



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 3547/2
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: BHP Billiton Iron Ore Pty Ltd

1.3. Property details

Property: Iron Ore (McCamey's Monster) Agreement Authorisation Act 1972, Special Lease for Mining Operations, I 126948, Lot 32 on Deposited Plan 217524, Lot 39 on Deposited Plan 194318; Iron Ore (Mount Newman) Agreement Act 1964, Mineral Lease 244 SA, Miscellaneous Licences 52/108, 52/109
Local Government Area: Shire of East Pilbara
Colloquial name: Jimplebar No. 2 Spur Rail Duplication Project

1.4. Application

| | | | |
|--------------------|-----------|--------------------|---|
| Clearing Area (ha) | No. Trees | Method of Clearing | For the purpose of: |
| 295 | | Mechanical Removal | Construction and Maintenance of Railways, Water Pipelines, Power Lines and Other Associated Infrastructure. |

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 27 November 2014

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 |
|---|---|--|--|
| <p>Beard Vegetation Associations have been mapped at a 1:250,000 scale for the whole of Western Australia and are useful to look at vegetation extent in a regional context. Three Beard Vegetation Associations are located within the proposed clearing area (GIS Database):</p> <ol style="list-style-type: none"> 1. Beard Vegetation Association 29: Sparse low woodland; Mulga, discontinuous in scattered groups; 2. Beard Vegetation Association 82: Hummock grasslands, low tree steppe; Snappy Gum over <i>Triodia wiseana</i>; and 3. Beard Vegetation Association 216: Low woodland; Mulga (with spinifex) on rises (GIS Database). <p>Outback Ecology Services (2009) undertook a Level Two dual season flora and vegetation survey spanning a distance of 23 kilometres from west to east along the Jimplebar Rail Spur from Marble Road to the Wheelarra Mine site (including the proposed clearing area). A total of 16 vegetation associations were mapped from the survey area, 12 of which occur in the proposed clearing area:</p> <p>Eucalyptus Low Open Woodland</p> <p>2a - Low Open Woodland of <i>Eucalyptus xerothermica</i> and <i>Corymbia hamersleyana</i> over Open Shrubland of <i>Acacia bivenosa</i>, <i>Acacia sclerosperma</i> ssp. <i>sclerosperma</i> and <i>Acacia synchronicia</i> over Very Open Hummock Grassland of <i>Triodia pungens</i>;</p> <p>Corymbia Low Open Woodland</p> <p>3a - Low Open Woodland of <i>Corymbia hamersleyana</i> and <i>Eucalyptus odontocarpa</i> over Open Hummock Grassland of <i>Triodia</i> sp. <i>Shovelanna Hill</i> (S. van Leeuwen 3835), <i>Triodia basedowii</i> and <i>Triodia schinzii</i> with Open Shrubland of <i>Acacia melleodora</i>, <i>Acacia ancistrocarpa</i> and <i>Acacia pachyacra</i>;</p> <p>3b - Low Open Woodland of <i>Corymbia hamersleyana</i>,</p> | <p>Jimplebar No. 2 Spur Project. BHP Billiton Iron Ore Pty Ltd proposes to clear up to 295 hectares of native vegetation within a total boundary of approximately 1,017 hectares for the purpose of construction and maintenance of railways, water pipelines, power lines and other associated infrastructure. The project is located approximately 18 kilometres east-northeast of Newman within the Shire of East Pilbara.</p> | <p>Pristine: No obvious signs of disturbance (Keighery, 1994);</p> <p>To</p> <p>Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994).</p> | <p>The vegetation condition rating is derived from information provided by Outback Ecology Services (2009) and ENV Australia Pty Ltd (2009).</p> <p>Clearing Permit CPS 3547/1 was granted by the Department of Mines and Petroleum (DMP) on 4 March 2010 and authorised clearing for the purpose of railway construction and maintenance, and associated works.</p> <p>On the 10 October 2014, BHP Billiton Iron Ore Pty Ltd applied to amend CPS 3547/1 to change the purpose of clearing to include construction and maintenance of railways, water pipelines, power lines and other associated infrastructure. They also requested the expiry date be amended to 30 November 2020, with an annual reporting date of 1 October. The permit duration has been extended to 2026 to allow for rehabilitation activities. No clearing is authorised after 30 November 2020.</p> |

Corymbia deserticola and *Eucalyptus odontocarpa* over Open Shrubland of *Acacia ancistrocarpa*, *Acacia adsurgens* and *Acacia tenuissima* over Open Bunch Grassland of *Amphipogon sericeus* and *Paraneurachne muelleri*;

Acacia Low Woodland

4a - Low Woodland of *Acacia aneura* var. *pilbarensis*, *Acacia pruinocarpa* and *Acacia paraneura* over Shrubland of *Acacia sclerosperma* ssp. *sclerosperma*, *Eremophila longifolia* and *Rhagodia eremaea* over Open Hummock Grassland of *Triodia pungens*;

4b - Low Woodland of *Acacia aneura* var. *pilbarensis*, *Acacia catenulata* ssp. *occidentalis* and *Acacia citrinoviridis* over Very Open Hummock Grassland of *Triodia pungens*;

Acacia Low Open Woodland

5a - Low Open Woodland of *Acacia aneura* var. *pilbarensis*, *Acacia catenulata* and *Acacia citrinoviridis* over Open Hummock Grassland of *Triodia basedowii* with Open Shrubland of *Eremophila forrestii* ssp. *forrestii*;

5b - Low Open Woodland of *Acacia aneura* and *Corymbia hamersleyana* over Bunch Grassland of *Aristida contorta*, *Dactyloctenium radulans* and *Paspalidium clementii* with Open Shrubland of *Eremophila fraseri*, *Acacia tetragonophylla* and *Acacia synchronicia*;

Acacia Shrubland

6a - Shrubland of *Acacia bivenosa* over Open Hummock Grassland of *Triodia* sp. *Shovelanna Hill* (S. van Leeuwen 3835) with Low Open Woodland of *Eucalyptus leucophloia*;

6c - Shrubland of *Acacia monticola*, *Petalostylis labicheoides* and *Acacia melleodora* over *Themeda triandra* Open Tussock Grassland with Low Open Woodland of *Corymbia hamersleyana*;

Triodia Hummock Grassland

7b - Hummock Grassland of *Triodia* sp. *Shovelanna Hill* (S. van Leeuwen 3835) with Low Shrubland of *Acacia hilliana*, *Acacia adoxa* var. *adoxo* and *Ptilotus rotundifolius* and Low Open Woodland of *Eucalyptus leucophloia*;

7c - Hummock Grassland of *Triodia basedowii* and *Triodia pungens* with Shrubland of *Acacia sclerosperma* ssp. *sclerosperma* and *Acacia pachyacra* over Low Shrubland of *Eremophila margarethae*; and

7d - Hummock Grassland of *Triodia* sp. *Shovelanna Hill* (S. van Leeuwen 3835) with Very Open Bunch Grassland of *Amphipogon sericeus* and *Paraneurachne muelleri* and Scattered Low Trees of *Eucalyptus leucophloia* (Outback Ecology Services, 2009).

3. Assessment of application against clearing principles

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

The amendment to change the purpose for which clearing may be done, the reporting dates, and the permit expiry date is unlikely to result in any significant change to the environmental impacts of the proposed clearing. The size of the area approved to clear (295 hectares) and the permit boundaries remain unchanged.

The assessment against the clearing Principles remains consistent with the assessment contained in decision report CPS 3547/1.

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

Comments

There is one native title claim over the area under application (GIS Database). This claim (WC2005/006) has been registered with the National Native Title Tribunal on behalf of the claimant group (GIS Database). However, the mining 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 GIS databases, there is one registered Aboriginal Site of Significance within the proposed clearing 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 Water, and the Department of Parks and Wildlife, 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 - Determined by the Federal Court
 - Native Title Claims - Filed at the Federal Court
 - Native Title Claims - Registered with the NNTT

4. References

- ENV Australia Pty Ltd (2009) Jimblebar Spur 2 Flora and Vegetation Assessment. Prepared for BHP Billiton Iron Ore Pty Ltd. November 2009.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Outback Ecology Services (2009) BHP Billiton Iron Ore: Jimblebar Linear Development Flora and Vegetation Assessment. July 2009.

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 the <i>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:**
(a) 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.
(b) 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.
(c) 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.