



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 2266/3
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: **BHP Billiton Iron Ore Pty Ltd**

1.3. Property details

Property: *Iron Ore (Mt Newman) Agreement Act 1964*;
Special Lease 3116/3687 (Lot 19 on Deposited Plan 48921, Lot 65 on Deposited Plan 48920);
Special Lease 3116/6300 (Lot 143 on Deposited Plan 48927).

Local Government Area: Shire of Ashburton & Shire of East Pilbara

Colloquial name: Cowra Siding railway upgrade and construction camp

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
72		Mechanical Removal	Cowra Siding railway construction camp, railway construction and maintenance, and associated works

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 7 August 2014

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description Beard vegetation associations have been mapped for the whole of Western Australia, and are a useful tool to examine the vegetation extent in a regional context. Two Beard vegetation associations are located within the application area (GIS Database):

29: sparse low woodland; mulga, discontinuous in scattered groups; and
157: Hummock grasslands, grass steppe; hard spinifex *Triodia wiseana*.

Ecologia conducted a flora survey of the application area in October 2007 (Ecologia, 2007). The following five vegetation types were identified within the application area, broadly associated with topographic features:

1) Plains:

- 1a: Moderately dense mixed *Triodia* spp. hummock grassland, with mixed *Acacia* spp. medium shrubs.
- 1b: Open to moderately dense *Acacia aneura* low woodland, over mixed *Acacia* spp. and mixed tussock and hummock grasses.
- 1c: Moderately dense *Triodia longiceps* hummock grassland.
- 1d: Disturbed vegetation: Mixed, occasionally moderately dense, *Acacia* spp., over mixed *Cenchrus ciliaris* and hummock grasses;

2) Salt plains: Moderately dense mixed low *Halosarcia* spp. shrubland;

3) Drainage channels: Moderately dense *Acacia monticola* tall shrubland;

4) Hill slopes:

- 4a: Open *Acacia rhodophloia* woodland, on a quartz outcrop.
- 4b: Moderately dense *Triodia basedowii* hummock grassland, with mixed *Acacia* spp. / *Eucalyptus* spp. shrubs; and

5) Low lying drainage areas: Open to moderately dense *Acacia xiphophylla* low woodland (Ecologia, 2007).

Three weed species were recorded within the application area: Buffel Grass, *Cenchrus ciliaris*; Spiked Malvastrum, *Malvastrum americanum*; and Athel Pine, *Tamarix aphylla* (a Declared Weed) (Ecologia, 2007).

Clearing Description Cowra Siding railway upgrade and construction camp.

BHP Billiton Iron Ore Pty Ltd (BHP) proposes to clear up to 72 hectares of native vegetation within a total boundary of approximately 184 hectares for the purpose of Cowra Siding construction camp, railway construction and maintenance, and associated works. The project is located approximately 69 kilometres east of Wittenoom, in the

Shire of Ashburton and the Shire of East Pilbara.

Vegetation Condition Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994);
to:
Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).

Comment The vegetation condition was derived from a vegetation survey conducted by Ecologia Environment (2007).
Clearing permit CPS 2266/1 was granted by the Department of Industry and Resources (now Department of Mines and Petroleum) on 29 May 2008. The clearing permit authorised the clearing of 72 hectares of native vegetation within a total boundary of approximately 184 hectares. CPS 2266/1 was amended on 6 August 2009 to extend the duration of the permit to 1 September 2014 and amend the clearing permit boundary to join up with the boundary of adjacent clearing permit CPS 2952/1. On 18 June 2014, BHP applied to extend the permit expiry date to 30 November 2024 and amend the annual reporting date to 1 October.

3. Assessment of application against clearing principles

Comments

The amendment to extend the permit duration and change the annual reporting date is unlikely to result in any additional environmental impacts. The size of the area approved to clear and the permit boundaries remain unchanged.

The assessment against the clearing principles remains consistent with the assessment in decision report CPS 2266/1 and CPS 2266/2.

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

Comments

There is one native title claim (WC2011/06) over the area under application. This claim has been registered with the National Native Title Tribunal on behalf of the claimant group. However, the tenure 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 no known Aboriginal sites of significance within the vicinity 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, the Department of Parks and Wildlife, 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 - Registered with the NNTT
- Native Title Claims – Filed at the Federal Court

4. References

Ecologia (2007) RGP5 - Cowra to Kurrajurra Sidings and Cowra Camp Site Flora and Vegetation Survey. Consultants report prepared by Ecologia for BHP Billiton Iron Ore Pty Ltd.
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
DAA	Department of Aboriginal Affairs, Western Australia
DAFWA	Department of Agriculture and Food, Western Australia
DEC	Department of Environment and Conservation, Western Australia (now DPaW and DER)
DER	Department of Environment Regulation, Western Australia
DMP	Department of Mines and Petroleum, Western Australia
DRF	Declared Rare Flora
DotE	Department of the Environment, Australian Government
DoW	Department of Water, Western Australia
DPaW	Department of Parks and Wildlife, Western Australia

DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities (now DotE)
EPA	Environmental Protection Authority, Western Australia
EP Act	<i>Environmental Protection Act 1986</i> , Western Australia
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (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
PEC	Priority Ecological Community, Western Australia
RIWI Act	<i>Rights in Water and Irrigation Act 1914</i> , Western Australia
s.17	Section 17 of <i>the Environment Protection Act 1986</i> , Western Australia
TEC	Threatened Ecological Community

Definitions:

{DPaW (2013) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia}:-

- T Threatened species:**
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna or the Wildlife Conservation (Rare Flora) Notice for Threatened Flora (which may also be referred to as Declared Rare Flora).

Threatened Fauna and Flora are further recognised by the Department according to their level of threat using IUCN Red List criteria. For example Carnaby's Cockatoo *Calyptorhynchus latirostris* is specially protected under the *Wildlife Conservation Act 1950* as a threatened species with a ranking of Endangered.

Rankings:
CR: Critically Endangered - considered to be facing an extremely high risk of extinction in the wild.
EN: Endangered - considered to be facing a very high risk of extinction in the wild.
VU: Vulnerable - considered to be facing a high risk of extinction in the wild.
- X Presumed Extinct species:**
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Presumed Extinct Fauna and Wildlife Conservation (Rare Flora) Notice for Presumed Extinct Flora (which may also be referred to as Declared Rare Flora).
- IA Migratory birds protected under an international agreement:**
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice.
Birds that are subject to an agreement between governments of Australia and Japan, China and The Republic of Korea relating to the protection of migratory birds and birds in danger of extinction.
- S Other specially protected fauna:**
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 4 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- P1 Priority One - Poorly-known species:**
Species that are known from one or a few collections or sight records (generally less than five), all on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, Shire, rail reserves and Main Roads WA road, gravel and soil reserves, and active mineral leases and under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes.
- P2 Priority Two - Poorly-known species:**
Species that are known from one or a few collections or sight records, some of which are on lands not under imminent threat of habitat destruction or degradation, e.g. national parks, conservation parks, nature reserves, State forest, unallocated Crown land, water reserves, etc. Species may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes.
- P3 Priority Three - Poorly-known species:**
Species that are known from collections or sight records from several localities not under imminent threat, or from few but widespread localities 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 localities but do not meet adequacy of survey requirements and known threatening processes exist that could affect them.
- P4 Priority Four - Rare, Near Threatened and other species in need of monitoring:**
- 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.
 - Near Threatened. Species that are considered to have been adequately surveyed and that do not qualify for Conservation Dependent, but that are close to qualifying for Vulnerable.
 - Species that have been removed from the list of threatened species during the past five

years for reasons other than taxonomy.

P5

Priority Five - Conservation Dependent species:

Species that are not threatened but are subject to a specific conservation program, the cessation of which would result in the species becoming threatened within five years.

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.