



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 4711/2
Permit type: Purpose

1.2. Proponent details

Proponent's name: BHP Billiton Iron Ore Pty Ltd

1.3. Property details

Property: Miscellaneous Licence 45/194
Local Government Area: Town of Port Hedland
Colloquial name: Mooka Ore Car Repair Shop Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
550		Mechanical Removal	Railway Siding and Associated Infrastructure

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 20 June 2013

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description Beard vegetation associations have been mapped for the whole of Western Australia. Two Beard vegetation associations have been mapped within the application area (GIS Database; Shepherd, 2009):

93: Hummock grasslands, shrub steppe; kanji over soft spinifex; and

647: Hummock grasslands, dwarf-shrub steppe; *Acacia translucens* over soft spinifex.

A flora and vegetation survey of the central and southern section of the application area was conducted by Maia (2010) in August 2010. This survey identified the following three vegetation associations within the application area (Maia, 2010):

- Te.HG - *Triodia epactia* and *Triodia lanigera* hummock grassland with *Acacia inaequilatera* tall sparse shrubland, *Acacia ancistrocarpa* and *Acacia stellaticeps* mid open shrubland +/- *Corymbia hamersleyana* isolated low trees on sandplains;

- Ts.HG - *Triodia secunda* hummock grassland on low lying seasonally inundated areas; and

- At.SL - 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.

A regional flora and vegetation survey of the Port Hedland area was conducted by ENV (2011) in February 2011. This survey covered a section in the north of the application area and identified the following two vegetation types within the application area (ENV, 2011):

- Sandplain N - 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; and

- Sandplain Q - Scattered low *Corymbia flavescens* trees over an open *Acacia ancistrocarpa* and *Acacia bivenosa* shrubland over scattered low *Acacia stellaticeps* shrubs over a *Triodia epactia* and *Triodia lanigera* hummock grassland.

Clearing Description BHP Billiton Iron Ore Pty Ltd is proposing to clear up to 550 hectares of native vegetation within a broader boundary of approximately 1,672 hectares for the purpose of constructing a railway siding and associated infrastructure.

Clearing will be conducted using mechanical means.

Vegetation Condition Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994);

to

Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).

Comment The application area is located within the Pilbara region of Western Australia and is situated approximately 17 kilometres south of Port Hedland.

Clearing permit CPS 4711/1 was granted by the Department of Mines and Petroleum (DMP) on 9 February 2012 and allowed for the clearing of 550 hectares of native vegetation within a permit boundary of approximately 1,576 hectares. An application to amend this permit was received by DMP on 6 May 2013. The application requested an increase in the permit boundary to approximately 1,672 hectares. There is no change to the amount of clearing authorised (550 hectares). The increase in permit boundary includes two separate areas, one at the northern end of the permit area and one at the southern end of the permit area.

3. Assessment of application against clearing principles

Comments

BHP has applied to amend clearing permit CPS 4711/1 by increasing the size of the permit area from approximately 1,600 hectares to 1,672 hectares. The area to be cleared will remain the same (550 hectares).

The additional area is located in two separate sections. "Amendment Area 1", at the northern end of the permit area, is to be used for modifications to an existing access road. "Amendment Area 2", at the southern end of the permit area, is to be used for installing fibre optic cable. Both areas are adjacent to the existing Newman to Port Hedland railway line.

Flora and fauna surveys of Amendment Area 1 determined that the vegetation associations and fauna habitat types were widespread in the surrounding areas. No flora or fauna of conservation significance were found within this area during the surveys (ENV, 2011).

A flora survey of Amendment Area 2 identified two populations of the Priority 1 species, *Heliotropium muticum* (Maia, 2010). These populations will be avoided if possible. Several other populations of this species were located in the surrounding area, outside the proposed clearing area, and the potential disturbance of two populations is not likely to significantly impact on *Heliotropium muticum*. No other flora species of conservation significance were recorded within the amendment application area. A fauna survey of Area 2 identified one fauna species of conservation significance, *Ardeotis australis* (Australia Bustard). This species is highly mobile and is unlikely to be affected by the proposed clearing.

The amendment application areas may provide foraging habitat for the Schedule 1 fauna species *Dasyurus hallucatus* (Northern Quoll), which is known to occur in the area. However, similar foraging habitat is widespread in surrounding areas, and the fauna surveys determined that no suitable den habitat occurs within either of the two amendment application areas (ENV, 2011; Biologic, 2010). Hence, the proposed clearing is unlikely to have any significant impact on the Northern Quoll.

The proposed amendment is unlikely to have any significant additional environmental impacts.

Methodology Biologic (2010)
ENV (2011)
Maia (2010)

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

Comments

There is one Native Title Claim (WC99/3) over the area under application (GIS Database). This claim 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*.

There are no 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 and Conservation 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 amendment application was advertised on 6 May 2013 by the Department of Mines and Petroleum (DMP) inviting submissions from the public. No submissions were received.

Methodology GIS Database:
- Aboriginal Sites of Significance
- Native Title Claims - Registered with the NNTT

4. References

- Biologic (2010) Mooka Siding, Level 1 / Targeted Fauna Survey Prepared for FAST JV. Unpublished Report Dated December 2010.
- ENV (2011) Port Hedland Regional Flora and Vegetation Assessment. Unpublished Report prepared for BHP Billiton Iron Ore Pty Ltd dated October 2011. ENV 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.
- Maia (2010) BHPBIO Mooka Siding. Level One Flora and Vegetation Assessment. Unpublished Report Dated December 2010.

5. Glossary

Acronyms:

BoM	Bureau of Meteorology, Australian Government
CALM	Department of Conservation and Land Management (now DEC), Western Australia
DAFWA	Department of Agriculture and Food, Western Australia
DEC	Department of Environment and Conservation, Western Australia
DEH	Department of Environment and Heritage (federal based in Canberra) previously Environment Australia
DEP	Department of Environment Protection (now DEC), Western Australia
DIA	Department of Indigenous Affairs
DLI	Department of Land Information, Western Australia
DMP	Department of Mines and Petroleum, Western Australia
DoE	Department of Environment (now DEC), Western Australia
DoIR	Department of Industry and Resources (now DMP), Western Australia
DOLA	Department of Land Administration, Western Australia
DoW	Department of Water
EP Act	Environmental Protection Act 1986, Western Australia
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999 (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
RIWI Act	Rights in Water and Irrigation Act 1914, Western Australia
s.17	Section 17 of the Environment Protection Act 1986, Western Australia
TEC	Threatened Ecological Community

Definitions:

{Atkins, K (2005). *Declared rare and priority flora list for Western Australia, 22 February 2005*. Department of Conservation and Land Management, Como, Western Australia} :-

- P1** **Priority One - Poorly Known taxa:** taxa which are known from one or a few (generally <5) populations which are under threat, either due to small population size, or being on lands under immediate threat, e.g. road verges, urban areas, farmland, active mineral leases, etc., or the plants are under threat, e.g. from disease, grazing by feral animals, etc. May include taxa with threatened populations on protected lands. Such taxa are under consideration for declaration as 'rare flora', but are in urgent need of further survey.
- P2** **Priority Two - Poorly Known taxa:** taxa which are known from one or a few (generally <5) populations, at least some of which are not believed to be under immediate threat (i.e. not currently endangered). Such taxa are under consideration for declaration as 'rare flora', but are in urgent need of further survey.
- P3** **Priority Three - Poorly Known taxa:** taxa which are known from several populations, at least some of which are not believed to be under immediate threat (i.e. not currently endangered). Such taxa are under consideration for declaration as 'rare flora', but are in need of further survey.
- P4** **Priority Four – Rare taxa:** taxa which are considered to have been adequately surveyed and which, whilst being rare (in Australia), are not currently threatened by any identifiable factors. These taxa require monitoring every 5–10 years.
- R** **Declared Rare Flora – Extant taxa** (= *Threatened Flora = Endangered + Vulnerable*): taxa which have been adequately searched for, and are deemed to be in the wild either rare, in danger of extinction, or otherwise in need of special protection, and have been gazetted as such, following approval by the Minister for the

Environment, after recommendation by the State's Endangered Flora Consultative Committee.

- X Declared Rare Flora - Presumed Extinct taxa:** taxa which have not been collected, or otherwise verified, over the past 50 years despite thorough searching, or of which all known wild populations have been destroyed more recently, and have been gazetted as such, following approval by the Minister for the Environment, after recommendation by the State's Endangered Flora Consultative Committee.

{Wildlife Conservation (Specially Protected Fauna) Notice 2005} [Wildlife Conservation Act 1950] :-

- Schedule 1 Schedule 1 – Fauna that is rare or likely to become extinct:** being fauna that is rare or likely to become extinct, are declared to be fauna that is need of special protection.
- Schedule 2 Schedule 2 – Fauna that is presumed to be extinct:** being fauna that is presumed to be extinct, are declared to be fauna that is need of special protection.
- Schedule 3 Schedule 3 – Birds protected under an international agreement:** being birds that are subject to an agreement between the governments of Australia and Japan relating to the protection of migratory birds and birds in danger of extinction, are declared to be fauna that is need of special protection.
- Schedule 4 Schedule 4 – Other specially protected fauna:** being fauna that is declared to be fauna that is in need of special protection, otherwise than for the reasons mentioned in Schedules 1, 2 or 3.

{CALM (2005). *Priority Codes for Fauna*. Department of Conservation and Land Management, Como, Western Australia} :-

- P1 Priority One: Taxa with few, poorly known populations on threatened lands:** Taxa which are known from few specimens or sight records from one or a few localities on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, active mineral leases. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P2 Priority Two: Taxa with few, poorly known populations on conservation lands:** Taxa which are known from few specimens or sight records from one or a few localities on lands not under immediate threat of habitat destruction or degradation, e.g. national parks, conservation parks, nature reserves, State forest, vacant Crown land, water reserves, etc. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P3 Priority Three: Taxa with several, poorly known populations, some on conservation lands:** Taxa which are known from few specimens or sight records from several localities, some of which are on lands not under immediate threat of habitat destruction or degradation. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P4 Priority Four: Taxa in need of monitoring:** Taxa which are considered to have been adequately surveyed, or for which sufficient knowledge is available, and which are considered not currently threatened or in need of special protection, but could be if present circumstances change. These taxa are usually represented on conservation lands.
- P5 Priority Five: Taxa in need of monitoring:** Taxa which are not considered threatened but are subject to a specific conservation program, the cessation of which would result in the species becoming threatened within five years.

Categories of threatened species (*Environment Protection and Biodiversity Conservation Act 1999*)

- EX Extinct:** A native species for which there is no reasonable doubt that the last member of the species has died.
- EX(W) Extinct in the wild:** A native species which:
(a) is known only to survive in cultivation, in captivity or as a naturalised population well outside its past range; or
(b) has not been recorded in its known and/or expected habitat, at appropriate seasons, anywhere in its past range, despite exhaustive surveys over a time frame appropriate to its life cycle and form.
- CR Critically Endangered:** A native species which is facing an extremely high risk of extinction in the wild in the immediate future, as determined in accordance with the prescribed criteria.
- EN Endangered:** A native species which:
(a) is not critically endangered; and
(b) is facing a very high risk of extinction in the wild in the near future, as determined in accordance with the prescribed criteria.
- VU Vulnerable:** A native species which:
(a) is not critically endangered or endangered; and
(b) is facing a high risk of extinction in the wild in the medium-term future, as determined in accordance with the prescribed criteria.
- CD Conservation Dependent:** A native species which is the focus of a specific conservation program, the cessation of which would result in the species becoming vulnerable, endangered or critically endangered within a period of 5 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.