



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 4242/2
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: BHP Billiton Iron Ore Pty Ltd

1.3. Property details

Property: Iron Ore (Mount Goldsworthy) Agreement Act 1964, Special Lease for Mining Operations 3116/6178, Document J998595 L, Lot 3000 on Deposited Plan 51079; Lot 370 on Deposited Plan 35619, Lot 372 on Deposited Plan 35620, Lot 376 on Deposited Plan 54518, pursuant to Section 25(2)(b) of the *Port Authorities Act 1999* (Port Hedland Port Authority)

Local Government Area: Town of Port Hedland
Colloquial name: Hunt Point Project

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 30 April 2015

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description	Vegetation Description:
	Beard vegetation associations have been mapped for the whole of Western Australia and are useful to look at vegetation extent in a regional context. The vegetation of the application area is broadly mapped as: Beard vegetation association 117: Hummock grasslands, grass steppe; soft Spinifex (GIS Database). ENV Australia (2010) conducted a flora survey of the application area and surrounding areas on the 19 August 2010, and described the vegetation communities of the application area as follows: 1. Cenchrus Closed Tussock Grassland – Closed Tussock Grassland of <i>Cenchrus ciliaris</i> with scattered shrubs of <i>Acacia stellaticeps</i> and <i>A. bivenosa</i> over scattered herbs of <i>Ipomoea pes-caprae</i> subsp. <i>brasiliensis</i> on orange sand on sandplain; 2. Spinifex Open Tussock Grassland – Open Tussock Grassland of <i>Spinifex longifolius</i> and <i>Cenchrus ciliaris</i> with shrubland of <i>Acacia stellaticeps</i> and <i>Santalum lanceolatum</i> over scattered herbs of <i>Ipomoea pes-caprae</i> subsp. <i>brasiliensis</i> and <i>Ptilotus exaltatus</i> var. <i>exaltatus</i> on foreshore-dunes; and 3. Rehabilitated area – Scattered shrubs of <i>Acacia ampliceps</i> and <i>Casuarina obesa</i> over scattered Tussock Grassland of <i>Cenchrus ciliaris</i> on red brown loamy on rehabilitated low hill. A biological survey of the amendment area (amendment application CPS 4242/2) conducted by ENV Australia (2010) identified two existing vegetation communities; <i>Cenchrus</i> Closed Tussock Grassland and Rehabilitated area. Large areas of the amendment area was mapped as cleared/degraded (ENV Australia, 2010).
Clearing Description	Hunt Point Project. BHP Billiton Iron Ore Pty Ltd proposes to clear up to 12 hectares of native vegetation, within a total boundary of approximately 47.65 hectares, for the purpose of port infrastructure. The project is located approximately 3 kilometres west of Port Hedland in the Town of Port Hedland.
Vegetation Condition	Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994); To: Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994).

Comment

The vegetation condition was derived from a vegetation survey conducted by ENV Australia (2010).

The vegetation will be cleared using a bulldozer, grader and manual removal. The vegetation and topsoil will be stockpiled separately for use in rehabilitation.

Clearing permit CPS 4242/1 was granted by Department of Mines and Petroleum on 12 May 2011 and authorised the clearing of up to 12 hectares of native vegetation within an area totalling approximately 44.04 hectares.

On 9 March 2015 BHP Billiton Iron Ore Pty Ltd applied to amend CPS 4242/1 for the purpose of increasing the permit boundary to 47.65 hectares, extending the duration of the permit and amending the annual reporting date.

3. Assessment of application against clearing principles

Comments

BHP Billiton Iron Ore Pty Ltd has applied to increase the clearing permit boundary from 44.04 hectares to 47.65 hectares, extend the duration of the permit to 30 November 2022, and amend the annual reporting date to 1 October. The area permitted to clear remains the same (12 hectares).

A flora and vegetation survey of the amendment area conducted by ENV (2010) identified two existing vegetation types occurring within the extended permit boundary. These vegetation types are in a degraded condition, and are not considered to be of higher diversity than those assessed within CPS 4242/1. The vegetation types are not considered to be a remnant, either locally or regionally. The eastern boundary of the amendment area was mapped as cleared/degraded by ENV Australia (2010). The vegetation types recorded are not considered to be a Threatened or Priority Ecological Community (ENV Australia, 2010; GIS Database).

One Priority Flora species was recorded within the amendment area; *Tephrosia rosea* var. Port Hedland (A.S. George 1114) (Priority 1). Approximately five individuals were recorded within the amendment area within the Cenchrus Closed Tussock Grassland vegetation type and Rehabilitated area (ENV Australia, 2010). Favourable habitat types for this species are coastal dunes and plains vegetation types (Western Australian Herbarium, 2015). These habitat types persist outside and adjacent to the amendment area, and are in a better condition (ENV Australia, 2010). ENV Australia (2010) recorded three populations of *Tephrosia rosea* var. Port Hedland (A.S. George 1114) within 700 metres of the amendment area. Based on this, the proposed clearing of the recorded individuals is unlikely to significantly impact the conservation status of this species.

Therefore, the proposed clearing is not likely to be at variance to Principles (a), (c) and (d), and is not at variance to Principle (e).

There fauna habitats present within the amendment area are consistent with those assessed in clearing permit decision report CPS 4242/1. Therefore, the proposed clearing is not likely to be at variance to Principle (b).

Current environmental information has been reviewed and the assessment of clearing principles (f), (g), (h), (i) and (j) is consistent with the assessment in clearing permit decision report CPS 4242/1.

Methodology

ENV Australia (2010)
Keighery (1994)
Western Australian Herbarium (2015)
GIS Database:
- DEC Tenure
- Hydrography, linear
- IBRA WA (Regions – Sub Regions)
- Pre-European Vegetation
- Public Drinking Water Source Areas
- Threatened and Priority Flora
- Threatened Ecological Sites Buffered

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

Comments

There is one Native Title claim over the area under application (GIS Database). The claim WC99/3 has been registered with the National Native Title Tribunal on behalf of the claimant group. However, the mining tenure 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 two known registered Aboriginal Sites of Significance within the application area (GIS Database). 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, 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.

The clearing permit application was advertised on 30 March 2015 by the Department of Mines and Petroleum inviting submissions from the public. No submissions were received.

- Methodology** GIS Database:
- Aboriginal Sites of Significance
 - Native Title Claims - Registered with the NNTT
 - Native Title Claims - Filed at the Federal Court
 - Native Title Claims - Determined by the Federal Court

4. References

- ENV Australia (2010) Hunt Point beach flora and vegetation and fauna assessment. Unpublished report prepared for BHP Billiton Iron Ore Pty Ltd.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Western Australian Herbarium (2015) FloraBase - The Western Australian Flora. Department of Parks and Wildlife, viewed 21 April 2015 <<http://florabase.dpaw.wa.gov.au/>>.

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 DPaW 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.