



## CLEARING PERMIT

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

<b>Purpose Permit number:</b>	CPS 3445/1
<b>Permit Holder:</b>	BHP Billiton Iron Ore Pty Ltd
<b>Duration of Permit:</b>	14 February 2010 – 14 February 2015

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 purposes of railway construction and maintenance and associated works, installation and relocation of power lines and installation of fibre optic cables.

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

Mineral Lease 244SA (Lot 16 on Plan 194288, Lot 17 on Plan 241430, Lot 19 on Plan 48921 and Lots 175, 176 and 201 on Plan 21923 and unallocated crown land, Newman and Lot 22 on Plan 220355 and Part Lot 29 on Plan 238020, Capricorn)  
Mining Tenement L52/109 (Part Lot 29 on Plan 238020, Capricorn) Jimplebar.

**3. Area of Clearing**

The Permit Holder must not clear more than 260 hectares of native vegetation within the area hatched yellow on attached Plan 3445/1.

**4. 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.

**5. Type of clearing authorised**

(a) This Permit authorises the Permit Holder to clear native vegetation for activities to the extent that the Permit Holder has the power to clear native vegetation for those activities under the *Mining Act 1978* or any other written law.

(b) The Permit Holder shall not clear native vegetation unless commencing activities authorised under this Permit within one month of the clearing being undertaken.

**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 has already been cleared.
- (b) Within twelve months of the area no longer being required for the purposes of this permit the Permit Holder must *revegetate* and *rehabilitate* the area cross-hatched yellow on attached Plan 3445/1 by:
  - (i) laying the vegetative material and topsoil retained under condition 9(a) on the cleared area; and
  - (ii) ensuring only *local provenance* seeds and propagating material are used to *revegetate* and *rehabilitate* the area.
- (c) Within twenty four months of undertaking *revegetation* and *rehabilitation* in accordance with condition 9(b) of this Permit, the Permit Holder must:
  - (i) 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, the Permit Holder must undertake additional *planting* or *direct seeding* of native vegetation in accordance with the requirements of condition 9(b)(ii) of this Permit.

## 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;
  - (iv) the date the excavation and operation of borrow pits ceased; and

(v) 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;
  - (iii) the size of the area *revegetated* and *rehabilitated* (in hectares); and
  - (iv) the species composition, structure and density of *revegetation* and *rehabilitation*.

## 11. Reporting

- (a) The Permit Holder must provide to the CEO, on or before 30 June 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 January and 31 December of the preceding year.
- (b) Prior to 7 November 2014, the Permit Holder must provide to the CEO a written report of records required under condition 11 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;

*flora specialist* means a person with specific training and/or experience in the ecology and taxonomy of Western Australian flora;

*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;

*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*.



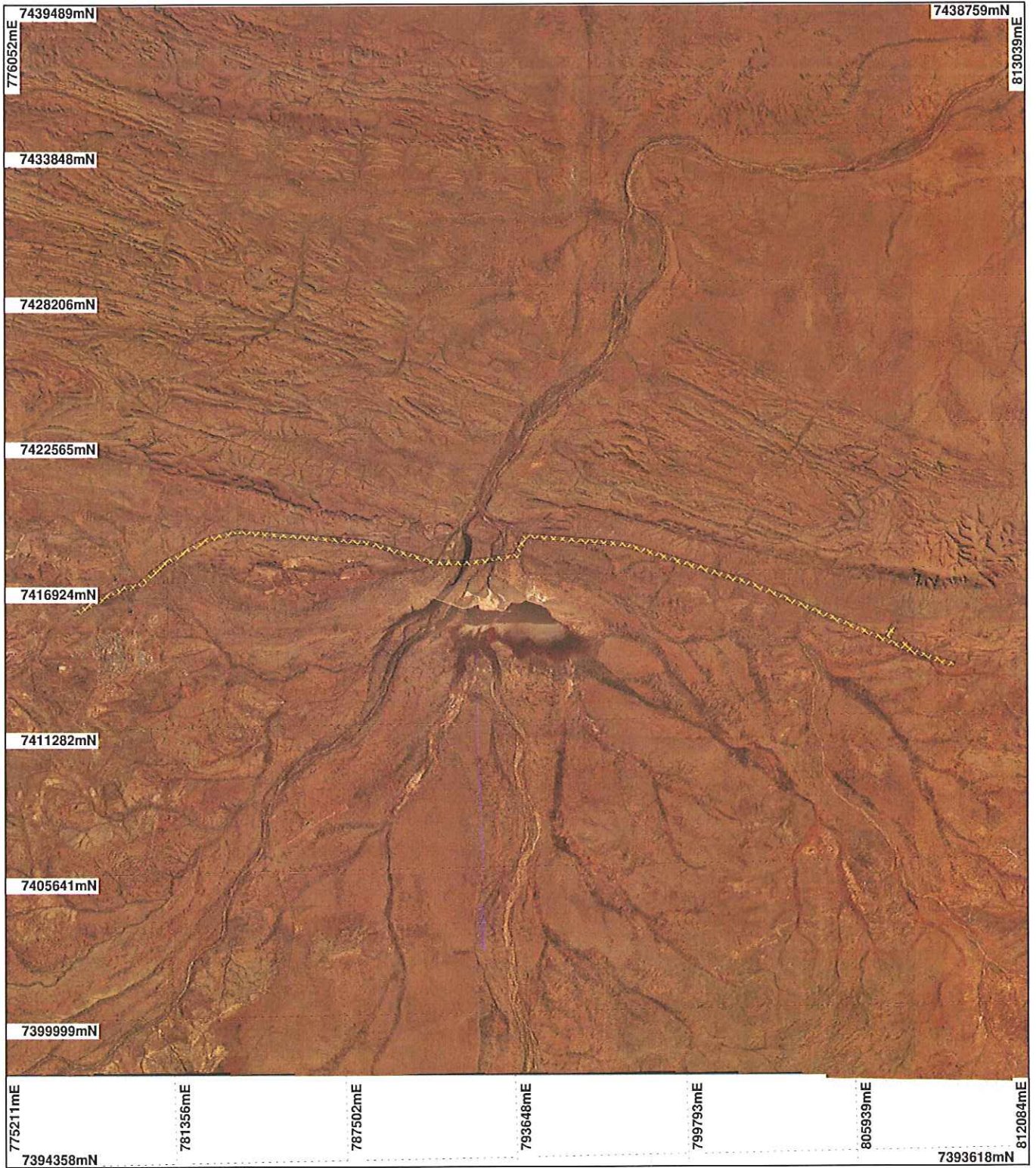
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Keith Claymore  
A/ ASSISTANT DIRECTOR  
NATURE CONSERVATION DIVISION

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

14 January 2010

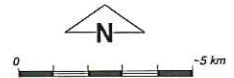
# Plan 3445/1



## LEGEND

- Clearing Instruments**
- Areas Applied to Clear
  - Areas Subject to Conditions
  - Areas Approved to Clear
- Murrumunda 1.4m Orthomosaic - Landgate 2003**

Newman 1.4m Orthomosaic - Landgate 2003



Scale 1:205737  
(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.

*Kevin Claymore* Date 14/1/10  
K Claymore

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.



**Department of Environment and Conservation**

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## 1. Application details

### 1.1. Permit application details

Permit application No.: 3445/1  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: BHP Billiton Iron Ore Pty Ltd (BHPBIO)

### 1.3. Property details

Property: UNALLOCATED CROWN LAND ( NEWMAN 6753)  
 LOT 175 ON PLAN 219293 ( NEWMAN 6753)  
 LOT 17 ON PLAN 241430 ( NEWMAN 6753)  
 LOT 17 ON PLAN 241430 ( NEWMAN 6753)  
 LOT 17 ON PLAN 241430 ( NEWMAN 6753)  
 LOT 19 ON PLAN 48921 ( NEWMAN 6753)  
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 LOT 19 ON PLAN 48921 ( NEWMAN 6753)  
 UNALLOCATED CROWN LAND ( NEWMAN 6753)  
 LOT 176 ON PLAN 219293 ( NEWMAN 6753)  
 LOT 201 ON PLAN 219293 ( NEWMAN 6753)  
 LOT 17 ON PLAN 241430 ( NEWMAN 6753)  
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 LOT 16 ON PLAN 194288 ( NEWMAN 6753)  
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 LOT 16 ON PLAN 194288 ( NEWMAN 6753)  
 LOT 22 ON PLAN 220355 ( CAPRICORN 6642)  
 LOT 22 ON PLAN 220355 ( CAPRICORN 6642)  
 LOT 22 ON PLAN 220355 ( CAPRICORN 6642)  
 LOT 29 ON PLAN 238020 ( CAPRICORN 6642)  
 LOT 29 ON PLAN 238020 ( CAPRICORN 6642)

Local Government Area:

Colloquial name:

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
260		Mechanical Removal	Infrastructure Maintenance

## 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
Beard Vegetation Associations: 82 - Hummock grasslands, low tree steppe; Snappy gum over <i>Triodia wiseana</i> ; 18 - Low woodland; mulga ( <i>Acacia aneura</i> ); 29 - Sparse low woodland; mulga, discontinuous in scattered groups and 216 - Low woodland; mulga (with <i>Spinifex</i> ) on rises.	21 vegetation associations were characterised and mapped for the area (ENV Australia 2009) with vegetation condition ranging from Pristine to Completely Degraded (Keighery 1994) condition with most sites being in Excellent (Keighery 1994) condition.	Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery 1994)	Vegetation condition verified from flora and vegetation assessment conducted by ENV Australia (2009) (TRIM ref DOC106970).

## 3. Assessment of application against clearing principles

### (a) Native vegetation should not be cleared if it comprises a high level of biological diversity.

#### Comments

#### **Proposal is not likely to be at variance to this Principle**

The proposal by BHP Billiton Iron Ore Pty Ltd is for the clearing of approximately 260 ha of native vegetation within an application area of 706 ha between Newman to Jimblebar in the Pilbara Region. The proposal is for the purpose of the construction of a duplicate transmission line approximately 40 km in length with two substations with laydown areas adjacent to the Newman substation. A telecommunications cable will also be installed underground within the transmission corridor (BHPBIO, 2009).

Six priority flora species have been recorded within the local area (20 km radius) of the applied area, with the closest record being *Gymnanthera cunninghamii* (Priority 3) approximately 1.8 km north. ENV Australia (2009a) conducted a flora and vegetation survey from the 23rd to the 27th of April 2009 and recorded one priority flora species, *Goodenia nuda* (Priority 3) within a total of 365 taxa comprising 49 families and 147 genera recorded in the Newman to Jimblebar project area. The families most commonly represented by taxa richness, were Poaceae (62 taxa), Mimosaceae (38 taxa) and Malvaceae (33 taxa). The most common genera were *Acacia* (35 taxa), *Senna* (16 taxa) and *Eremophila* (8 taxa). Twenty one vegetation associations were mapped in the Newman to Jimblebar project area with vegetation condition ranging from Pristine to Completely Degraded (Keighery 1994) condition with most sites being recorded as being in Excellent (Keighery 1994) condition. Disturbances to vegetation within the project area included clearing for infrastructure and grading, and consequential introduced species invasion with 15 different weed taxa recorded.

Seven priority and threatened fauna species have been recorded within the local area with the closest record being the Western Pebble-mound mouse (*Pseudomys chapmani*), approximately 500 m north of the applied area. A fauna survey undertaken by ENV Australia (2009b), from the 21st to the 27th April 2009, recorded 88 terrestrial vertebrate species comprising one amphibian, 14 reptile, 58 bird and 15 mammal species. Two species of conservation significance, the Rainbow Bee-eater and Star Finch were recorded within the applied clearing area with the possibility of a further 14 priority and threatened species that may occur within the applied area (ENV Australia, 2009b).

The biodiversity values recorded by the applicant's consultant are reflective of the variation in habitats traversed by the applied area. Given the linear nature of the applied area and the widespread nature of the habitats traversed, the proposed clearing is not likely to significantly affect biodiversity values in the region.

#### Methodology

#### References:

- ENV Australia (2009a)
- ENV Australia (2009b)
- GIS database:
  - Newman 1.4m Orthomosaic - Landgate 2003
  - DEC Managed Lands and Waters - DEC 2009
  - SAC Biodatasets - accessed Dec 2009
  - Declared Rare and Priority Flora List - DEC 2009
  - Pre European Vegetation - DA 01/01
  - Clearing Regulations, Environmentally Sensitive Areas 30 May 2005
  - NLWRA, Current Extent of Native Vegetation 20 Jan 2001



**(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.**

**Comments Proposal may be at variance to this Principle**

Seven priority and threatened fauna species have been recorded within the local area (20 km radius) of the applied area with the closest record being *Pseudomys chapmani* (Western Pebble-mound mouse, Ngadji), approximately 500m north of the applied clearing area.

A level 1 fauna assessment was undertaken by ENV Australia (2009b) from the 21st to the 27th April 2009 through the applied clearing area. The survey recorded 88 terrestrial vertebrate fauna species, including one amphibian species, 14 reptile species, 58 bird and 15 mammal species. Two species of conservation significance, the Rainbow bee-eater (*Merops ornatus*) and Star Finch (*Neochmia ruficauda clarescens*) were noted and a further 14 conservation significant fauna could potentially occur in the area.

The level of habitat disturbance from the proposed linear development is low in a regional context and it is unlikely that the proposed transmission line and sub-station will have a significant impact upon any conservation significant fauna.

**Methodology References:**

- Previous Biological Studies ? note DEC surveys 2002 -2009.
  - ENV Australia (2009b)
- GIS database:
- DEC Managed Lands and Waters - DEC 2009
  - SAC Biodatasets - accessed DEC 2009
  - Hydrography linear - DOW 13/7/06
  - Hydrography linear (hierarchy) - DoW 13/7/06
  - Newman 1.4m Orthomosaic - Landgate 2003

**(c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.**

**Comments Proposal is not likely to be at variance to this Principle**

One declared rare flora (DRF) species, *Lepidium catapycnon*, has been recorded within the local area (20 km radius) of the applied area. This species was recorded in 2008 within the same vegetation and soil types as are evident within the applied clearing area and is approximately 6.3km west of the applied clearing area.

This species is listed as Vulnerable under the Environment Protection and Biodiversity Conservation Act 1999 and is known to occur over a range of about 200km in the Hamersley Range. It typically grows on steep stony slopes, in skeletal red brown gritty soil, with an overstorey of snappy gum (*Eucalyptus leucophloia*) (Brown et al, 1998).

The flora survey (ENV Australia 2009a) did not locate this species or any other rare flora.

**Methodology References:**

- Brown et al (1998)
  - ENV Australia (2009a)
- GIS Databases:
- SAC biodatasets Accessed 15/12/2009
  - Soils, Statewide - DA

**(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.**

**Comments Proposal is not likely to be at variance to this Principle**

One threatened ecological community (TEC) exists within the local area (20km radius) of the applied clearing area. The Ethel Gorge aquifer stygobiont community is classed as Endangered under Western Australian threat criteria and is only known from this one location (DEC, 2010).

The proposed transmission line crosses the calcrete band to which this TEC is likely to be aligned and therefore the clearing will extend across this threatened community (DEC, 2010).

This TEC is a water dependent TEC and therefore the greatest threat to this community is groundwater drawdown through water abstraction and dewatering activities (DEWHA, 2009). The applicant has advised that no dewatering will be undertaken for the construction of the transmission lines or for the substations (BHPBIO, 2009) and where some water is required it will be sourced from existing bores licensed under the RIWI Act under current water entitlements and/or from scheme water from the Newman townsite (BHPBIO, 2010).

Although there may be some disturbance to watercourses along the proposed transmission line for the installation of the communications line and the wire installation of the power line, this will be minor and is therefore unlikely to cause changes to surface hydrology in terms of water quality and quantity.

Given that the clearing is not going to significantly impact upon water resources within the local area, it is unlikely that the proposal will impact upon this threatened ecological community.

**Methodology** References:  
 - BHPBIO (2009)  
 - BHPBIO (2010)  
 - DEC (2010)  
 - DEWHA (2009)  
 GIS Databases:  
 - SAC Biodatasets Accessed 15/12/2009

**(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.**

**Comments** **Proposal is not likely to be at variance to this Principle**  
 As the below table indicates, all of the vegetation types mapped as occurring within the applied area are well above the Environmental Protection Authority's supported 30% threshold level for the retention of native vegetation, as recommended in the National Objectives Targets for Biodiversity Conservation. Below these thresholds, species loss appears to accelerate exponentially at an ecosystem level (EPA 2000). Additionally the local area retains approximately 90% of native vegetation local area (20 km radius).

This being considered, the proposed clearing is not at variance to this principle.

	Pre-European (ha)	Current Extent (ha)	Remaining (%)	In secure tenure (%)
IBRA Bioregion*				
Pilbara	17,804,188	17,794,646	99.95	8.34
Gascoyne	18,075,218	18,075,218	100.00	10.30
Shire*				
Shire of East Pilbara	37,183,379	37,182,781	99.99	4.04
Beard Vegetation Association*				
216 (within Pilbara IBRA Region)	26,670	26,670	100.00	0.00
18 (within Pilbara IBRA Region)	676,557	676,557	100.00	17.18
82 (within Pilbara IBRA Region)	2,563,583	2,563,583	100.00	10.50
82 (within Gascoyne IBRA Region)	2,318	2,318	100.00	0.00
29 (within Gascoyne IBRA Region)	3,802,459	3,802,459	100.00	7.81

\*(Shepherd, 2007)

**Methodology** References:  
 EPA (2000)  
 Shepherd (2007)  
 GIS Databases:  
 - Newman 1.4m Orthomosaic - Landgate 2003  
 - NLWRA, Current Extent of Native Vegetation 20 Jan 2001  
 - Pre European Vegetation - DA 01/01

**(f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.**

**Comments** **Proposal may be at variance to this Principle**  
 The area under application crosses a large number, approximately 68 mapped, minor, non-perennial watercourses as well as the Fortescue River (watercourse bank, non-perennial), Homestead Creek and Shovelanna Creek.

The Ophthalmia Reservoir lies south of the applied clearing area, approximately 1.5 km away which leads to the Fortescue River and the Warrawanda Creek.

Therefore, the clearing as proposed will be clearing some areas of riparian vegetation. Advice from the Department of Water received from the applicant (DoW 2009) states that under section 17 of the Rights in Water and Irrigation Act 1914, a person can interfere with the bed and banks of a watercourse if granted a permit, or if authorised under another Act. The Mining Act 1978 grants a right for this applied area.

BHP Billiton have committed to minimising and managing potential impacts to watercourses by maintaining surface flows and avoiding the potential for erosion and scouring.

**Methodology** BHP Billiton 2009  
DoW 2009  
GIS Databases:  
- Hydrography, linear - DoW  
- Hydrography, linear (hierarchy) DoW

**(g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.**

**Comments Proposal may be at variance to this Principle**

Three soil types are mapped within the applied area including:

-Plains associated with the Fortescue valley; there is a surface cover of stony gravels close to the ranges and hills. Chief soils are acid red earths with some neutral red earths; red-brown hardpan is absent. Associated are areas of calcareous earths and loams on calcrete and some hard red soils around creek lines;

- Ranges of banded jaspilite and chert along with shales, dolomites, and iron ore formations; some areas of ferruginous duri crust as well as occasional narrow winding valley plains and steeply dissected pediments. This unit is largely associated with the Hamersley and Ophthalmia Ranges. The soils are frequently stony and shallow and there are extensive areas without soil cover: chief soils are shallow stony earthy loams along with some soils on the steeper slopes.

- Extensive flat and gently sloping plains, which sometimes have a surface cover of gravels and on which red brown hardpan frequently outcrops: chief soils are shallow earthy loams.

Areas associated with drainage lines and loam soils have potential for erosion and resulting sedimentation. BHP Billiton have committed to managing the potential for land degradation through their environmental management plan and to further reduce the risk of erosion, a staged clearing condition will be imposed on the permit.

To minimise the potential for land degradation, revegetation conditions will be placed on the permit so that temporary land use areas and sites will be rehabilitated.

**Methodology** References:  
- Northcote et al (1960-68)

**(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.**

**Comments Proposal is not at variance to this Principle**

There are no conservation areas within the local area (20 km radius) of the applied clearing area.

**Methodology** GIS Databases:  
- DEC Managed Lands and Waters - DEC 2009  
- Register of National Estate - Environment Australia, Australian and world heritage division 12 Mar 02

**(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.**

**Comments Proposal may be at variance to this Principle**

The applied clearing area lies within the Fortescue River Upper Catchment within the Fortescue River Basin. The area is also contained within the Newman Water Reserve Public Drinking Water Source Area which has been assigned a Priority 1 under the Water Source Protection Classification System (DoW, 2009a).

Wherever possible the disturbance of watercourses crossing the applied clearing area will be avoided through the placement of electricity poles away from drainage lines, however some disturbance of beds and banks of watercourses within the applied clearing area will occur through the installation of the communication line and the installation of the electricity wires. Advice from the Department of Water (DoW 2009a) states that they are satisfied the proposed clearing is unlikely to have a significant impact on the quality or quantity of groundwater.

To minimise the potential for impacts to water quality revegetation conditions will be placed on the permit so that temporary land use areas and sites will be rehabilitated.

**Methodology** References:  
BHP BIO 2009  
DoW (2009a)  
GIS Databases:  
- Hydrographic Catchments, Catchments - DoW  
- Hydrography, linear - DoW  
- Hydrography, linear (hierarchy) DoW

**(j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.**

**Comments Proposal is not likely to be at variance to this Principle**

The proposed clearing area crosses a large number (approximately 68 mapped) minor, non-perennial watercourses as well as the Fortescue River, Homestead Creek and Shovelanna Creek.

Given the substantial size of the applied area, which is in close proximity to both major and minor watercourses, it is probable that the clearing may result in increased surface water flows but this is unlikely to result in an increase in the incidence and/or intensity of flooding within the local area given the linear nature of the proposal.

BHP Billiton have committed to minimising erosion risks and revegetation conditions will be placed on the permit so that temporary land use areas and sites will be rehabilitated.

**Methodology References:**

BHP BIO 2009

GIS Databases:

- Hydrography, linear DoW

- Hydrography, linear (hierarchy) - DoW

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

**Comments**

The applied clearing area lies within lands contained within Mineral Lease 244SA and under Mining Tenement Miscellaneous Licence L52/109.

The Department of Mines and Petroleum has advised that a small portion of the area under application lies within tenure granted under the Mining Act 1978 (Miscellaneous Licence 52/109) and therefore BHP Billiton Iron Ore Pty Ltd must not conduct any ground disturbing works on lands covered by Miscellaneous Licence 52/109 until approval is granted under the Mining Act 1978 (DMP, 2009).

The applied clearing area goes through twelve registered Aboriginal Sites of Significance including ceremonial, mythological, artefacts/scatter and quarry sites. One Indigenous Place (Ethel Gorge Rock Shelter Area) Registered on the Register of National Estate. BHP Billiton Iron Ore will be advised that they will be required to seek further advice from the Department of Indigenous Affairs prior to the commencement of any works or clearing of native vegetation.

A portion of the applied clearing area lies within the Great Northern Highway and Marble Bar Road Reserves managed by Main Roads WA. Main Roads have provided in principal support to the proposed vegetation clearing permit application to be made by BHP Billiton, for the purpose of the rail and communication infrastructure expansions but have not provided consent to construct (Main Roads WA, 2009).

The applied clearing area lies within a proclaimed area (Pilbara River and Tributaries) under the Rights in Water and Irrigation Act 1914, administered by the Department of Water. A mining lease granted under the Mining Act 1978 or under a State Agreement Act grants the right to undertake activities related to mining, including interfering with the bed and banks of watercourses within the mining lease, as long as those activities are not related to the taking of water (DoW, 2009b). Therefore, although through the proposed works some interference with beds and banks may be necessary, a Section 17 Permit will not be required from the Department of Water due to the applied clearing area being covered by a mining lease and miscellaneous licence of the Mining Act 1978.

The applied clearing area also falls within the Pilbara RiWI Ground Water Area however, no groundwater abstraction or dewatering is required for this proposal. Where small amounts of water may be required, it will be sourced from existing licensed bores under the RiWI Act and/or from scheme water from the Newman townsite (BHPBIO, 2010).

**Methodology References:**

- BHPBIO (2010)

- DMP (2009)

- DoW (2009b)

- Main Roads WA (2009)

GIS Databases:

- Aboriginal Sites of Significance - DIA

- Mining Tenements DOIR

- Register of National Estate - EA

**4. Assessor's comments**

**Comment**

The application has been assessed against the clearing principles, planning instruments and other matters in accordance with s51O of the

Environmental Protection Act 1986, and the proposed clearing may be at variance to Principle (b), (f), (g) and (i), and is not likely to be at variance to the remaining clearing Principles.

## 5. References

- BHPBIO (2009) Infrastructure: Newman to Jimblebar Transmission Line Duplication. Application to Clear Native Vegetation (Purpose Permit), Environmental Protection Act 1986. BHP Billiton, Perth, Western Australia. TRIM ref DOC106864.
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## 6. 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 (now DEC)
DMP	Department of Mines and Petroleum (ex DoIR)
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)