



## CLEARING PERMIT

*Granted under section 51E of the Environmental Protection Act 1986*

|                               |                               |
|-------------------------------|-------------------------------|
| <b>Purpose Permit number:</b> | CPS 2993/6                    |
| <b>Permit Holder:</b>         | BHP Billiton Iron Ore Pty Ltd |
| <b>Duration of Permit:</b>    | 18 July 2009 – 18 July 2019   |

The Permit Holder is authorised to clear native vegetation subject to the following conditions of this Permit.

### PART I – CLEARING AUTHORISED

#### 1. Purpose for which clearing may be done

Clearing for the purpose of railway construction, general port infrastructure, maintenance and associated works.

#### 2. Land on which clearing is to be done

- Iron Ore (Mount Newman) Agreement Act 1964, Special Lease for Mining Operations 3116/3687, Document I 154279 L, Lot 19 on Deposited Plan 48921, Lot 65 on Deposited Plan 48920;
- Iron Ore (Mount Newman) Agreement Act 1964, Special Lease for Mining Operations 3116/3690, Document I 123403 L, Lot 6254 on Deposited Plan 35659;
- Iron Ore (Mount Newman) Agreement Act 1964, Special Lease for Mining Operations 3116/6400, Document I 123701 L, Lots 86, 87 on Deposited Plan 213620;
- Road Reserve (Great Northern Highway, Port Hedland 6721 – PIN11431984); and
- Road Reserve (un-named, Pippingarra, 6722 – PIN 11734375).

#### 3. Area of Clearing

The Permit Holder must not clear more than 71 hectares of native vegetation within the areas shaded yellow on attached Plans 2993/6a and 2993/6b.

#### 4. Period in which clearing is authorised

The Permit Holder shall not clear any native vegetation after 18 July 2014.

#### 5. Application

This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

#### 6. Compliance with Assessment Sequence and Management Procedures

Prior to clearing any native vegetation under conditions 1, 2 and 3 of this Permit, the Permit Holder must comply with the Assessment Sequence and the Management Procedures set out in Part II of this Permit.

### PART II – ASSESSMENT SEQUENCE AND MANAGEMENT PROCEDURES

#### 7. Avoid, minimise etc clearing

In determining the amount of native vegetation to be cleared authorised under this Permit, the Permit Holder must have regard to the following principles, set out in 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.

## 8. Weed control

- (a) When undertaking any clearing or other activity authorised under this Permit, the Permit Holder must take the following steps to minimise the risk of the introduction and spread of *weeds*:
- (i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
  - (ii) ensure that no *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
  - (iii) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.
- (b) At least once in each 12 month period for the *term* of this Permit, the Permit Holder must remove or kill any *weeds* growing within areas cleared under this Permit.

## 9. Retain vegetative material and topsoil, revegetation and rehabilitation

- (a) The Permit Holder shall retain the vegetative material and topsoil removed by clearing authorised under this Permit and stockpile the vegetative material and topsoil in an area that is already cleared.
- (b) Prior to 18 July 2014 following clearing authorised under this Permit, the Permit Holder must *revegetate* and *rehabilitate* areas no longer required for the purpose for which they were cleared under this Permit by:
- (i) re-shaping the surface of the land so that it is consistent with the surrounding 5 metres of uncleared land;
  - (ii) *ripping* the ground on the contour to a depth of 500 millimetres to remove soil compaction;
  - (ii) deliberately laying the vegetative material and topsoil retained under condition 9(a) over each cleared area.
- (c) within 4 years of laying the vegetative material and topsoil on the cleared area in accordance with condition 9(b) of this Permit:
- (i) engage an *environmental specialist* to determine the species composition, structure and density of the area *revegetated* and *rehabilitated*; and
  - (ii) where, in the opinion of an *environmental specialist*, the composition structure and density determined under condition 9(c)(i) of this Permit will not result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area, *revegetate* the area by deliberately *planting* and/or *direct seeding* native vegetation that will result in a similar species composition, structure and density of native vegetation to pre-clearing vegetation types in that area and ensuring only *local provenance* seeds and propagating material are used.

## PART III - RECORD KEEPING AND REPORTING

### 10. Records must be kept

- (a) The Permit Holder must maintain the following records for activities done pursuant to this Permit in relation to the clearing of native vegetation authorised under this Permit:
- (i) the species composition, structure and density of the cleared area;
  - (ii) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings;
  - (iii) the date that the area was cleared; and
  - (iv) the size of the area cleared (in hectares).
- (b) In relation to the revegetation and rehabilitation of areas pursuant to condition 9 of this Permit:
- (i) the location of any areas *revegetated* and *rehabilitated*, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings;
  - (ii) a description of the *revegetation* and *rehabilitation* activities undertaken; and
  - (iv) the size of the area *revegetated* and *rehabilitated* (in hectares).

## 11. Reporting

- (a) The Permit Holder must provide to the CEO, on or before 1 October of each year, a written report of records required under condition 10 of this Permit and activities done by the Permit Holder under this Permit between 1 July and 30 June of the preceding year.
- (b) Prior to 18 April 2019, the Permit Holder must provide to the CEO a written report of records required under condition 10 of this Permit where these records have not already been provided under condition 11(a) of this Permit.

## DEFINITIONS

The following meanings are given to terms used in this Permit:

**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 is engaged by the Permit Holder for the purpose of providing environmental advice, who holds a tertiary qualification in environmental science or equivalent, and has experience relevant to the type of environmental advice that an environmental specialist is required to provide under this Permit;

**fill** means material used to increase the ground level, or fill a hollow;

**local provenance** means native vegetation seeds and propagating material from natural sources within 100 kilometres of the area cleared.

**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;

**planting** means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired species;

**rehabilitate/ed/ion** means actively managing an area containing native vegetation in order to improve the ecological function of that area;

**revegetate/ed/ion** means the re-establishment of a cover of *local provenance* native vegetation in an area using methods such as *regeneration*, *direct seeding* and/or *planting*, so that the species composition, structure and density is similar to pre-clearing vegetation types in that area

**term** means the duration of this Permit, including as amended or renewed; and

**weed/s** means a species listed in Appendix 3 of the "Environmental Weed Strategy" published by the Department of Conservation and Land Management (1999), and plants declared under section 37 of the *Agriculture and Related Resources Protection Act 1976*.



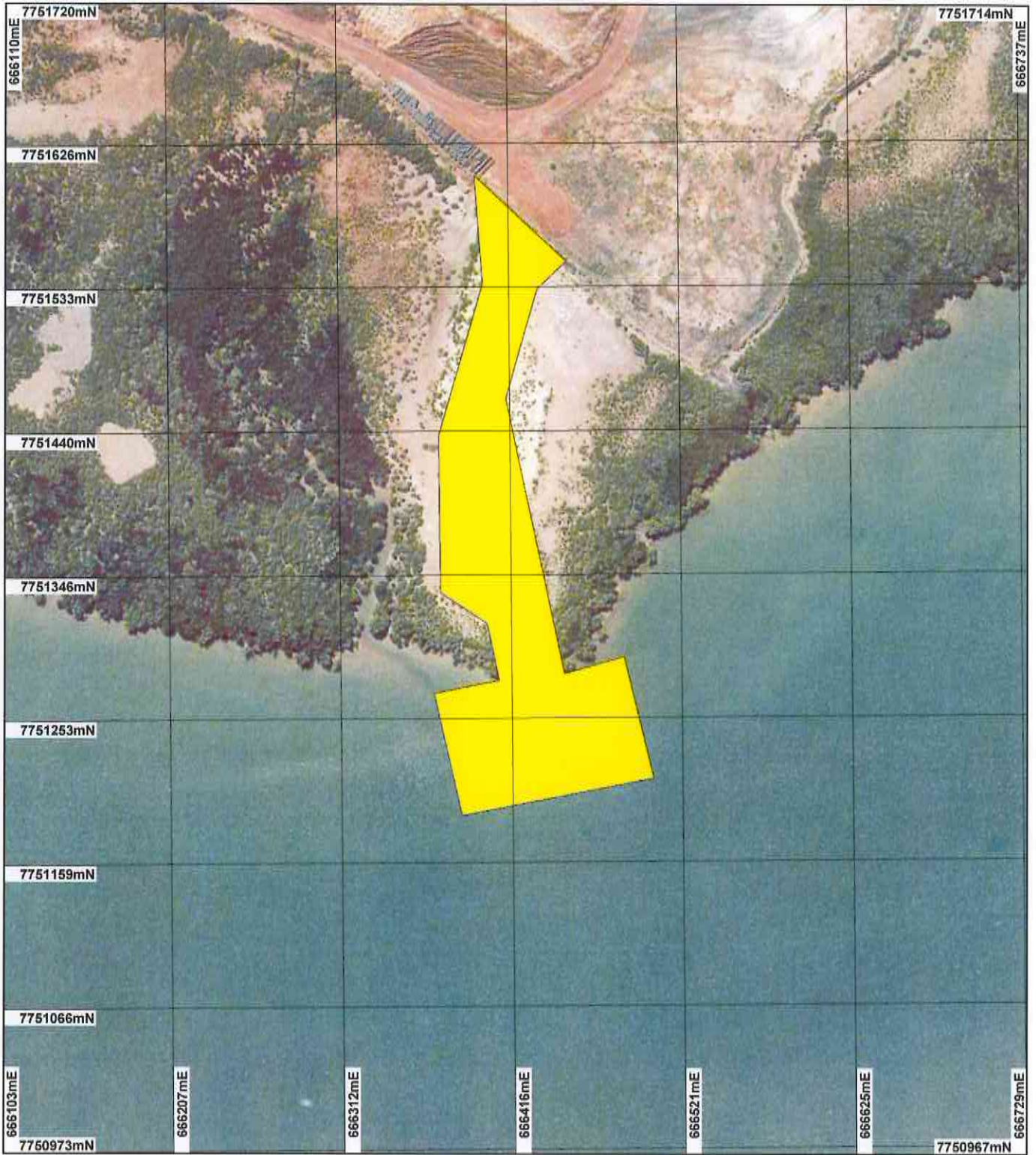
Kelly Faulkner  
MANAGER  
NATIVE VEGETATION CONSERVATION BRANCH

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

31 May 2012

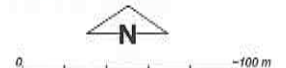


# Plan 2993/6a



## LEGEND

Port Hedland 50cm  
Orthomosaic - Landgate  
2004  
Clearing Instruments  
 Areas Approved to Clear



Scale 1:3447  
(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: The data on this map have not been  
projected. This may result in geometric  
distortion or measurement inaccuracies.

*[Signature]*  
K Faulkner Date 30/5/12

Officer with delegated authority under Section 20 of  
the Environmental Protection Act 1986

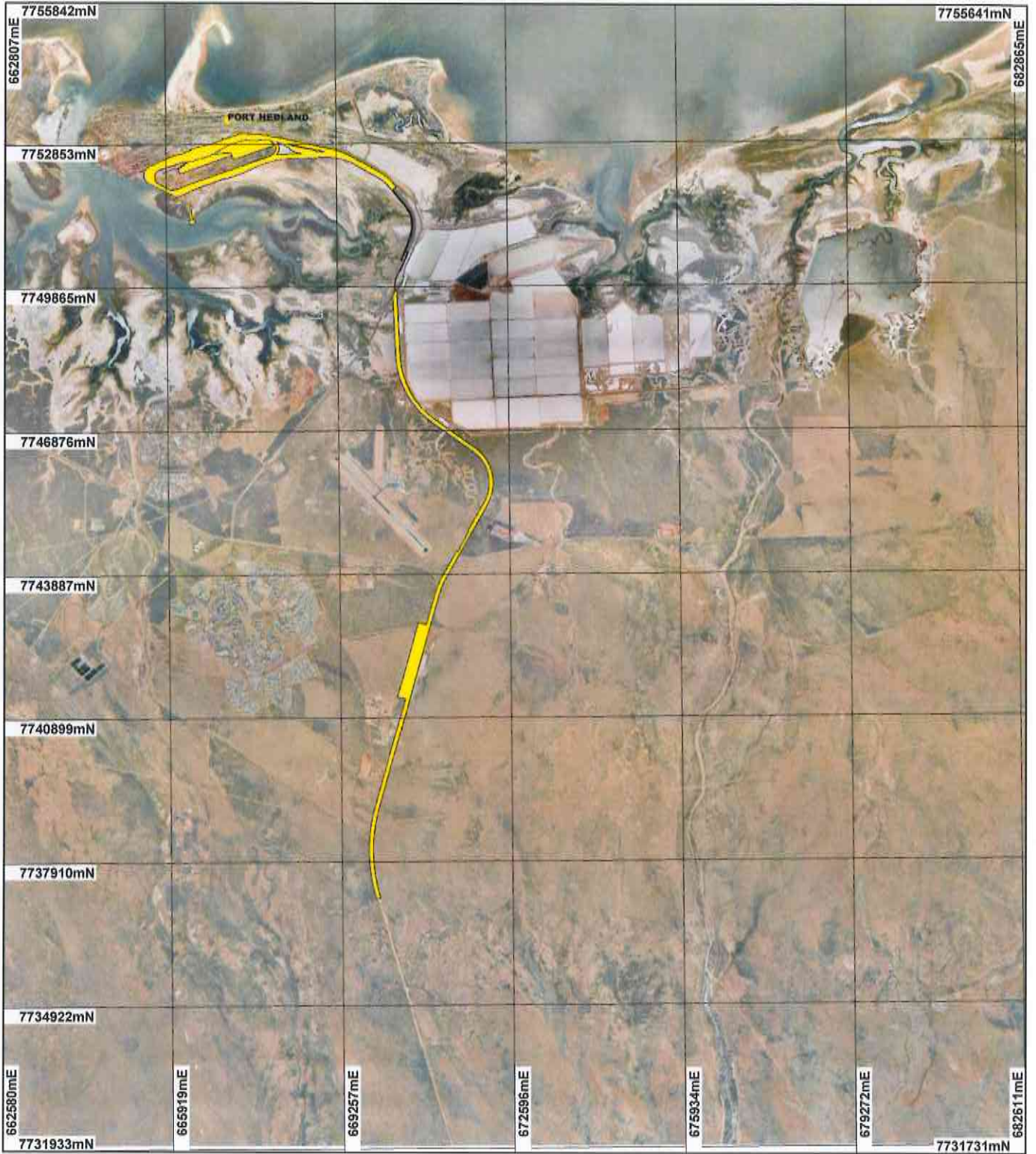
Information derived from this map should be  
confirmed with the data custodian acknowledged  
by the agency acronym in the legend.



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# Plan 2993/6b



## LEGEND

- Port Hedland 50cm Orthomosaic - Landgate 2004
- Towns
- A Clearing Instruments
- Areas Approved to Clear



Scale 1:110279  
(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

*[Signature]* Date 30/8/12  
K Faulkner

Officer with delegated authority under Section 20 of the Environmental Protection Act 1986

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.



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## 1. Application details

### 1.1. Permit application details

Permit application No.: 2993/6  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: BHP Billiton Iron Ore Pty Ltd

### 1.3. Property details

Property: LOT 6254 ON PLAN 35659 (Lot No. 6254 WILSON REDBANK 6721)  
LOT 87 ON PLAN 213620 (PIPPINGARRA 6722)  
LOT 65 ON PLAN 48920 (PIPPINGARRA 6722)  
LOT 86 ON PLAN 213620 (PIPPINGARRA 6722)  
LOT 19 ON PLAN 48921 (NEWMAN 6753)  
LOT 6254 ON PLAN 35659 (Lot No. 6254 WILSON REDBANK 6721)

Local Government Area: Town of Port Hedland

### 1.4. Application

| Clearing Area (ha) | No. Trees | Method of Clearing | For the purpose of: |
|--------------------|-----------|--------------------|---------------------|
| 71                 |           | Mechanical Removal | State Agreement     |

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 31 May 2012

## 2. Site Information

### 2.1. Existing environment and information

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

| Vegetation Description   | Clearing Description   | Vegetation Condition   | Comment  |
|--|--|--|--|
| The mapped Beard vegetation association is 43 which is described as low thickets; mangroves. | This application is for purpose of constructing a barge landing facility and access corridor as part of the expansion project for BHP's Port Hedland Inner Harbour Project.  | Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery 1994) | The vegetation description and condition was determined from photographs supplied by the applicant and supporting documentation (BHP, 2012). |
|  | The applicant has advised a maximum of 0.9ha will be cleared within the 2.33ha footprint area. Of this, 0.17ha of white mangroves ( <i>Avicennia marina</i> ) will be cleared. The remaining clearing occurs on previously cleared land with minimal regrowth (BHP, 2012). | to<br>Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994)   |  |

## 3. Assessment of application against clearing principles

### Comments

This application to amend clearing permit CPS 2993/5 is for purpose of constructing a barge landing facility and access corridor as part of the expansion project for BHP's Port Hedland Inner Harbour Project.

The proponent has applied to extend the clearing footprint of the permit CPS 2993/5 by 2.33 hectares. The total footprint is now 308.8ha. A maximum of 0.9ha will be cleared within the 2.33ha footprint area for the barge landing facility, however the applicant has advised this will be conducted under the existing approved area of 71ha, under CPS 2993/5. Therefore the clearing size remains the same at 71ha.

The applicant has advised 0.17ha of white mangroves (*Avicennia marina*), a high value species, will be cleared. Therefore the proposed clearing is at variance to Principle (f). The remaining 0.73ha of clearing will occur on previously cleared land with minimal regrowth (BHP, 2012).

The proposed clearing within the amended area is at variance to Principle (f). The assessment against the remaining clearing principles has not changed and can be found in the Clearing Permit Decision Report CPS 2993/3.

**Methodology**    References:  
BHP (2012)

                         GIS Databases:  
- SAC Bio Datasets (Accessed 16/11/2011)

#### **Planning instruments, Native Title, Previous EPA decision or other matters.**

##### **Comments**

The proponent has applied to extend the clearing footprint of CPS 2993/5 by 2.33 hectares to a total of 308.8 hectares.

The applicant has advised that extensive mapping of the Port Hedland Inner Harbour intertidal habitat has been completed as part of BHP's Rapid Growth Project 6. This project has been referred to Environmental Protection Authority (EPA) and was approved under Ministerial Statement 812 in 2009.

Ministerial Statement 812 stipulates that no more than 0.22ha of closed mangroves and 3.78ha of scattered mangroves, predominantly white mangrove (*Avicennia marina*) which is classified as a high value species, is either directly or indirectly lost under BHP's Rapid Growth Project 6 (EPA, 2009).

Under the local Town Planning Scheme the amended area is zoned as Industry.

The southern area of the 2.33ha amended area is mapped as an Aboriginal site of significance. The applicant has been notified of their responsibilities under the *Aboriginal Heritage Act 1972*.

No submissions from the public or the Town of Port Hedland have been received.

**Methodology**    References:  
EPA (2009)

                         GIS Databases:  
- Aboriginal Sites of Significance  
- Town Planning Scheme Zones

#### **4. References**

- BHP (2012) Application to Amend CPS 2993/5- Burgess Point Barge Landing Facility and Access Corridor, Burgess Point, Port Hedland, BHP Billiton, WA.
- EPA (2009) Report of the Environmental Protection Authority: Report 1337, Ministerial Statement No. 812, EPA.
- Government of Western Australia (2011); 2011 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). WA Department of Environment and Conservation, Perth.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Shepherd, D.P., Beeston, G.R., and Hopkins, A.J.M. (2001), Native Vegetation in Western Australia. Technical Report 249. Department of Agriculture Western Australia, South Perth.

#### **5. Glossary**

| Term  | Meaning  |
|-------|--|
| BCS   | Biodiversity Coordination Section of DEC                 |
| CALM  | Department of Conservation and Land Management (now BCS) |
| DAFWA | Department of Agriculture and Food                       |
| DEC   | Department of Environment and Conservation               |
| DEP   | Department of Environmental Protection (now DEC)         |
| DoE   | Department of Environment                                |
| DoIR  | Department of Industry and Resources                     |
| DRF   | Declared Rare Flora                                      |
| EPP   | Environmental Protection Policy                          |
| GIS   | Geographical Information System                          |
| ha    | Hectare (10,000 square metres)                           |
| TEC   | Threatened Ecological Community                          |
| WRC   | Water and Rivers Commission (now DEC)                    |