



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 3108/2
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, Mineral Lease 244SA (AML 70/244)
Local Government Area: Shire Of East Pilbara
Colloquial name: Jinayri North Hydrological Drilling Programme

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
2.4		Mechanical Removal	Hydrological drilling and associated works

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 10 July 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 useful to look at vegetation in a regional context. One Beard vegetation association has been mapped within the application area:

Beard Vegetation Association 18 - Low woodland; mulga (*Acacia aneura*) (GIS Database).

Pilbara Flora (2009a) undertook a flora and vegetation survey of the proposed Jinayri North Hydrological Drilling Programme survey area during the summer rainfall season between the 11 and 13 March 2009. Information was collected from 27 quadrats and 29 GPS survey points. A total of 113 vascular taxa from 62 genera and 32 families were recorded from the vegetation survey areas. Sixteen vegetation communities were described from eight different types of topography within three landforms:

Landform: Hills

Vegetation Topography 1: Calcrete low hills.

1. *Corymbia* low open woodland over *Triodia* hummock grasslands with isolated *Eucalyptus* trees;
2. *Eucalyptus* low open woodland over *Triodia* hummock grasslands;
3. *Corymbia* low open woodland on *Triodia* hummock grasslands;
4. *Corymbia* low open woodland over *Petalostylis* shrubland over *Triodia* hummock grasslands;
5. *Corymbia* low open woodland over *Triodia* low sparse hummock grassland; and
6. *Corymbia* low open woodland over *Acacia* low sparse shrubland over *Triodia* low sparse grassland.

Landform: Slopes

Vegetation Topography 2: Colluvial low slopes.

7. *Corymbia* low open woodland over *Acacia* shrubland over *Triodia* hummock grassland;
8. *Eucalyptus* mallee woodland over *Triodia* hummock grasslands;
9. *Triodia* hummock grassland; and
10. *Eucalyptus* low open mallee woodland over *Triodia* hummock grassland.

Landform: Watercourses

Vegetation Topography 3: Major creek system.

11. *Eucalyptus* woodland.

Vegetation Topography 4: Broad creek calcrete hillsides.

12. *Eucalyptus* mid open woodland over *Themeda* open tussock grassland.

Vegetation Topography 5: Narrow creek colluvial slopes.

13. *Eucalyptus* low open mallee woodland over *Triodia* hummock grassland.

Vegetation Topography 6: Drainage line calcrete hillsides.

14. *Corymbia* low open woodland over *Triodia* low sparse hummock grassland.

Vegetation Topography 7: Broad alluvial drainage area.

15. *Eucalyptus* mid open woodland over *Themeda* open tussock grassland.

Vegetation Topography 8: Broad colluvial drainage area.
16. *Eucalyptus* low mid open mallee woodland over *Acacia* tall open shrubland.

Clearing Description	Jinayri North Hydrological Drilling Programme. BHP Billiton Iron Ore Pty Ltd proposes to clear up to 2.4 hectares of native vegetation within a total boundary of approximately 40 hectares, for the purposes of hydrological drilling and associated works. The project is located approximately 73 kilometres north-west of Newman, in the Shire of East Pilbara.
Vegetation Condition	Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994).
Comment	The vegetation condition rating is derived from information provided by Pilbara Flora (2009). Vegetation clearing will be undertaken using mechanical means, with cleared topsoil and vegetation to be left insitu for use during rehabilitation (BHPBIO, 2009).

3. Assessment of application against clearing principles

Comments

BHP Billiton Iron Ore Pty Ltd has applied to amend CPS 3108/1 to extend the duration of the permit by 10 years from 30 November 2014 to 30 November 2024, and to amend the annual reporting date to 1 October each year.

The proposed amendment is unlikely to result in any significant additional environmental impacts. The assessment of the clearing principles is consistent with the assessment in clearing permit decision report CPS 3108/1.

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

Comments

There are three native title claims (WC96/061; WC98/062 and WC99/004) over the area under application. These claims have been registered with the National Native Title Tribunal on behalf of the claimant group. However, the tenements have 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 Site 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, 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
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4. References

- BHPBIO (2009) Hydrological drilling programme. Jinayri North. Application to clear native vegetation (purpose permit). Supporting documentation. BHP Billiton Iron Ore Pty Ltd, Western Australia.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Pilbara Flora (2009) Flora and vegetation survey of hydrological drill targets at Jinayri North. Pilbara Flora, 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.