GOVERNMENT OF
WESTERN AUSTRALIA

CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 3596/3
Permit Holder:	BHP Billiton Iron Ore Pty Ltd
Duration of Permit:	19 September 2010 – 30 November 2035

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 bridge strengthening, bridge protection and associated works.

2. **Land on which clearing is to be done**
   Great Northern Highway Road Reserve (Lot 176 on Deposited Plan 219293), Newman

3. **Area of Clearing**
   The Permit Holder must not clear more than 0.8 hectares of native vegetation within the area hatched yellow on attached Plan 3596/3.

4. **Clearing not authorised**
   This Permit does not authorise the permit holder to clear native vegetation where it does not have lawful authority to access land.

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

PART II MANAGEMENT CONDITIONS

7. **Avoid, minimise and reduce the impacts and extent of 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**
   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*:
   a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
   b) ensure that no *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
   c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

PART III – RECORD KEEPING AND REPORTING

9. Record keeping

The Permit Holder must maintain the following records in relation to the clearing of native vegetation authorised under this Permit:

a) 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 or decimal degrees;
b) the date(s) that the area was cleared;
c) the size of the area cleared (in hectares);
d) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 7 of this Permit; and
e) actions taken to minimise the risk of the introduction and spread of weeds in accordance with condition 8 of this Permit.

10. Reporting

The Permit Holder must produce the records required under condition 8 of this Permit when required by the *CEO*.

DEFINITIONS

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

CEO means the Chief Executive Officer of the Department responsible for the administration of the clearing provisions under the *Environmental Protection Act 1986;*

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

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;

weed/s means any plant -

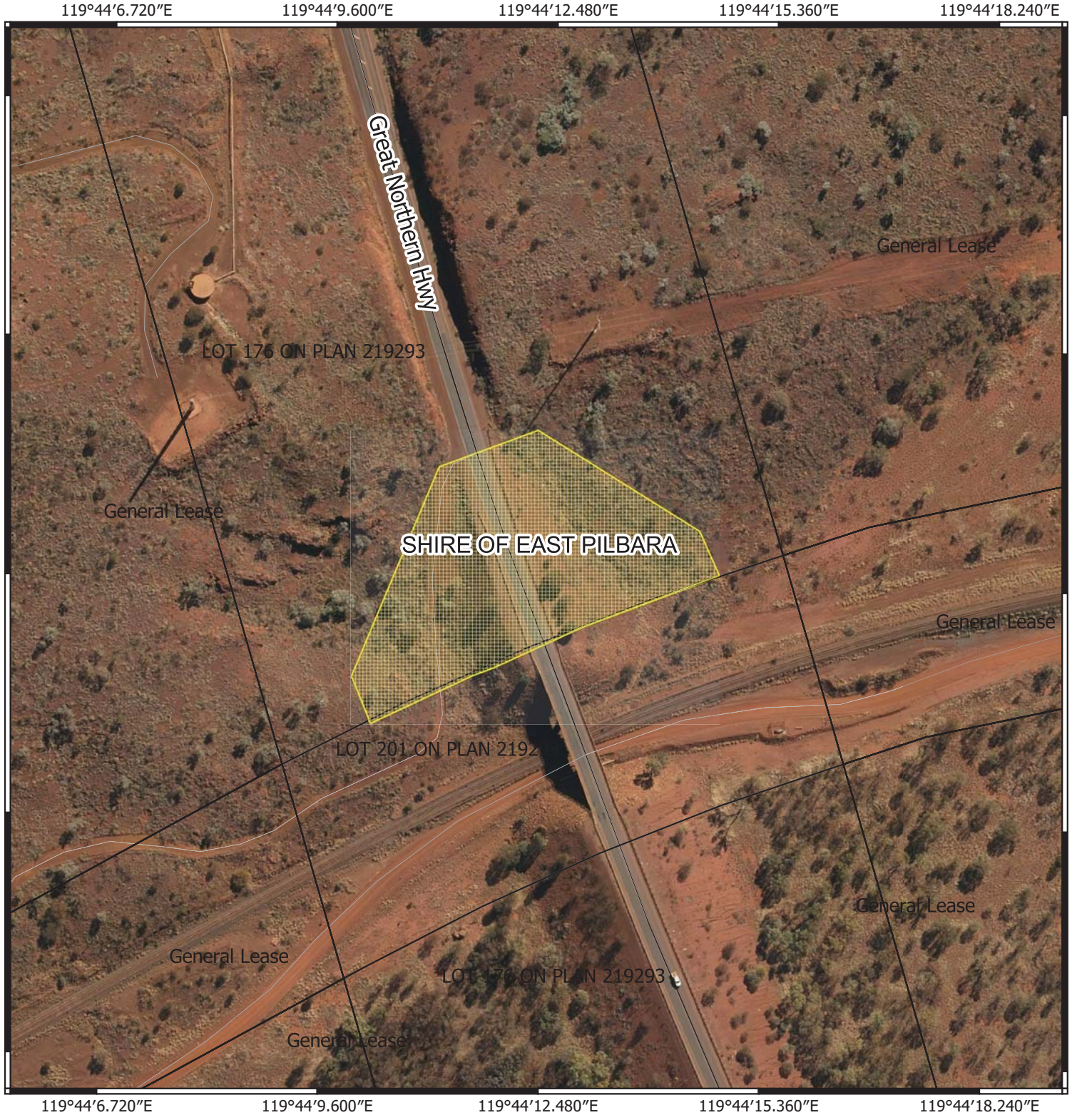
(a) that is a declared pest under section 22 of the *Biosecurity and Agriculture Management Act 2007*; or
(b) published in a Department of Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking summary, regardless of ranking; or
(c) not indigenous to the area concerned.

Meenu Vitarana
A/MANAGER
NATIVE VEGETATION REGULATION

Officer delegated under Section 20
of the Environmental Protection Act 1986

18 November 2020

Plan 3596/3



Map Layers

- CPS areas approved to clear
- Land Tenure LGATE - 226
- Local Government Authorities

Road Centrelines

- Highway
- Local Rd - Other

N

0 25 50 75 m

1:2000

MGA Zone 50
Geocentric Datum of Australia 1994

Meenu Vitarana
2020.11.18
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Officer delegated under section 20 of the Environmental Protection Act 1986

GOVERNMENT OF WESTERN AUSTRALIA

Government of Western Australia
Department of Environment Regulation

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.:	3596/3
Permit type:	Purpose Permit

1.2. Proponent details

Proponent's name:	BHP Billiton Iron Ore Pty Ltd

1.3. Property details

Property:	Great Northern Highway Road Reserve (PIN 11161883; Lot 176 on Plan 219293), Newman
Local Government Authority:	Shire of East Pilbara
DWER Region:	Pilbara
Localities:	Newman

1.4. Application

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

1.5. Decision on application

Decision on Permit Application:	Grant
Decision Date:	18 November 2020
Reason for Decision	This clearing permit amendment gives effect to an application received from the Permit Holder of Clearing Permit CPS 3596/2 to extend the permit duration to 30 November 2035 and remove Condition 8(b). In undertaking their assessment, and in accordance with section 51O of the EP Act, the Delegated Officer has given consideration to the Clearing Principles in Schedule 5 of the EP Act, relevant planning instruments, and any other pertinent matters they deemed relevant to the assessment. The Delegated Officer determined that the proposed clearing is unlikely to lead to any unacceptable risk to the environment and decided to extend the duration of the permit with avoidance and minimisation, weed management, record keeping and reporting conditions.

2. Site Information

Clearing Description

BHP Billiton Iron Ore Pty Ltd's (BHP's) Newman to Port Hedland railway duplication. The proposal is for clearing of 0.8 hectares for the purpose of bridge strengthening, protection, and associated works within Great Northern Highway (Lot 176 on Deposited Plan 219293), Newman in the Shire of East Pilbara.

The proposed clearing is required as part of BHP Billiton Iron Ore's Newman to Port Hedland railway duplication. The clearing is for the purpose of bridge strengthening, protection and associated works and will occur within the Great Northern Road Reserve. The bridge is situated over the existing railway line.

Vegetation Description

Beard vegetation association 18: Low woodland; mulga (*Acacia aneura*).

Shepherd (2007)

The vegetation within the applied area is described as *Triodia* hummock grassland (hummock grassland, low tree steppe; snappy gum (*Eucalyptus leucophloia* subsp. *leucophloia*) over *Triodia wiseana*). The condition of the vegetation within the applied area ranges from excellent to completely degraded (Keighery, 1994); however only a very small area under application is considered to be in excellent condition as the area is adjacent to existing roads (sealed road and unsealed access track) and rail infrastructure (ENV, 2009a).

Vegetation Condition

Excellent; Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994).
To

Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994)

The condition and description of the vegetation under application was determined via aerial imagery and a flora survey results conducted by ENV (2009a).

3. Assessment of application against clearing principles

The applicant commissioned ENV Australia (2019a) to undertake a flora and vegetation survey within the application and local area. No conservation significant flora or communities were recorded within the application area during the survey (ENV, 2009a). Only one priority flora, *Goodenia nuda* (Priority 4), was recorded during the survey however was not recorded within the application area (ENV, 2009a). According to available databases, *Goodenia nuda* is known from five records in the local area. The nearest record occurs approximately 13.8 kilometres from the application area (Western Australian Herbarium, 1998-). Based on habitat preferences, including soil and vegetation types, results from the flora and vegetation survey, the primarily degraded condition of vegetation within the application area and information from available databases, *Goodenia nuda* is not likely to occur within the application area.

A review of available databases determined that 41 conservation significant flora taxa have been recorded in the local area. Based on a review of habitat preferences, including soil and vegetation types, one flora taxa not targeted during the ENV (2009a) flora and vegetation survey, *Eremophila sp. Hamersley Range (K. Walker KW 136),* has the potential to occur within the application area (Western Australian Herbarium, 1998-). This species is known from three records in the local area, with the nearest record occurring approximately 3.8 kilometres from the application area (Western Australian Herbarium, 1998-). *Eremophila sp. Hamersley Range (K. Walker KW 136)* has been recorded within gullies, on hills high within the landscape, and upper slopes in association with the banded ironstone of the Brockman Iron Formation (Western Australian Herbarium, 1998-). Noting the habitat and soil characteristics within the application area, and the primarily degraded condition of the vegetation within the application area (ENV, 2009a), *Eremophila sp. Hamersley Range (K. Walker KW 136)* is not likely to occur within the application area.

Based on habitat preferences, including soil and vegetation types, the results from the flora and vegetation survey, and the primarily degraded vegetation condition (ENV, 2009a), the remaining conservation significant flora taxa are not likely to occur within the application area. Noting the above, and given the vegetation within the application area is situated within the Great Northern Highway road reserve and adjacent to existing rail infrastructure, the application area is not likely to comprise a high level of diversity or significant habitat for conservation significant flora.

The flora and vegetation survey did not record any threatened ecological communities (TECs) or priority ecological communities (PECs) within the application area (ENV, 2009a). According to available databases, no TECs or PECs have been mapped within the application area. An occurrence of the Ethel Gorge Aquifer Stygobiont community, an endangered stygofauna (groundwater fauna) based community (ENV, 2009a), is situated approximately 4 kilometres from the application area. The buffer for this community is mapped within the application area. The Department of Biodiversity, Conservation and Attractions (DBCA; 2020) identifies the key threats to the community to include dewatering and salinisation of the aquifer that supports the community. The Fortescue Valley Sand Dunes (Priority 3) PEC is also mapped within the local area, approximately 36 kilometres from the application area. The vegetation within the application area is not likely to be representative of these ecological communities. The proposed clearing and purpose of bridge strengthening, protection, and associated works within the existing road reserve is not likely to significantly impact conservation significant communities within the local area.

According to available databases, 27 fauna species of conservation significance have been recorded within the local area (DBCA, 2007-). None of these records occur within the application area. The nearest conservation significant fauna record is Peregrine falcon (*Falco peregrinus*), located approximately one kilometre from the application area (DBCA, 2007-). The

terrestrial fauna survey did not record any conservation significant fauna within the application area (ENV 2009b). Noting the primarily degraded condition of the vegetation within the application area, the relatively small extent of clearing proposed, and that the habitat types identified within the application area are well represented throughout the region with similar habitat adjacent to the area under application (ENV 2009b), the vegetation application area is not likely to provide significant habitat for conservation significant fauna.

The national objectives and targets for biodiversity conservation in Australia has a target to prevent clearance of ecological communities with an extent below 30 per cent of that present pre-1750, below which species loss appears to accelerate exponentially at an ecosystem level (Commonwealth of Australia 2001). The Pilbara Interim Biogeographic Regionalisation for Australia (IBRA), Beard vegetation association 18 (Shepherd, 2007) and local area retain approximately 99.6, 99.8 and 99.1 per cent remnant vegetation, respectively. Noting the pre-European remaining vegetation extents exceed the 30 per cent thresholds, the vegetation within the application area is not considered to occur within an area that has been extensively cleared.

The application area is mapped within an environmentally sensitive area associated with the Ethel Gorge Aquifer Stygobiont community buffer. Noting the community is associated with groundwater fauna, the vegetation within the application area is not likely to represent the community. Noting the small extent of clearing proposed, the primarily degraded vegetation condition within the application area, the proposed purpose of the clearing is for bridge strengthening and associated works, and that the local area retains more than 99 per cent remnant vegetation, the proposed clearing is not likely to significantly impact this community, or sever ecological linkages within the landscape.

The assessment against the clearing principles outlined in Schedule 5 of the *Environmental Protection Act 1986* is unchanged and can be found in the decision reports prepared for CPS 3596/1 and CPS 3596/2 (DEC, 2010; DER 2015).

Planning instruments and other relevant matters

On 9 July 2020, BHP Billiton Iron Ore Pty Ltd (BHP) applied to amend native vegetation clearing permit CPS 3596/2. The clearing permit application was advertised on the Department of Water and Environmental Regulation (DWER) website on 16 October 2020, inviting submissions from the public within a 14-day period. No submissions were received in relation to this application.

The amendment to clearing permit CPS 3596/2 has been made to extend the permit duration until 30 November 2035. BHP's (2020) application to amend requested that condition 8(b) is removed from the permit. This condition requires the removal of weeds within areas cleared under this permit at least once in each 12 month period for the term of the Permit. BHP (2020a) advised that the surrounds of the area approved under CPS 3596/2 comprises more than twenty different weed species, and seeds from these species are continually introduced into the CPS 3956/2 envelope via traffic and drainage from the Great Northern Highway. BHP (2020a) advised that the annual control of weeds within the permit area does not provide an environmental benefit due to the small area of the permit, the presence of weeds at a regional level and the continued introduction of regional weeds via highway traffic and highway drainage. Noting the above, the Delegated Officer decided to remove the condition.

Main Roads Western Australia advised no objection to the renewal of the clearing permit for the purpose of bridge strengthening, bridge protection and associated works over the Great Northern Highway (BHP, 2020b).

On 16 October 2020, DWER invited the Shire of East Pilbara to comment on the application to amend clearing permit CPS 3596/2. No comments were received from the Shire of East Pilbara.

One Aboriginal Site of Significance, 'Pumping Station' (Place ID 17394), is mapped within the application area. It is the applicant's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no Sites of Aboriginal Significance are damaged through the clearing process.

The application area intersects an Offset Register area associated with BHP's Eastern Ridge Iron Ore Revised Proposal assessed under Part IV of the EP Act (OEPA reference 191). The offset and mitigation requirements under the Part IV assessment are not required directly over the application area, but rather requires the proponent to contribute funds to a government established conservation offset fund to counterbalance the significant residual impacts on native vegetation in 'Good to Excellent' condition.

4. References

BHP Billiton Iron Ore Pty Ltd (BHP; 2010) Great Northern Highway Bridge Strengthening Project, Application to Clear Native Vegetation (Purpose Permit) Under the *Environmental Protection Act 1986* (DWER Ref: DOC119554).

BHP Billiton Iron Ore Pty Ltd (BHP; 2020a) Application to Amend Native Vegetation Clearing Permit CPS 3596/2 – Great Northern Highway Bridge (DWER Ref: A1911791).

BHP Billiton Iron Ore Pty Ltd (BHP; 2020b) Supporting Information for application to amend – Main Roads Western Australia authorisation (DWER Reference A1927458).

Department of Biodiversity, Conservation and Attractions (DBCA; 2007-) NatureMap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife. URL: http://naturemap.dpaw.wa.gov.au/ (accessed September 2020).

Department of Biodiversity, Conservation and Attractions (DBCA; 2020). Recovery plans and interim recovery plans. https://www.dpaw.wa.gov.au/plants-and-animals/threatened-species-and-communities/wa-s-threatenedecological-communities. Accessed September 2020.

Department of Environment and Conservation (DEC; 2010) CPS 3596/1 Clearing Permit Decision Report and Permit (DWER Ref: A326561).

Department of Environmental Regulation (DER, 2015) CPS 3596/2 Clearing Permit Decision Report and Permit (DWER Ref: A916852).

ENV Australia (2019a) Newman to Jimblebar Transmission Line and Newman Town Substation Flora and Vegetation Assessment prepared for Worley Parsons.

ENV Australia (2019b) Newman To Jimblebar Transmission Line and Newman Town Substation Vertebrate Fauna Assessment prepared for Worley Parsons.

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. (2007) Adapted from: 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.

Western Australian Herbarium (1998-) FloraBase - the Western Australian Flora. Department of Biodiversity, Conservation and Attractions. https://florabase.dpaw.wa.gov.au/ (accessed September 2020).