



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	5617/1
Duration of Permit:	From 23 November 2013 to 23 November 2030
Permit Holder:	BHP Billiton Iron Ore Pty Ltd

The Permit Holder is authorised to clear native vegetation subject to the following conditions of this Permit.

PART I - CLEARING AUTHORISED

1. Land on which clearing is to be done

Iron Ore (Mount Newman) Agreement Act 1964, Mineral Lease 244SA (AML 70/244)

Iron Ore (Mount Newman) Agreement Act 1964, Special Lease for Mining Operations 3116/3687 (Document I 154279 L), Lease Extension K846790, Lot 19 on Deposited Plan 48921

Iron Ore (Mount Newman) Agreement Act 1964, Special Lease for Mining Operations 3116/3685, (Lease K858923), Lot 17 on Deposited Plan 241430

Miscellaneous Licence 47/92

Miscellaneous Licence 52/99

General Purpose Leases 52/19, 52/20, 52/21, 52/22, 52/23, 52/24, 52/25, 52/26, 52/27, 52/28, 52/29, 52/30, 52/31, 52/32, 52/33, 52/34, 52/35, 52/36, 52/37, 52/38, 52/39, 52/40, 52/41, 52/42, 52/43, 52/44, 52/45, 52/46, 52/47, 52/48, 52/49, 52/50, 52/51, 52/52, 52/53, 52/54, 52/55, 52/56, 52/57, 52/58, 52/59, 52/60, 52/61, 52/62, 52/63, 52/64, 52/65, 52/66, 52/67, 52/68, 52/69, 52/70, 52/71, 52/72, 52/73, 52/74, 52/75, 52/76, 52/77, 52/78, 52/79, 52/80, 52/81, 52/82, 52/83, 52/84, 52/85, 52/86, 52/87, 52/88, 52/89, 52/90, 52/91, 52/92, 52/93, 52/94, 52/95, 52/96, 52/97, 52/98, 52/99, 52/100, 52/101, 52/102, 52/103, 52/104, 52/105, 52/106, 52/107, 52/108, 52/109, 52/110, 52/111, 52/112, 52/113, 52/114, 52/115, 52/116, 52/117, 52/118, 52/119, 52/120, 52/121, 52/122, 52/123, 52/124, 52/125, 52/126, 52/127, 52/128, 52/129, 52/130, 52/131, 52/132, 52/133, 52/134, 52/135, 52/136, 52/137, 52/138, 52/139, 52/140, 52/141, 52/142, 52/143, 52/144, 52/145, 52/146, 52/147, 52/148, 52/149, 52/150, 52/151, 52/152, 52/153, 52/154, 52/155, 52/156, 52/157, 52/158, 52/159, 52/160, 52/161, 52/162, 52/163, 52/164, 52/165, 52/166, 52/167, 52/168, 52/169, 52/170, 52/171, 52/172, 52/173, 52/174, 52/175, 52/176, 52/177, 52/178, 52/179, 52/180, 52/181, 52/182, 52/183, 52/184, 52/185, 52/186, 52/187, 52/188, 52/189, 52/190, 52/191, 52/192, 52/193, 52/194, 52/195, 52/196, 52/197, 52/198, 52/199, 52/200, 52/201, 52/202, 52/203, 52/204, 52/205, 52/206, 52/207, 52/208, 52/209, 52/210, 52/211, 52/212, 52/213, 52/214, 52/215, 52/216, 52/217, 52/218, 52/219, 52/220, 52/221, 52/222, 52/223, 52/224, 52/225, 52/226, 52/227, 52/228, 52/229, 52/230, 52/231, 52/232, 52/233, 52/234, 52/235, 52/236, 52/237, 52/238, 52/239, 52/240, 52/241, 52/242, 52/243, 52/244, 52/245, 52/246, 52/247, 52/248, 52/249, 52/250, 52/251, 52/252, 52/253, 52/254, 52/255, 52/256, 52/257, 52/258, 52/259, 52/260, 52/261, 52/262, 52/263, 52/264, 52/265, 52/266, 52/267, 52/268, 52/269, 52/270, 52/271, 52/272, 52/273, 52/274, 52/276, 52/277, 52/279

2. Purpose for which clearing may be done

Clearing for the purposes of mineral production, mineral exploration, construction and maintenance of infrastructure and associated activities.

3. Area of Clearing

The Permit Holder must not clear more than 2,100 hectares of native vegetation. All clearing must be within the areas cross-hatched yellow and shaded blue on attached Plan 5617/1.

4. Period in which clearing is authorised

The Permit Holder shall not clear any native vegetation after 23 November 2023.

5. Application

This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

PART II - ASSESSMENT SEQUENCE AND MANAGEMENT PROCEDURES

6. Weed control

When undertaking any clearing or other activity authorised under this Permit, the Permit Holder must take the following steps to minimise the risk of the introduction and spread of *weeds*:

- (i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (ii) ensure that no *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
- (iii) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

7. Flora management

- (a) Prior to undertaking any clearing authorised under this Permit, the Permit Holder shall engage a *botanist* to conduct a *targeted flora survey* of the area to be cleared for the presence of rare flora listed in the *Wildlife Conservation (Rare Flora) Notice*.
- (b) Where rare flora are identified under Condition 7(a) of this Permit, the Permit Holder shall ensure that:
 - (i) no clearing of identified rare flora occurs unless first approved by the *CEO*; and
 - (ii) no clearing occurs within 50 metres of identified rare flora unless first approved by the *CEO*.
- (c) Prior to undertaking any clearing authorised under this Permit, the Permit Holder shall provide the results of the *targeted flora survey* in a report to the *CEO*.
- (d) If rare flora are identified within the Permit Area, the *targeted flora survey* report must include the following:
 - (i) the location of each rare flora, either as the location of individual plants, or where this is not practical, the areal extent of the population and an estimate of the number of plants, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees; and
 - (ii) the species name of each rare flora identified; and
 - (iii) the methodology, used to survey the Permit Area.
- (e) For the purpose of this Permit, a *targeted flora survey* conducted within the previous five years will satisfy Condition 7(a).

8. Flora management

Where rare flora listed in the *Wildlife Conservation (Rare Flora) Notice*, have been identified and their written location(s), provided to the *CEO*, within report *Flora & Vegetation and Vertebrate Fauna Review, Mt Whaleback AML 7/244, April 2013*, the Permit Holder shall ensure that:

- (i) no clearing of identified rare flora occurs unless first approved by the *CEO*; and
- (ii) no clearing occurs within 50 metres of identified rare flora unless first approved by the *CEO*.

9. Watercourse Management

Where the area shaded blue on attached Plan 5617/1 is to be impacted by clearing, the Permit Holder shall maintain the existing surface flow of Whaleback Creek.

10. Staged Clearing

The Permit Holder shall not clear native vegetation unless the purpose for which the clearing is authorised begins within 6 months of the clearing being undertaken.

11. Retain and spread vegetative material and topsoil

The Permit Holder shall:

- (a) Retain the vegetative material and topsoil removed by clearing authorised under this Permit and stockpile the vegetative material and topsoil in an area that has already been cleared.
- (b) Within 12 months following completion of clearing authorised under this Permit, *revegetate* and *rehabilitate* areas of *temporary disturbance* that are no longer required for the purpose for which they were cleared under this Permit by:
 - (i) ripping the ground on the contour to remove soil compaction; and
 - (ii) laying the vegetative material and topsoil retained under Condition 11(a) on the cleared area.
- (c) Within 4 years of laying the vegetative material and topsoil on the cleared area in accordance with Condition 11(b) of this Permit:
 - (i) engage an *environmental specialist* to determine the species composition, structure and density of the area *revegetated* and *rehabilitated*; and
 - (ii) where, in the opinion of an *environmental specialist*, the composition structure and density determined under Condition 11(c)(i) of this Permit will not result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area, *revegetate* the area by deliberately *planting* and/or *direct seeding* native vegetation that will result in a similar species composition, structure and density of native vegetation to pre-clearing vegetation types in that area and ensuring only *local provenance* seeds and propagating material are used.
- (d) Where additional *planting* or *direct seeding* of native vegetation is undertaken in accordance with Condition 11(c)(ii) of this permit, the Permit Holder shall repeat condition 11(c)(i) and 11(c)(ii) within 24 months of undertaking the additional *planting* or *direct seeding* of native vegetation.
- (e) Where a determination by an *environmental specialist* that the composition, structure and density within areas *revegetated* and *rehabilitated* will result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area, as determined in Condition 11(c)(i) and (ii) of this permit, that determination shall be submitted for the *CEO's* consideration. If the *CEO* does not agree with the determination made under Condition 11(c)(ii), the *CEO* may require the Permit Holder to undertake additional *planting* and *direct seeding* in accordance with the requirements under Condition 11(c)(ii).

12. Retain vegetative material and topsoil, revegetation and rehabilitation

The Permit Holder shall:

- (a) Prior to 5 October 2023, *revegetate* and *rehabilitate* 10 hectares of *temporary disturbance* previously cleared within the area crossed-hatched yellow on attached Plan 5617/1 by:
 - (i) laying vegetative material and topsoil previously retained within the area cross-hatched yellow on attached Plan 5617/1 on the cleared areas; and
 - (ii) ripping the ground on the contour to remove soil compaction.
- (b) Within 4 years of undertaking *revegetation* and *rehabilitation* in accordance with Condition 12(a) of this Permit:
 - (i) engage an *environmental specialist* to determine the species composition, structure and density of the area *revegetated* and *rehabilitated*; and
 - (ii) where, in the opinion of an *environmental specialist*, the composition structure and density determined under Condition 12(b)(i) of this Permit will not result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area, *revegetate* the area by deliberately *planting* and/or *direct seeding* native vegetation that will result in a similar species

composition, structure and density of native vegetation to pre-clearing vegetation types in that area and ensuring only *local provenance* seeds and propagating material are used.

- (c) Where additional *planting* or *direct seeding* of native vegetation is undertaken in accordance with Condition 12(b)(ii) of this permit, the Permit Holder shall repeat Condition 12(b)(i) and 12(b)(ii) within 24 months of undertaking the additional *planting* or *direct seeding* of native vegetation.
- (d) Where a determination by an *environmental specialist* that the composition, structure and density within areas *revegetated* and *rehabilitated* will result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area, as determined in Condition 12(b)(i) and (ii) of this permit, that determination shall be submitted for the CEO's consideration. If the CEO does not agree with the determination made under Condition 12(b)(ii), the CEO may require the Permit Holder to undertake additional *planting* and *direct seeding* in accordance with the requirements under condition 12(b)(ii).

PART III - RECORD KEEPING AND REPORTING

13. Records to be kept

The Permit Holder must maintain the following records for activities done pursuant to this Permit:

- (a) In relation to the clearing of native vegetation authorised under this Permit,
 - (i) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
 - (ii) the date that the area was cleared;
 - (iii) the size of the area cleared (in hectares); and
 - (iv) purpose for which clearing was undertaken.
- (b) In relation to the *revegetation* and *rehabilitation* of areas pursuant to Conditions 11 and 12 of this Permit:
 - (i) the location of any areas *revegetated* and *rehabilitated*, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
 - (ii) a description of the *revegetation* and *rehabilitation* activities undertaken; and
 - (iii) the size of the area *revegetated* and *rehabilitated* (in hectares).

14. Reporting

- (a) The Permit Holder shall provide a report to the Director Operations, Environment, Department of Mines and Petroleum by 1 October each year for the life of this permit, demonstrating adherence to all conditions of this permit, and setting out the records required under Condition 13 of this permit in relation to clearing carried out between 1 July and 30 June of the previous financial year.
- (b) Prior to 23 November 2030, the Permit Holder must provide to the Director Operations, Environment, Department of Mines and Petroleum a written report of records required under Condition 13 of this Permit where these records have not already been provided under Condition 14(a) of this Permit.

DEFINITIONS

The following meanings are given to terms used in this Permit:

botanist means a person who holds a tertiary qualification in environmental science or equivalent, and has a minimum of 2 years work experience in identification and surveys of flora native to the bioregion being inspected or surveyed, or who is approved by the CEO as a suitable botanist for the bioregion;

CEO means the Chief Executive Officer of the Department of Environment Regulation or an officer with delegated authority under Section 20 of the *Environmental Protection Act 1986*;

direct seeding means a method of re-establishing vegetation through the establishment of a seed bed and the introduction of seeds of the desired plant species;

environmental specialist means a person who holds a tertiary qualification in environmental science or equivalent, and has experience relevant to the type of environmental advice that an environmental specialist is required to provide under this Permit, or who is approved by the CEO as a suitable environmental specialist;

fill means material used to increase the ground level, or fill a hollow;

local provenance means native vegetation seeds and propagating material from natural sources within 200 kilometres and the same Interim Biogeographic Regionalisation for Australia (IBRA) subregion of the area cleared;

mulch means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation;

planting means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired species;

regenerate/ed/ion means re-establishment of vegetation from in situ seed banks and propagating material (such as lignotubers, bulbs, rhizomes) contained either within the topsoil or seed-bearing *mulch*;

rehabilitate/ed/ion means actively managing an area containing native vegetation in order to improve the ecological function of that area;

revegetate/ed/ion means the re-establishment of a cover of *local provenance* native vegetation in an area using methods such as natural *regeneration*, *direct seeding* and/or *planting*, so that the species composition, structure and density is similar to pre-clearing vegetation types in that area;

targeted flora survey means a field-based investigation, including a review of established literature, of the biodiversity of flora and vegetation of the Permit Area, focusing on habitat suitable for flora species that are being targeted and carried out during the optimal time to identify those species. Where target flora are identified in the area to be cleared, the survey should also include sufficient surrounding areas to place the area to be cleared into local context;

temporary disturbance means areas cleared for the purpose of mineral exploration; construction and maintenance of access roads; fibre optic cables; maintenance activities; geotechnical investigations; borrow pits; laydown areas; assembly areas; water bores; turkey nests; culverts; and ancillary infrastructure;

weed/s means any plant -

- (a) that is declared under the section 22 of the *Biosecurity and Agriculture Management Act 2007*; or
- (b) published in the Department of Environment and Conservation Regional Weed Assessments, regardless of ranking; or
- (c) not indigenous to the area concerned;

Wildlife Conservation (Rare Flora) Notice means those plant taxa gazetted as rare flora pursuant to section 23F(2) of the *Wildlife Conservation Act 1950* (as amended).



Virginia Simms
A/DIRECTOR OPERATIONS
ENVIRONMENT
DEPARTMENT OF MINES AND PETROLEUM

Officer with delegated authority under Section 20
of the Environmental Protection Act 1986

31 October 2013