



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Purpose Permit Number: 3704/1
File Number: DEC14376
Duration of Permit: From 27 June 2010 to 27 June 2015

PERMIT HOLDER

BHP Billiton Nickel West Pty Ltd

LAND ON WHICH CLEARING IS TO BE DONE

Within the pipeline easements of E924171, C959055, D050560, D050561, D050562, E036174, E629101, E227234, E629102, E924171, E924172, E629099 and E227233 over the below properties.

LOT 5 ON PLAN 18088 (House No. 270 PATTERSON KWINANA BEACH 6167)
LOT 1634 ON PLAN 27291 (EAST ROCKINGHAM 6168)
LOT 1 ON DIAGRAM 62220 (House No. 26 OFFICE EAST ROCKINGHAM 6168)
LOT 9001 ON PLAN 35112 (EAST ROCKINGHAM 6168)
LOT 2243 ON PLAN 176207 (House No. 44 OFFICE EAST ROCKINGHAM 6168)
LOT 1728 ON PLAN 166742 (House No. 60 OFFICE EAST ROCKINGHAM 6168)
LOT 622 ON PLAN 117585 (House No. 90 OFFICE EAST ROCKINGHAM 6168)
LOT 153 ON PLAN 245392 (EAST ROCKINGHAM 6168)
ROAD RESERVE (EAST ROCKINGHAM 6168)
ROAD RESERVE (KWINANA BEACH 6167)
LOT 4662 ON PLAN 95174 (EAST ROCKINGHAM 6168)
LOT 4220 ON PLAN 192602 (EAST ROCKINGHAM 6168)
LOT 55 ON PLAN 8163 (EAST ROCKINGHAM 6168)
LOT 54 ON PLAN 8163 (EAST ROCKINGHAM 6168)
LOT 52 ON PLAN 8163 (EAST ROCKINGHAM 6168)
LOT 51 ON PLAN 8163 (EAST ROCKINGHAM 6168)
LOT 50 ON PLAN 8163 (EAST ROCKINGHAM 6168)
LOT 51 ON DIAGRAM 57664 (EAST ROCKINGHAM 6168)
LOT 4332 ON PLAN 10534 (EAST ROCKINGHAM 6168)
LOT 4641 ON PLAN 27775 (EAST ROCKINGHAM 6168)
LOT 4333 ON PLAN 10534 (EAST ROCKINGHAM 6168)
LOT 495 ON PLAN 245449 (LEDA 6170)
UNALLOCATED CROWN LAND (LEDA 6170)
LOT 479 ON PLAN 27773 (LEDA 6170)
LOT 310 ON PLAN 244038 (LEDA 6170)
UNALLOCATED CROWN LAND (LEDA 6170)
CLOSED ROAD (LEDA 6170)
LOT 396 ON PLAN 219858 (LEDA 6170)
LOT 777 ON PLAN 3893 (LEDA 6170)
UNALLOCATED CROWN LAND (LEDA 6170)
UNALLOCATED CROWN LAND (LEDA 6170)
LOT 502 ON PLAN 56798 (LEDA 6170)
LOT 4335 ON PLAN 11170 (LEDA 6170)
LOT 4639 ON PLAN 27786 (LEDA 6170)
LOT 504 ON PLAN 56798 (LEDA 6170)
LOT 2209 ON PLAN 211650 (Lot No. 2209 MILLAR BALDIVIS 6171)

PURPOSE FOR WHICH THE CLEARING MAY BE DONE

1. Clearing for the purposes of pipeline replacement.

CONDITIONS

1. The Permit Holder must not clear more than 1 hectare of native vegetation within the combined areas cross hatched yellow on attached Plan 3704/1a and Plan 3704/1b.

A handwritten signature in black ink, appearing to read 'K Faulkner', is written over a horizontal line.

Kelly Faulkner
MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

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

27 May 2010

Plan 3704/1a



LEGEND

-  Cadastre
-  Road Centrelines
-  Clearing Instruments
-  Areas Approved to Clear

Swan Coastal Plain Central
20cm Orthomosaic - Landgate
2009



Scale 1:10983
(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.

K Faulkner Date 27/5/10

K Faulkner

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

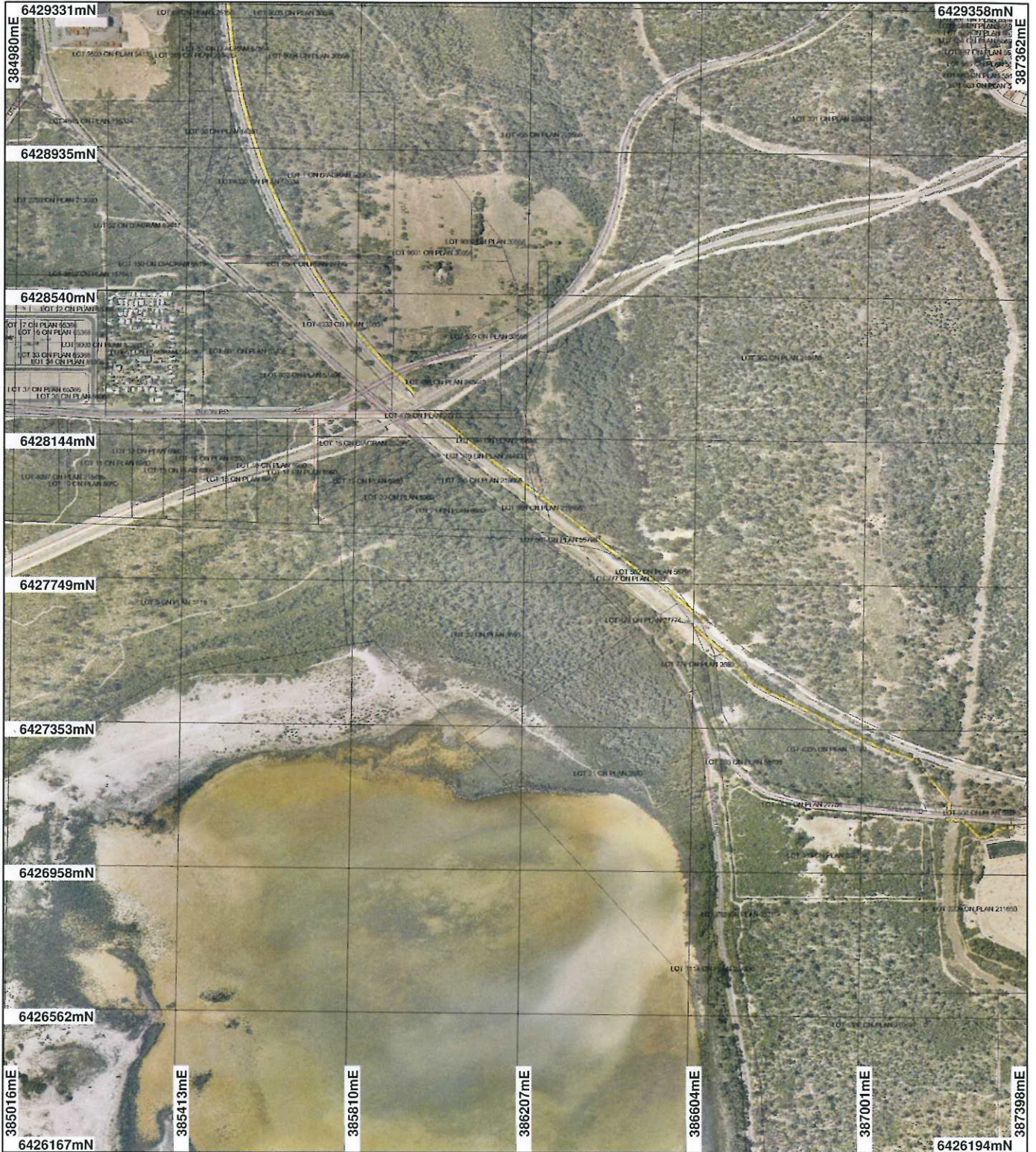
Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.



Department of Environment and Conservation

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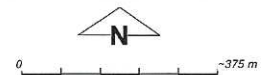
Plan 3704/1b



LEGEND

- Cadastre
- Road Centrelines
- Clearing Instruments
- Areas Approved to Clear

Swan Coastal Plain Central
20cm Orthomosaic - Landgate
2009



Scale 1:13981
(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.

K Faulkner Date 27/5/10

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.: 3704/1
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: BHP Billiton Nickel West Pty Ltd

1.3. Property details

Property:

- LOT 5 ON PLAN 18088 (House No. 270 PATTERSON KWINANA BEACH 6167)
- LOT 1634 ON PLAN 27291 (EAST ROCKINGHAM 6168)
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- LOT 2209 ON PLAN 211650 (Lot No. 2209 MILLAR BALDIVIS 6171)

Local Government Area:

Colloquial name:

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
1		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
Mapped Beard (1980) vegetation association 998 is described as Medium woodland; tuart	The proposed clearing is for the replacement of three existing pipelines running from the Nickel Refinery to the pond site.	Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994)	The vegetation condition was determined through orthomosaic imagery.
Association 3048 - Shrublands; scrub-heath on the Swan Coastal Plain (Shepherd, 2007)	The area proposed to be cleared is up to 1ha and covers approximately a 7km route where the pipeline will be replaced.		
Mapped Heddle Vegetation Complex Cottesloe Central & South is described as a Mosaic of woodland of Eucalyptus gomphocephala (Tuart) and open forest of Eucalyptus gomphocephala (Tuart) - Eucalyptus marginata (Jarrah) - Corymbia calophylla (Marri); closed heath on the Limestone outcrops.	The vegetation under application considered to be in 'degraded' (Keighery, 1994) condition.		
Qunidalup Complex - Coastal dune complex consisting mainly of two alliances - the strand and fore-dune alliance and the mobile and stable dune alliance. Local variations include the low closed forest of Melaleuca lanceolata (Rottnest Teatree) - Callitris preissii (Rottnest Island Pine) and the closed scrub of Acacia rostellifera (Summer-scented Wattle).			

3. Assessment of application against clearing principles

Comments

The proposal to clear up to 1 hectare of native vegetation for the purpose of pipeline replacement is unlikely to have any significant environmental impacts. The vegetation under application is considered to be in 'degraded' (Keighery, 1994) condition.

There are several threatened and priority fauna species recorded within the local area (5km radius), however the area under application is in 'degraded' (Keighery, 1994) condition and is a small section over a long linear area that has been previously disturbed. There are three occurrences of a rare flora located within the local area in the same mapped vegetation and soil type as the area under application, *Diuris micrantha*, the closest of which is located 4km to the north of the application area. *Diuris micrantha* prefers brown loamy clay soils in winter-wet swamps, however this is not representative of the application area.

The area is within the buffer of a threatened ecological community (TEC), which is described as Woodlands over sedgeland in Holocene dune swales of the southern Swan Coastal Plain. Given the 'degraded' (Keighery, 1994) condition of the vegetation and that the TEC is separated from the area under application by Mandurah road, it is considered unlikely that the proposed clearing will impact on the TEC.

The vegetation to be cleared is well represented in the local area, would not have a detrimental impact on fauna and is unlikely to be considered to impact on conservation areas or causing or exacerbating land degradation, water quality or flooding.

Given the above it is considered that the clearing as proposed is not likely to be at variance with any of the clearing principles.

- Methodology** References:
- Keigher (1994)
- GIS database:
- SAC Biodatasets (accessed 10 May 2010)
 - Pre European Vegetation (DA 2001)
 - Clearing Regulations, Environmentally Sensitive Areas (2009)
 - Current Extent of Native Vegetation (NLWRA 2001)
 - Hydrography linear - DOW 13/7/06
 - Soils, Statewide DA 11/99
 - Geomorphic Wetlands (Mgt Categories), Swan Coastal Plain - DEC 11/04/07

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

Comments

Part of the area under application is located on Certificate of Title LR3096/496 which has a memorial lodged on the title under the *Contaminated Sites Act 2003*. This site is classified as Possibly Contaminated – Investigation Required. This is as a result of an Ammonia Nitrate spill from a pipeline that is to be replaced after the vegetation is cleared. A Prevention Notice under section 73A of the *Environmental Protection Act 1986* was issued to the operator of the pipeline (BHP Billiton Nickel West Pty Ltd) in August 2008. Contaminated Sites Branch advise that there are no restrictions as such relating to the disturbance of soils, however it is expected that best contamination management practices be undertaken. (DEC 2010a).

DEC Kwinana Industry Regulation advises that no works approval is necessary (DEC 2010b).

One public submission was received stating that the soil around the pipelines is contaminated from past leaks and that stockpiled soil will pose a threat to the environment and workers. The submission states that the soil would need to be segregated and disposed of in an appropriate landfill site and DMP are involved in the replacement of the pipelines (Submission, 2010).

DEC will advise the proponent to contact the Contaminated Sites Branch to ensure compliance with the *Contaminated Site Act 2003*.

DMP advise that no *Mining Act 1978* approvals are required for the proposed works.

Native Title is not an issue as a pipeline easement runs over the pipeline route.

One site of Aboriginal Site of Significance (East Rockingham Cemetery) occurs over part of the application, DEC will advise the proponent to ensure compliance with the *Aboriginal Heritage Act 1972*.

- Methodology** References:
- DEC (2010a)
 - DEC (2010b)
 - Submission (2010)
- GIS database:
- Cadastre - Landgate Dec 07
 - Native Title Claims - LA 2/5/07
 - RIWI Act, Groundwater Areas - DoW 13/07/06
 - Aboriginal Sites of Significance 26 April 2007
 - CALM Managed Lands and Waters - CALM 01/06/05

4. Assessment 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 is not likely to be at variance to all of the clearing Principles.

5. References

- DEC (2010a) Contaminated Sites Branch Advice. Department of Environment and Conservation DEC Ref: A306751
- DEC (2010b) Kwinana Industry Regulation Advice. Department of Environment and Conservation DEC Ref: A304416
- Hedde, E. M., Loneragan, O. W., and Havel, J. J. (1980) Vegetation Complexes of the Darling System, Western Australia. In Department of Conservation and Environment, Atlas of Natural Resources, Darling System, 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.
- 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.
- Submission (2010) Public Submission DEC Ref: A304601.

6. Glossary

Term	Meaning
CALM	Department of Conservation and Land Management (now DEC)
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)
DoW	Department of Water
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)