



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 4831/3  
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, Mineral Lease 281SA (AML 70/281)  
Local Government Area: Shire of East Pilbara  
Colloquial name: Mining Area C Project

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
38		Mechanical Removal	Mineral Production and Associated Infrastructure

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 8 December 2016

## 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 and are useful to look at vegetation in a regional context. The following Beard vegetation associations have been broadly mapped within the application area (GIS Database):

18: Low woodland; mulga (*Acacia aneura*); and

82: Hummock grasslands, low tree steppe; snappy gum over *Triodia wiseana*.

Two flora and vegetation surveys over the application area conducted by ENV (2010) and Onshore (2011) have identified the following six vegetation associations within the application area:

**1a:** *Acacia* High Open Shrubland: High Open Shrubland of *Acacia aneura* var. *aneura*, *Acacia aneura* var. *pilbarana* and *Acacia pruinocarpa* with Very Open Tussock Grassland of *Aristida holathera* var. *holathera*, *Themeda triandra* and *Aristida contorta* on Red-Brown Loam on Plains (ENV, 2010);

**2a:** *Triodia* Open Hummock Grassland: Open Hummock Grassland of *Triodia wiseana*, *Triodia pungens* and *Triodia epactia* with Open Shrubland of *Acacia pruinocarpa*, *Acacia aneura* var. *conifera* and *Acacia maitlandii* with Scattered Low Trees of *Eucalyptus leucophloia* subsp. *leucophloia* and *Corymbia deserticola* subsp. *deserticola* on Red-Brown Loam on Rocky Hillslopes (ENV, 2010) (Mapped as Vegetation Association 13j in Onshore [2011]);

**3a:** *Themeda* Tussock Grassland: Tussock Grassland of *Themeda triandra*, *Paraneurachne muelleri* and *Cymbopogon obtus* with Low Shrubland of *Petalostylis labicheoides*, *Scaevola parvifolia* subsp. *pilbarae* and *Keraudrenia nephrosperma* with Low Open Woodland of *Eucalyptus* sp. and *Corymbia hamersleyana* on Red-Brown Clay Loam on Drainage Lines/ Floodplains (ENV, 2010) (Mapped as Vegetation Association 16e in Onshore [2011]);

**7a:** *Acacia* Low Open Woodland: Low Open Woodland of *Acacia aneura* and *Acacia pruinocarpa* over Very Open Tussock Grassland of *Aristida inaequiglumis* in orange brown clay loam on hardpan plains (Onshore, 2011);

**11a:** High Shrubland of *Petalostylis labicheoides*, *Gossypium robinsonii* and *Acacia pyrifolia* over Open Tussock Grassland of *Themeda triandra* and *Paraneurachne muelleri* with Low Open Woodland of *Eucalyptus xerothermica* and *Corymbia hamersleyana* in red brown clay (Onshore, 2011); and

**14a:** Open Hummock Grassland of *Triodia wiseana* and *Triodia pungens* with Low Open Woodland of *Acacia aneura* and *Acacia pruinocarpa* over Open Shrubland of *Eremophila jucunda* subsp. *pulcherrima*, *Acacia marramamba* and *Codonocarpus cotinifolius* in red brown loam (Onshore, 2011).

**Clearing Description** Mining Area C project  
BHP Billiton Iron Ore Pty Ltd proposes to clear up to 38 hectares of native vegetation within a total boundary of approximately 371 hectares, for the purpose of mineral production and mining related infrastructure. The project is located approximately 100 kilometres north-west of Newman, in the Shire of East Pilbara.

**Vegetation Condition** Completely degraded: No longer intact; completely/almost completely without native species (Keighery, 1994);  
to  
Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994).

**Comment** The clearing of vegetation is required for construction and maintenance of:

- Buildings and facilities, including warehouse, dispatch and receiving yard, undercover storage area, bunded hydrocarbon storage area, and offices;
- Access roads and hardstands;
- Services, including electricity, communications and water;
- A waste water treatment plant;
- An automatic weather station at the Area C (Coondewana) Airport; and
- Establish and Instrument Landing System (BHP Billiton, 2012).

Clearing permit CPS 4831/1 was granted by the Department of Mines and Petroleum on 16 February 2012 and was valid from 10 March 2012 to 10 March 2022. The permit authorised the clearing of 37 hectares of native vegetation within a boundary of approximately 150.3 hectares. Amended clearing permit CPS 4831/2 was granted on 28 June 2012, increasing the amount of clearing authorised to 38 hectares and increasing the permit boundary to approximately 371 hectares. There was no change to the permit duration.

On 14 November 2016, the Permit Holder applied to amend CPS 4831/2 to extend the permit duration to 30 November 2027, and to extend the period within which clearing is authorised to 30 November 2022. The area of clearing authorised and the permit boundaries remain unchanged.

### 3. Assessment of application against clearing principles

#### Comments

BHP Billiton Iron Ore Pty Ltd has applied to amend the permit, to extend the permit duration to 30 November 2027. The size of the area approved to clear (38 hectares) and the permit boundaries remain unchanged.

The amendment to extend the permit duration by five years is unlikely to result in any significant change to the environmental impacts of the proposed clearing (GIS Database).

The amendment application has been assessed against the clearing principles, planning instruments and other matters in accordance with s.51O of the *Environmental Protection Act 1986*. Environmental information has been reviewed, and the assessment of the proposed clearing against the clearing principles remains consistent with the assessment contained in decision reports CPS 4831/1 and 4831/2.

#### Methodology

GIS Database:

- Hydrography, linear
- Pre-European Vegetation
- Threatened and Priority Flora
- Threatened and Priority Ecological Communities (TEC/PEC) - Boundaries
- Threatened Fauna

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

#### Comments

There is one native title claim (WC2011/006) over the area under application (DAA, 2016). This claim was determined by the Federal Court on 11 March 2014 (DAA, 2016). 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 is one registered Aboriginal Site of Significance within the application area (DAA, 2016; 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, 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)

GIS Database:

- Aboriginal Sites Register System

## 4. References

- BHP (2012) Area C Mining Operations - Area C Airport Instrument Landing System Application to Amend Native Vegetation Clearing Permit CPS 4831/1 under the *Environmental Protection Act 1986*. BHP Billiton Iron Ore Pty Ltd, April 2012.
- DAA (2016) Aboriginal Heritage Enquiry System. Department of Aboriginal Affairs. <http://maps.dia.wa.gov.au/AHIS2/> (Accessed 28 November 2016).
- ENV (2010) South Flank NVCP Extension Flora, Vegetation and Fauna Assessment. Report prepared for BHP Billiton Iron Ore Pty Ltd, by ENV Australia Pty Ltd, May 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) Flora and Vegetation Survey Area C and Surrounds. Report prepared for BHP Billiton Iron Ore Pty Ltd, by Onshore Environmental Consultants, July 2011.

## 5. Glossary

### Acronyms:

<b>BoM</b>	Bureau of Meteorology, Australian Government
<b>DAA</b>	Department of Aboriginal Affairs, Western Australia
<b>DAFWA</b>	Department of Agriculture and Food, Western Australia
<b>DEC</b>	Department of Environment and Conservation, Western Australia (now DPaW and DER)
<b>DEE</b>	Department of the Environment and Energy, Australian Government
<b>DER</b>	Department of Environment Regulation, Western Australia
<b>DMP</b>	Department of Mines and Petroleum, Western Australia
<b>DRF</b>	Declared Rare Flora
<b>DoE</b>	Department of the Environment, Australian Government (now DEE)
<b>DoW</b>	Department of Water, Western Australia
<b>DPaW</b>	Department of Parks and Wildlife, Western Australia
<b>DSEWPaC</b>	Department of Sustainability, Environment, Water, Population and Communities (now DEE)
<b>EPA</b>	Environmental Protection Authority, Western Australia
<b>EP Act</b>	<i>Environmental Protection Act 1986</i> , Western Australia
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Federal Act)
<b>GIS</b>	Geographical Information System
<b>ha</b>	Hectare (10,000 square metres)
<b>IBRA</b>	Interim Biogeographic Regionalisation for Australia
<b>IUCN</b>	International Union for the Conservation of Nature and Natural Resources – commonly known as the World Conservation Union
<b>PEC</b>	Priority Ecological Community, Western Australia
<b>RIWI Act</b>	<i>Rights in Water and Irrigation Act 1914</i> , Western Australia
<b>TEC</b>	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.