



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 2837/2
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: BHP Billiton Nickel West Pty Ltd

1.3. Property details

Mining Lease 53/56
Mining Lease 53/57
Mining Lease 53/165
Mining Lease 53/166
Mining Lease 53/218
Mining Lease 53/489

Local Government Area: Shire of Wiluna
Colloquial name: Mount Keith Nickel Operation

1.4. Application

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|--------------------|-----------|--------------------|---------------------|
| Clearing Area (ha) | No. Trees | Method of Clearing | For the purpose of: |
| 118 | | Mechanical Removal | Mineral Production |

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 6 February 2014

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description The area applied to clear has been broadly mapped Beard Vegetation Association 39: shrublands; mulga scrub (Shepherd et al, 2001).

Western Botanical (2008) identified the following five vegetation communities within the application area:

- 1) Drainage Tract Mulga Shrublands (DRMS) Areas of moderately close to closed Mulga shrublands in narrow non-incised drainage tracts which originate in the Barr-Smith Range to the west of the MKO.
- 2) Hardpan Mulga Shrublands (HPMS) This unit supports tall, open to moderately close shrublands of Mulga (*Acacia aneura*), *Acacia tetragonophylla* and *Hakea lorea* with an understorey usually devoid of grasses and dominated by *Eremophila spectabilis*. HPMS often fringes the more densely vegetated DRMS communities.
- 3) Loamy Plains (PLMS) This unit supports Mulga (*Acacia aneura*), *Acacia tetragonophylla* and substantial grass understorey, often represents alluvial fans and low energy environments associated with drainage lines.
- 4) Stony *Acacia* - *Eremophila* shrublands (SAES) This unit supports very scattered *Eremophila galeata* to 2m and occasional *Acacia aneura* shrubs to 3m on stony plain.
- 5) Wanderrie Bank Grassy Shrublands (WABS) This unit consists of sparse perennial grasslands of *Eragrostis eriopoda* with occasional emergent *Eremophila* and *Acacia aneura* shrubs.

Clearing Description Mount Keith Nickel Operation.
BHP Billiton Nickel West Pty Ltd (BHP Billiton) has applied to clear up to 118 hectares of native vegetation, within a total application boundary of approximately 585 hectares, for the purpose of mineral production. The proposed clearing is located approximately 75 kilometres south-east of Wiluna, in the Shire of Wiluna.

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

to

Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).

Comment

Clearing permit CPS 2837/1 was granted on 5 March 2009. On 16 December 2013, BHP Billiton Nickel West applied to amend CPS 2837/1 in order to extend the duration of the clearing permit until 28 February 2019.

Clearing is for the construction of an all-weather access road, security building (gate house) and a drain. Vegetation clearing will be undertaken by mechanical means and the topsoil and vegetation will be stockpiled for rehabilitation purposes (BHP Billiton, 2008).

Landcare Services undertook a habitat mapping program of the Mt Keith Operations (MKO) from the 19 August 1996 to the 2 September 1996. The methods utilised in the project included aerial photography and ground truthing (Landcare Services, 1997). In addition, Western Botanical performed a flora and vegetation survey of the area in August 2006 and provided comment upon the proposed project and its impacts on flora and vegetation in September 2008.

The vegetation condition rating is based on the clearing vegetation report by BHP Billiton (2008). BHP Billiton (2008) state that previous pastoral activity has caused heavy land degradation in the region due to clearing and grazing, which has led to extensive vegetation loss and severe erosion in some areas.

3. Assessment of application against clearing principles

Comments

BHP Billiton Nickel West Pty Ltd has applied to extend the permit duration from 28 February 2014 to 28 February 2019. There are no additional environmental impacts associated with this amendment. Therefore, the assessment against the clearing principles is consistent with the assessment in Clearing Permit Decision Report CPS 2837/1.

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

Comments

There are no native title claims over the area under application (GIS Database). 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*.

According to available databases, there are three registered Aboriginal Sites of Significance within the application area (GIS Database). 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 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

4. References

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

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| 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.