



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 4112/3
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: BHP Billiton Iron Ore Pty Ltd

1.3. Property details

Property: Miscellaneous Licence 45/190
Local Government Area: Town of Port Hedland
Colloquial name: Mooka Marshalling Yards Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
221		Mechanical Removal	Construction and maintenance of rail infrastructure, roads and associated activities

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 28 January 2016

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description The application area has been broadly mapped as the following Beard vegetation associations (GIS Database):
93: Hummock grasslands, shrub steppe; kanji over soft spinifex; and
647: Hummock grasslands, dwarf-shrub steppe; *Acacia translucens* over soft spinifex.

A Level 1 flora and vegetation survey of the original application area (CPS 4112/1) was conducted by Maia Environmental Consultancy in August 2010. The following three vegetation communities were identified within the original application area (Maia Environmental Consultancy, 2010):

1. Hummock Grassland of *Triodia epactia* and *Triodia lanigera* with an Open Shrubland of *Acacia inaequilatera*, *Acacia ancistrocarpa* and *Acacia stellaticeps* and +/- scattered low trees of *Corymbia hamersleyana* on plains;
2. Hummock Grassland of *Triodia secunda* on low lying seasonally inundated areas; and
3. High Shrubland of *Acacia tumida* var. *pilbarensis* and *Acacia colei* var. *colei*, with a low open Shrubland of *Hybanthus aurantiacus* with very open Hummock Grassland of *Triodia epactia* on flood plains and at the base of Granite Domes and Tors.

There were also areas that were mapped as being 'cleared for infrastructure'.

A Level 2 flora and vegetation survey was undertaken by ENV over the Port Hedland area in April and May 2011, and included the amendment area for CPS 4112/2. ENV (2011) identified the following vegetation community in the additional area:

4. Sandplain Q – Low open *Corymbia zygophylla* woodland over open *Acacia ancistrocarpa*, *Acacia inaequilatera*, *Acacia tumida* var. *pilbarensis* and *Acacia sericophylla* shrubland over *Acacia stellaticeps* low open shrubland over *Triodia epactia* and *Triodia lanigera* hummock grassland.

Clearing Description Mooka Marshalling Yards Project.
BHP Billiton Iron Ore Pty Ltd proposes to clear up to 221 hectares of native vegetation within a total boundary of approximately 587.6 hectares, for the purpose of construction and maintenance of rail infrastructure, roads, and associated activities. The project is located approximately 22 kilometres south of Port Hedland, in the Town of Port Hedland.

Vegetation Condition Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994);
to
Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).

Comment

The vegetation condition was assessed by botanists from Maia Environmental Consultancy and ENV.

Parts of the application area have been previously cleared for rail infrastructure and a quarry.

Clearing permit CPS 4112/1 was granted on 10 February 2011 and authorised the clearing of 221 hectares within a boundary of approximately 568 hectares. Amended permit CPS 4112/2 was granted on 15 August 2013, increasing the permit boundary to approximately 587.6 hectares and changing the purpose of the clearing to include roads. The amount of clearing authorised remained at 221 hectares.

On 30 November 2015, BHP Billiton Iron Ore Pty Ltd applied to amend CPS 4112/2 to change the permit expiry date from 5 March 2016 to 30 November 2025.

3. Assessment of application against clearing principles

Comments

The amendment to extend the permit duration by ten years is unlikely to result in any significant change to the environmental impacts of the proposed clearing. The size of the area approved to clear (221 hectares) and the permit boundaries remain unchanged.

The assessment of the proposed clearing against the clearing principles remains consistent with the assessment contained in decision reports CPS 4112/1 and CPS 4112/2.

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

Comments

There is one native title claim over the application area (WC1999/003) (DAA, 2016). This claim has been registered with the National Native Title Tribunal on behalf of the claimant group. However, the mining tenement has 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*.

There are no registered Aboriginal Sites of Significance within the application area (DAA, 2016). 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, the 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 DAA (2016)

4. References

- DAA (2016) Aboriginal Heritage Enquiry System. Department of Aboriginal Affairs. <http://maps.dia.wa.gov.au/AHIS2/>
- ENV (2011) Port Hedland Regional Flora and Vegetation Assessment. Unpublished report for BHP Billiton Iron Ore Pty Ltd.
- Government of Western Australia (2014) 2014 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of June 2014. WA Department of Parks and Wildlife, Perth.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Maia Environmental Consultancy (2010) BHPBIO Mooka Siding, Level One Flora and Vegetation Assessment. Unpublished report for BHP Billiton Iron Ore Pty Ltd, December 2010.

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
TEC	Threatened Ecological Community

Definitions:

{DPaW (2015) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia}:-

- T** **Threatened species:**
Published as Specially Protected under the *Wildlife Conservation Act 1950*, listed under Schedules 1 to 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora (which may also be referred to as Declared Rare Flora).
Threatened fauna is that subset of ‘Specially Protected Fauna’ declared to be ‘likely to become extinct’ pursuant to section 14(4) of the Wildlife Conservation Act.
Threatened flora is flora that has been declared to be ‘likely to become extinct or is rare, or otherwise in need of special protection’, pursuant to section 23F(2) of the Wildlife Conservation Act.
The assessment of the conservation status of these species is based on their national extent and ranked according to their level of threat using IUCN Red List categories and criteria as detailed below.
- CR** **Critically endangered species**
Threatened species considered to be facing an extremely high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.
- EN** **Endangered species**
Threatened species considered to be facing a very high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.
- VU** **Vulnerable species**
Threatened species considered to be facing a high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.
- EX** **Presumed extinct species**
Species which have been adequately searched for and there is no reasonable doubt that the last individual has died. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Presumed Extinct Fauna and Wildlife Conservation (Rare Flora) Notice for Presumed Extinct Flora.
- IA** **Migratory birds protected under an international agreement**
Birds that are subject to an agreement between the government of Australia and the governments of Japan (JAMBA), China (CAMBA) and The Republic of Korea (ROKAMBA), and the Bonn Convention, relating to the protection of migratory birds. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 5 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- CD** **Conservation dependent fauna**
Fauna of special conservation need being species dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 6 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- OS** **Other specially protected fauna**
Fauna otherwise in need of special protection to ensure their conservation. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 7 of the Wildlife Conservation (Specially Protected Fauna) Notice.

- P** **Priority species**
 Species which are poorly known; or
 Species that are adequately known, are rare but not threatened, and require regular monitoring. Assessment of Priority codes is based on the Western Australian distribution of the species, unless the distribution in WA is part of a contiguous population extending into adjacent States, as defined by the known spread of locations.
- P1** **Priority One - Poorly-known species:**
 Species that are known from one or a few locations (generally five or less) which are potentially at risk. All occurrences are either: very small; or on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, road and rail reserves, gravel reserves and active mineral leases; or otherwise under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes. Such species are in urgent need of further survey.
- P2** **Priority Two - Poorly-known species:**
 Species that are known from one or a few locations (generally five or less), some of which are on lands managed primarily for nature conservation, e.g. national parks, conservation parks, nature reserves and other lands with secure tenure being managed for conservation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes. Such species are in urgent need of further survey.
- P3** **Priority Three - Poorly-known species:**
 Species that are known from several locations, and the species does not appear to be under imminent threat, or from few but widespread locations 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 locations but do not meet adequacy of survey requirements and known threatening processes exist that could affect them. Such species are in need of further survey.
- 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 are close to qualifying for Vulnerable, but are not listed as Conservation Dependent.
 (c) Species that have been removed from the list of threatened species during the past five years for reasons other than taxonomy.

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.