



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 2249/3
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: BHP Billiton Iron Ore Pty Ltd

1.3. Property details

Property: Iron Ore (Mount Newman) Agreement Act 1964, Special Lease 3116/3687, Lot 19 on Deposited Plan 48921;
Iron Ore (Marillana Creek) Agreement Act 1991, Lease K843924, Lots 145, 146 and 220 on Deposited Plan 243202, Lot 156 on Deposited Plan 194001.
Local Government Area: Shire of East Pilbara
Colloquial name: Cowra Siding to Kurrajura Siding railway duplication

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
181		Mechanical Removal	Railway construction and maintenance, and associated activities

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 12 September 2013

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 Beard Vegetation Associations 29: Sparse low woodland; mulga, discontinuous in scattered groups; 82: Hummock grasslands, low tree steppe; snappy gum over *Triodia wiseana*; 111: Hummock grasslands, shrub steppe; *Eucalyptus gamophylla* over hard spinifex; and 157: Hummock grasslands, grass steppe; hard spinifex *Triodia wiseana* (GIS Database).

Ecologia Environment (Ecologia) conducted a flora and vegetation survey of the application area in October 2007 (Ecologia, 2007). The survey included 21 vegetation quadrats and 13 transects, representing the main vegetation associations within the application area (Ecologia, 2007). As a result of the flora and vegetation survey, 13 vegetation associations were identified within the application area:

Vegetation Unit 1a - Plain Vegetation: *Acacia aneura* low woodland, with mixed *Acacia* spp. tall shrubland, and mixed soft hummock grasses;

Vegetation Unit 1b - Plain Vegetation: Mixed soft grassland with mixed medium to low shrubs, and sparse low trees;

Vegetation Unit 1c - Plain Vegetation: *Acacia aneura* low woodland with mixed *Acacia* spp. medium to tall shrubs and mixed soft grasses;

Vegetation Unit 1d - Plain Vegetation: *Acacia citrinoviridis* and *Acacia xiphophylla* low to medium woodland with Chenopod dwarf shrubs and soft grasses;

Vegetation Unit 1e - Plain Vegetation: *Triodia* spp. hummock grassland with mixed medium to tall shrubs, and sparse mixed low trees;

Vegetation Unit 1f - Plain Vegetation: *Triodia* spp. hummock grassland with sparse mixed tall shrubs;

Vegetation Unit 1g - Plain Vegetation: Mixed *Acacia* spp. medium to tall shrubland with soft grasses, and sparse low trees;

Vegetation Unit 1h - Plain Vegetation: Mixed medium to tall shrubland over *Triodia basedowii* hummock grassland;

Vegetation Unit 2 - Floodplain Vegetation: Mixed tall shrubland over *Triodia pungens* hummock grassland on floodplains;

Vegetation Unit 3 - Hillslope Vegetation: Mixed medium to tall shrubland, with *Acacia spondylophylla* low shrubs, and *Triodia* spp. hummock grassland;

Vegetation Unit 4 - Minor Drainage Line: *Acacia tumida* var. *pilbarensis* and *Grevillea wickhamii* ssp. *hispidula* shrubland;

Vegetation Unit 5 - Rocky Spur: *Triodia* spp. hummock grassland, with *Acacia spondylophylla* very low shrubs, and outcropping low trees; and

Vegetation Unit 6 - Broad Valley: *Triodia pungens* hummock grassland, with *Eucalyptus gamophylla* mallee, and *Grevillea wickhamii* subsp. *hispidula* tall shrubs.

Five weed species were recorded during the survey: *Acetosa vesicaria* (Ruby Dock), *Aerva javanica* (Kapok Bush), *Cenchrus ciliaris* (Buffel Grass), *Malvastrum americanum* (Spiked Malvastrum) and *Setaria verticillata* (Whorled Pigeon Grass) (Ecologia, 2007).

Clearing Description

Cowra Siding to Kurrajura Siding railway duplication project.

BHP Billiton Iron Ore Pty Ltd (BHP Billiton) proposes to clear up to 181 hectares of native vegetation within a boundary of approximately 305 hectares. The proposed clearing is for the purpose of the duplication of a 36 kilometre section of the existing Newman to Port Hedland railway line, from Kurrajura Siding (approximately 20 kilometres north of the Yandi mine site) up to approximately 4 kilometres south of Cowra Siding (approximately 100 kilometres north of Newman), within the Shire of East Pilbara (BHP Billiton, 2007).

Vegetation Condition

Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994).

Comment

The vegetation condition was derived from a vegetation survey conducted by Ecologia Environment (2007).

This project forms part of BHP Billiton's Rapid Growth Project 5 (RGP5). The application area is immediately adjacent to the existing railway line and road. The duplication of the railway line will occur within the existing 80 metre wide rail corridor (BHP Billiton, 2007).

Clearing Permit CPS 2249/1 was granted by the Department of Industry and Resources (now the Department of Mines and Petroleum (DMP)) on 26 June 2008, authorising the clearing of 180 hectares of native vegetation within a permit boundary of approximately 293 hectares. BHP Billiton submitted an application to amend clearing permit CPS 2249/1 on 3 August 2009, requesting several minor realignments of the permit boundary (reflecting realignments of land tenure boundaries), the addition of a small area of approximately 30 metres by 200 metres to the permit area, and an increase of one hectare to the area approved to clear. The amended permit (CPS 2249/2) authorised the clearing of 181 hectares of native vegetation within a permit boundary of approximately 306 hectares.

An application to amend clearing permit CPS 2249/2 was received by DMP on 22 July 2013. The permit was due to expire on 1 October 2013, however the full extent of the authorised clearing had not yet been completed. The amendment application requested an extension of the duration of the permit and a change of the annual reporting date from 1 September to 1 October each year. In addition, the small area which was added to the permit area by the previous amendment (CPS 2249/2) has been removed, as no clearing had been done within this area and the area is no longer required. This amendment reduces the permit area to approximately 305 hectares. The amount of clearing authorised remains unchanged at 181 hectares.

3. Assessment of application against clearing principles

Comments

BHP Billiton Iron Ore Pty Ltd has applied to amend clearing permit CPS 2249/2 to extend the duration of the permit, to change the annual reporting date from 1 September to 1 October each year, and to remove a small area from the permit. There is no change to the amount of clearing authorised.

The proposed amendment has been assessed against the clearing principles, and is unlikely to have any significant additional environmental impacts.

Planning instrument, Native Title, Previous EPA decision or other matter.

Comments

There is one native title claim over the area under application (GIS Database). This claim (WC2011/006) has been registered with the National Native Title Tribunal on behalf of the claimant group. However, the tenement has been granted in accordance with the future act regime of the *Native Title Act 1993* and the nature of the act (ie. 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 three Aboriginal Sites of Significance within or in close proximity to the southern end of the application area (GIS Database). It is the proponent's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no Sites of Aboriginal Significance are damaged through the clearing process.

It is the proponent's responsibility to liaise with the Department of Environment Regulation (formerly the Department of Environment and Conservation) and the Department of Water, 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

GIS Database:
- Aboriginal Sites of Significance
- Native Title Claims - Determined by the Federal Court
- Native Title Claims - Filed at the Federal Court
- Native Title Claims - Registered with the NNTT

4. References

- BHP Billiton (2007) Cowra Siding to Kurrajura Siding: Application to Clear Native Vegetation (Purpose Permit) Supporting Documentation. BHP Billiton Iron Ore Pty Ltd, Western Australia.
- Ecologia (2007) Cowra to Kurrajura Sidings and Cowra Camp Site Flora and Vegetation Survey. Prepared for BHP Billiton Iron Ore Pty Ltd. Ecologia Environment, Perth, Western Australia, December 2007.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.

5. Glossary

Acronyms:

BoM	Bureau of Meteorology, Australian Government
CALM	Department of Conservation and Land Management (now DEC), Western Australia
DAFWA	Department of Agriculture and Food, Western Australia
DEC	Department of Environment and Conservation, Western Australia
DEH	Department of Environment and Heritage (federal based in Canberra) previously Environment Australia
DEP	Department of Environment Protection (now DEC), Western Australia
DIA	Department of Indigenous Affairs
DLI	Department of Land Information, Western Australia
DMP	Department of Mines and Petroleum, Western Australia
DoE	Department of Environment (now DEC), Western Australia
DoIR	Department of Industry and Resources (now DMP), Western Australia
DOLA	Department of Land Administration, Western Australia
DoW	Department of Water
EP Act	Environmental Protection Act 1986, Western Australia
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999 (Federal Act)
GIS	Geographical Information System
ha	Hectare (10,000 square metres)
IBRA	Interim Biogeographic Regionalisation for Australia
IUCN	International Union for the Conservation of Nature and Natural Resources – commonly known as the World Conservation Union
RIWI Act	Rights in Water and Irrigation Act 1914, Western Australia
s.17	Section 17 of the Environment Protection Act 1986, Western Australia
TEC	Threatened Ecological Community

Definitions:

{Atkins, K (2005). *Declared rare and priority flora list for Western Australia, 22 February 2005*. Department of Conservation and Land Management, Como, Western Australia} :-

- P1** **Priority One - Poorly Known taxa:** taxa which are known from one or a few (generally <5) populations which are under threat, either due to small population size, or being on lands under immediate threat, e.g. road verges, urban areas, farmland, active mineral leases, etc., or the plants are under threat, e.g. from disease, grazing by feral animals, etc. May include taxa with threatened populations on protected lands. Such taxa are under consideration for declaration as 'rare flora', but are in urgent need of further survey.
- P2** **Priority Two - Poorly Known taxa:** taxa which are known from one or a few (generally <5) populations, at least some of which are not believed to be under immediate threat (i.e. not currently endangered). Such taxa are under consideration for declaration as 'rare flora', but are in urgent need of further survey.
- P3** **Priority Three - Poorly Known taxa:** taxa which are known from several populations, at least some of which are not believed to be under immediate threat (i.e. not currently endangered). Such taxa are under consideration for declaration as 'rare flora', but are in need of further survey.
- P4** **Priority Four – Rare taxa:** taxa which are considered to have been adequately surveyed and which, whilst being rare (in Australia), are not currently threatened by any identifiable factors. These taxa require monitoring every 5–10 years.
- R** **Declared Rare Flora – Extant taxa (= Threatened Flora = Endangered + Vulnerable):** taxa which have been adequately searched for, and are deemed to be in the wild either rare, in danger of extinction, or otherwise in need of special protection, and have been gazetted as such, following approval by the Minister for the Environment, after recommendation by the State's Endangered Flora Consultative Committee.
- X** **Declared Rare Flora - Presumed Extinct taxa:** taxa which have not been collected, or otherwise verified, over the past 50 years despite thorough searching, or of which all known wild populations have been destroyed more recently, and have been gazetted as such, following approval by the Minister for the Environment, after recommendation by the State's Endangered Flora Consultative Committee.

{Wildlife Conservation (Specially Protected Fauna) Notice 2005} [Wildlife Conservation Act 1950] :-

- Schedule 1** **Schedule 1 – Fauna that is rare or likely to become extinct:** being fauna that is rare or likely to become extinct, are declared to be fauna that is need of special protection.
- Schedule 2** **Schedule 2 – Fauna that is presumed to be extinct:** being fauna that is presumed to be extinct, are declared to be fauna that is need of special protection.
- Schedule 3** **Schedule 3 – Birds protected under an international agreement:** being birds that are subject to an agreement between the governments of Australia and Japan relating to the protection of migratory birds and birds in danger of extinction, are declared to be fauna that is need of special protection.
- Schedule 4** **Schedule 4 – Other specially protected fauna:** being fauna that is declared to be fauna that is in need of special protection, otherwise than for the reasons mentioned in Schedules 1, 2 or 3.

{CALM (2005). *Priority Codes for Fauna*. Department of Conservation and Land Management, Como, Western Australia} :-

- P1** **Priority One: Taxa with few, poorly known populations on threatened lands:** Taxa which are known from few specimens or sight records from one or a few localities on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, active mineral leases. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P2** **Priority Two: Taxa with few, poorly known populations on conservation lands:** Taxa which are known from few specimens or sight records from one or a few localities on lands not under immediate threat of habitat destruction or degradation, e.g. national parks, conservation parks, nature reserves, State forest, vacant Crown land, water reserves, etc. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P3** **Priority Three: Taxa with several, poorly known populations, some on conservation lands:** Taxa which are known from few specimens or sight records from several localities, some of which are on lands not under immediate threat of habitat destruction or degradation. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P4** **Priority Four: Taxa in need of monitoring:** Taxa which are considered to have been adequately surveyed, or for which sufficient knowledge is available, and which are considered not currently threatened or in need of special protection, but could be if present circumstances change. These taxa are usually represented on conservation lands.
- P5** **Priority Five: Taxa in need of monitoring:** Taxa which are not considered threatened but are subject to a specific conservation program, the cessation of which would result in the species becoming threatened within five years.

Categories of threatened species (*Environment Protection and Biodiversity Conservation Act 1999*)

- EX** **Extinct:** A native species for which there is no reasonable doubt that the last member of the species has died.
- EX(W)** **Extinct in the wild:** A native species which:
(a) is known only to survive in cultivation, in captivity or as a naturalised population well outside its past range; or
(b) has not been recorded in its known and/or expected habitat, at appropriate seasons, anywhere in its past range, despite exhaustive surveys over a time frame appropriate to its life cycle and form.
- CR** **Critically Endangered:** A native species which is facing an extremely high risk of extinction in the wild in the immediate future, as determined in accordance with the prescribed criteria.
- EN** **Endangered:** A native species which:
(a) is not critically endangered; and
(b) is facing a very high risk of extinction in the wild in the near future, as determined in accordance with the prescribed criteria.
- VU** **Vulnerable:** A native species which:
(a) is not critically endangered or endangered; and
(b) is facing a high risk of extinction in the wild in the medium-term future, as determined in accordance with the prescribed criteria.
- CD** **Conservation Dependent:** A native species which is the focus of a specific conservation program, the cessation of which would result in the species becoming vulnerable, endangered or critically endangered within a period of 5 years.