Environmental Protection Act 1986</i> , Western Australia
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Federal Act)
<b>GIS</b>	Geographical Information System
<b>ha</b>	Hectare (10,000 square metres)
<b>IBRA</b>	Interim Biogeographic Regionalisation for Australia
<b>IUCN</b>	International Union for the Conservation of Nature and Natural Resources – commonly known as the World Conservation Union
<b>PEC</b>	Priority Ecological Community, Western Australia
<b>RIWI Act</b>	<i>Rights in Water and Irrigation Act 1914</i> , Western Australia
<b>TEC</b>	Threatened Ecological Community

### Definitions:

{DPaW (2017) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia}:-

<b>T</b>	<b>Threatened species:</b> Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i> , listed under Schedules 1 to 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora (which may also be referred to as Declared Rare Flora).  <b>Threatened fauna</b> is that subset of ‘Specially Protected Fauna’ declared to be ‘likely to become extinct’ pursuant to section 14(4) of the <i>Wildlife Conservation Act 1950</i> .  <b>Threatened flora</b> is flora that has been declared to be ‘likely to become extinct or is rare, or otherwise in need of special protection’, pursuant to section 23F(2) of the <i>Wildlife Conservation Act 1950</i> .  The assessment of the conservation status of these species is based on their national extent and ranked according to their level of threat using IUCN Red List categories and criteria as detailed below.
<b>CR</b>	<b>Critically endangered species</b> Threatened species considered to be facing an extremely high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i> , in Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.
<b>EN</b>	<b>Endangered species</b> Threatened species considered to be facing a very high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i> , in Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.
<b>VU</b>	<b>Vulnerable species</b> Threatened species considered to be facing a high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i> , in Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.

- EX Presumed extinct species**  
Species which have been adequately searched for and there is no reasonable doubt that the last individual has died. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Presumed Extinct Fauna and Wildlife Conservation (Rare Flora) Notice for Presumed Extinct Flora.
- IA Migratory birds protected under an international agreement**  
Birds that are subject to an agreement between the government of Australia and the governments of Japan (JAMBA), China (CAMBA) and The Republic of Korea (ROKAMBA), and the Bonn Convention, relating to the protection of migratory birds. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 5 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- CD Conservation dependent fauna**  
Fauna of special conservation need being species dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 6 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- OS Other specially protected fauna**  
Fauna otherwise in need of special protection to ensure their conservation. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 7 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- P Priority species**  
Species which are poorly known; or  
Species that are adequately known, are rare but not threatened, and require regular monitoring. Assessment of Priority codes is based on the Western Australian distribution of the species, unless the distribution in WA is part of a contiguous population extending into adjacent States, as defined by the known spread of locations.
- P1 Priority One - Poorly-known species:**  
Species that are known from one or a few locations (generally five or less) which are potentially at risk. All occurrences are either: very small; or on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, road and rail reserves, gravel reserves and active mineral leases; or otherwise under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes. Such species are in urgent need of further survey.
- P2 Priority Two - Poorly-known species:**  
Species that are known from one or a few locations (generally five or less), some of which are on lands managed primarily for nature conservation, e.g. national parks, conservation parks, nature reserves and other lands with secure tenure being managed for conservation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes. Such species are in urgent need of further survey.
- P3 Priority Three - Poorly-known species:**  
Species that are known from several locations, and the species does not appear to be under imminent threat, or from few but widespread locations with either large population size or significant remaining areas of apparently suitable habitat, much of it not under imminent threat. Species may be included if they are comparatively well known from several locations but do not meet adequacy of survey requirements and known threatening processes exist that could affect them. Such species are in need of further survey.
- P4 Priority Four - Rare, Near Threatened and other species in need of monitoring:**  
(a) Rare. Species that are considered to have been adequately surveyed, or for which sufficient knowledge is available, and that are considered not currently threatened or in need of special protection, but could be if present circumstances change. These species are usually represented on conservation lands.  
(b) Near Threatened. Species that are considered to have been adequately surveyed and that are close to qualifying for Vulnerable, but are not listed as Conservation Dependent.  
(c) Species that have been removed from the list of threatened species during the past five years for reasons other than taxonomy.

**Principles for clearing native vegetation:**

- (a) Native vegetation should not be cleared if it comprises a high level of biological diversity.
- (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.
- (c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.
- (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.
- (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.
- (f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.
- (g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.
- (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.
- (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.
- (j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.