



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 4521/2
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 Newman) Agreement Act 1964, Mineral Lease 244SA (AML70/244)
Local Government Area: Shire of East Pilbara
Colloquial name: Jinidi Accommodation Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
125		Mechanical Removal	Mineral exploration

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 28 July 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 mapped as the following Beard vegetation associations:

- 18: Low woodland; mulga (*Acacia aneura*) and;
- 82: Hummock grasslands, low tree steppe: Snappy Gum over *Triodia wiseana*.

ENV Australia (2010a) identified six vegetation communities within the application area using a primary vegetation survey of the application area by ENV Australia (2010b) and a supporting flora survey by Onshore (2011). ENV Australia (2010a) described the vegetation communities of the application area as follows:

1. Open hummock grassland of *Triodia pungens* and *Triodia longiceps* with low open woodland of *Eucalyptus victrix*, *Eucalyptus cerothermica* and *Eucalyptus camaldulensis* subsp. *refulgens* with high shrubland of *Acacia aneura*, *Acacia pyrifolia* and *Petalostylis labicheoides* on alluvial red-brown clay loam on floodplains/drainage lines;
2. Hummock grassland of *Triodia wiseana* and *Triodia pungens* with shrubland of *Petalostylis labicheoides*, *Rulingia luteiflora* and mixed *Acacia* species with low open woodland of *Eucalyptus xerothermica*, *Corymbia hamersleyana* and *Eucalyptus gamophylla* on red-brown alluvial clay loam on floodplains;
3. Hummock grassland of *Triodia wiseana* and *Triodia pungens* with shrubland of *Petalostylis labicheoides*, *Acacia aneura* and *Acacia pruinocarpa* with low open woodland of *Eucalyptus xerothermica*, *Corymbia hamersleyana* and *Eucalyptus leucophloia* subsp. *leucophloia* on red-brown loam on drainage lines/floodplains;
4. Hummock grasslands of *Triodia* sp. Shovelanna Hill, *Triodia wiseana* and *Triodia pungens* with low open woodland of *Eucalyptus leucophloia* subsp. *leucophloia*, *Corymbia hamersleyana*, *Eucalyptus gamophylla* and *Corymbia deserticola* subsp. *deserticola* with shrubland of *Acacia bivenosa*, *Acacia inaequilatera* and *Acacia ancistrocarpa* on red-brown loam on footslopes;
5. High shrubland of *Acacia aneura* var. *intermedia*, *Acacia aneura* var. *pilbarana* and *Acacia catenulate* subsp. *occidentalis* with low open woodland of *Eucalyptus leucophloia* subsp. *leucophloia* and *Corymbia hamersleyana* with very open hummock grassland of *Triodia pungens* and *Triodia wiseana* on red-brown clay loam on hillcrests and breakaways; and
6. Low open woodland of *Eucalyptus leucophloia* subsp. *leucophloia* and *Corymbia hamersleyana* with low open shrubland of *Senna venusta*, *Scaevola parvifolia* subsp. *pilbarae* and *Ptilotus obovatus* with very open tussock grassland of *Aristida holathera* var. *latifolia* and *Aristida holathera* var. *holathera* on red-brown loam on lower footslopes.

Clearing Description Jinidi Accommodation Project

BHP Billiton Iron Ore Pty Ltd proposes to clear up to 125 hectares of native vegetation within an application area of approximately 538.21 hectares for the purposes of an accommodation village and associated infrastructure. The proposal is located approximately 55 kilometres north-west of Newman within the Shire of East Pilbara.

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 Clearing Permit CPS 4521/1 was granted by the Department of Mines and Petroleum (DMP) on 22 September 2011 and authorised the clearing of up to 125 hectares of native vegetation within a clearing permit boundary of approximately 538.21 hectares. The clearing was authorised for the purpose of accommodation and associated infrastructure.

3. Assessment of application against Clearing Principles

Comments BHP Billiton Iron Ore Pty Ltd has applied to amend CPS 4521/1 to extend the permit duration by ten years and change the clearing permit reporting date.

The amount of clearing authorised and permit boundary remain unchanged.

The proposed amendment is unlikely to result in any significant change to the environmental impacts of the proposed clearing. The assessment against the clearing principles remains consistent with the assessment contained in decision report CPS 4521/1.

Planning instrument, Native Title, RIWI Act Licence, EP Act Licence, Works Approval, Previous EPA decision or other matter.

Comments There is one native title claim over the area under application (DAA, 2016). This claim (WC2005/006) has been registered with the 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*.

According to available databases, there are three 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, 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 Inquiry System, Government of Western Australia, Department of Aboriginal Affairs, Perth, <http://maps.dia.wa.gov.au/AHIS2/> (Accessed 13 July 2016).
- ENV Australia (2010a) Jinayri Lease Flora and Vegetation Survey. Report prepared by ENV Australia Pty Ltd for BHP Billiton Iron Ore Pty Ltd, August 2010.
- ENV Australia (2010b) Jinayri Access Road Flora and Vegetation Survey. Report prepared by ENV Australia Pty Ltd for BHP Billiton Iron Ore Pty Ltd, August 2010.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Onshore (2011) Jinidi Project Flora and Vegetation Impact Assessment Report. Unpublished report prepared for BHP Billiton Iron Ore Pty Ltd.

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.