



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 6924/3  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: BHP Iron Ore Pty Ltd

### 1.3. Property details

Property: Iron ore (Mt Newman) Agreement Act 1964, Mining Lease 244SA (AML 70/244)  
Special Lease for Mining Operations 3116/3684, Crown Lease N088235, Newman Water Lease, Lot 351 on Deposited Plan 74327 pursuant to the Iron Ore (Mount Newman) Agreement Act 1964  
Local Government Area: Shire of East Pilbara  
Colloquial name: Ophthalmia Dam Maintenance Project

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
40		Mechanical Removal	Maintenance to Ophthalmia Dam And All Associated Infrastructure

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 29 June 2021

## 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 association:

29: Sparse low woodland; mulga, discontinuous in scattered groups.

A Level 2 Flora and Vegetation Survey of the application area was undertaken by Syrinx Environmental PL (2012) during the period 16 March and 19 – 27 March 2012. The vegetation survey identified the following ten vegetation associations of the application area:

1. *Acacia* High Shrubland - High Shrubland of *Acacia aptaneura*, *Acacia sclerosperma* subsp. *sclerosperma* and *Acacia ancistrocarpa* over Very Open Hummock Grassland of *Triodia pungens* on red brown sandy loam on floodplains and drainage lines.
2. *Acacia* Low Open Woodland - Low Open Woodland of *Acacia aptaneura*, *Acacia citrinoviridis* and *Acacia pruinocarpa* over Open Shrubland of *Acacia synchronicia*, *Acacia sclerosperma* subsp. *sclerosperma* and *Acacia bivenosa* over Very Open Hummock Grassland of *Triodia pungens* on red brown clay loam on floodplains and medium drainage lines.
3. *Acacia* Low Woodland - Low Woodland of *Acacia aptaneura*, *Acacia pruinocarpa* and *Acacia catenulata* subsp. *occidentalis* over Open Shrubland of *Eremophila forrestii* subsp. *forrestii*, *Dodonaea petiolaris* and *Sida ectogama* over Open Tussock Grassland of *Aristida contorta*, *Digitaria ammophila* and *Aristida inaequiglumis* on red orange clay loam on floodplains.
4. *Eucalyptus* Woodland - Woodland of *Eucalyptus camaldulensis* subsp. *refulgens* and *Eucalyptus victrix* over High Open Shrubland of *Acacia citrinoviridis*, *Acacia pyrifolia* var. *pyrifolia* and *Melaleuca glomerata* over Tussock Grassland of \**Cenchrus ciliaris*, *Eulalia aurea* and *Themeda triandra* on brown clay loam on banks of major drainage lines.
5. *Eucalyptus* Woodland - Woodland of *Eucalyptus victrix*, *Acacia citrinoviridis* and *Eucalyptus camaldulensis* subsp. *refulgens* over Low Open Shrubland of *Tephrosia rosea* var. *clementii*, *Corchorus crozophorifolius* and *Acacia pyrifolia* var. *pyrifolia* over Very Open Tussock Grassland of \**Cenchrus ciliaris*, *Eulalia aurea* and *Themeda triandra* on brown loamy sand on channels of major drainage lines.
6. *Frankenia* Low Open Shrubland – Low Open Shrubland of *Frankenia setosa* with Scattered Tussock Grasses of \**Cenchrus ciliaris* on red brown clay loam on saline flats.
7. *Triodia* Hummock Grassland – Hummock Grassland of *Triodia wiseana* with Low Open Woodland of *Eucalyptus leucophloia* subsp. *leucophloia*, *Corymbia hamersleyana* and *Hakea chordophylla* and Open Shrubland of *Acacia ancistrocarpa*, *Acacia bivenosa* and *Acacia aptaneura* on red sandy loam on hill slopes.
8. *Triodia* Hummock- Grassland - Hummock Grassland of *Triodia* sp. Shovelanna Hill (S. van Leeuwen3835) with High Open Shrubland of *Acacia inaequilatera* on red brown loamy sand on hill slopes and stony plains.

9. *Triodia* Hummock- Grassland - Hummock Grassland of *Triodia wiseana* and *Triodia angusta* with Open Mallee of *Eucalyptus socialis* subsp. *eucentrica* and Open Shrubland of *Acacia bivenosa*, *Petalostylis labicheoides* and *Acacia pyrifolia* var. *pyrifolia* on light brown clay loam on calcrete plains and rises.
10. *Typha* Sedges - Sedges of *Typha domingensis* and *Cyperus vaginatus* with Open Woodland of *Eucalyptus camaldulensis* subsp. *refulgens* and *Eucalyptus victrix* over Low Open Woodland of *Acacia citrinoviridis* and *Acacia coriacea* subsp. *pendens* on brown clayey sand on permanent pools along major drainage lines.

<b>Clearing Description</b>	Ophthalmia Dam Maintenance Project. BHP Iron Ore Pty Ltd proposes to clear up to 40 hectares of native vegetation within a boundary of approximately 235.7 hectares, for the purpose of maintenance to Ophthalmia Dam and all associated infrastructure. The project is located approximately 8 kilometres east of Newman, within the Shire of East Pilbara.
<b>Vegetation Condition</b>	Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994);  To:  Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994).
<b>Comment</b>	Where possible existing cleared tracks will be used to cross surface water features. Where it is necessary for new crossings to be installed, clearing will be kept to a minimum and will be constructed flat level to the surface to maintain the natural surface water flow (BHP Billiton, 2016).  Clearing permit CPS 6924/1 was granted by the Department of Mines and Petroleum (now the Department of Mines, Industry Regulation and Safety) on 24 March 2016 and was valid from 16 April 2016 to 30 November 2021. The permit authorised the clearing of up to 35 hectares of native vegetation within a boundary of approximately 189.4 hectares, for the purpose of maintenance to Ophthalmia Dam and all associated activities.  CPS 4619/2 was granted on 7 February 2019, amending the permit to increase the area authorised to clear by five hectares, increase the permit boundary by 46.3 hectares and include additional tenure to the Permit.  On 27 May 2021, the Permit Holder applied to amend CPS 6924/2 to extend the permit duration, extend the period in which clearing is authorised and change the company name.

### 3. Assessment of application against Clearing Principles

#### Comments

The permit holder has applied to extend the permit duration until 31 October 2036, extend the period in which clearing is authorised to 31 October 2031, and change the Permit Holder name to BHP Iron Ore Pty Ltd. The amount of clearing authorised and the clearing permit boundary will remain the same.

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 previous decision reports.

#### Methodology

GIS Database:

- DPaW Tenure
- Hydrography, Lakes
- Hydrography, Linear
- IBRA Australia
- Imagery
- Landsystem Rangelands
- Pre-European Vegetation
- Public Drinking Water Source Areas
- Soils, Statewide
- Threatened and Priority Ecological Communities boundaries
- Threatened and Priority Ecological Communities buffers
- Threatened and Priority Flora
- Threatened Fauna

#### Planning Instrument, Native Title, previous EPA decision or other matter.

#### Comments

There is one native title claim over the area under application (DPLH, 2021). This claim 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 several registered Aboriginal Sites of Significance within the application area (DPLH, 2021). 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 Water and Environmental Regulation and the Department of Biodiversity, Conservation and Attractions, 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 amendment application was advertised on 8 June 2021 by the Department of Mines, Industry Regulation and Safety inviting submissions from the public. No submissions were received in relation to this application.

**Methodology** DPLH (2021)

#### 4. References

- BHP Billiton (2016) Ophthalmia Dam Native Vegetation Clearing Permit Application Supporting Document for Ophthalmia Dam Maintenance, January 2016. BHP Billiton Iron Ore Pty Ltd, Perth, Western Australia.
- DPLH (2021) Aboriginal Heritage Inquiry System. Department of Planning, Lands and Heritage. <https://espatial.dplh.wa.gov.au/AHIS/index.html?viewer=AHIS> (Accessed 9 June 2021).
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Syrinx (2012) Technical Report, Orebody 37 Flora and Vegetation Assessment for BHP Billiton Iron Ore, Syrinx Environmental PL, Perth, Western Australia, September 2012.

#### 5. Glossary

##### Acronyms:

<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i> , Western Australia
<b>BoM</b>	Bureau of Meteorology, Australian Government
<b>DAA</b>	Department of Aboriginal Affairs, Western Australia (now DPLH)
<b>DAFWA</b>	Department of Agriculture and Food, Western Australia (now DPIRD)
<b>DAWE</b>	Department of Agriculture, Water and the Environment, Australian Government
<b>DBCA</b>	Department of Biodiversity, Conservation and Attractions, Western Australia
<b>DER</b>	Department of Environment Regulation, Western Australia (now DWER)
<b>DMIRS</b>	Department of Mines, Industry Regulation and Safety, Western Australia
<b>DMP</b>	Department of Mines and Petroleum, Western Australia (now DMIRS)
<b>DoEE</b>	Department of the Environment and Energy (now DAWE)
<b>DoW</b>	Department of Water, Western Australia (now DWER)
<b>DPaW</b>	Department of Parks and Wildlife, Western Australia (now DBCA)
<b>DPIRD</b>	Department of Primary Industries and Regional Development, Western Australia
<b>DPLH</b>	Department of Planning, Lands and Heritage, Western Australia
<b>DRF</b>	Declared Rare Flora (now known as Threatened Flora)
<b>DWER</b>	Department of Water and Environmental Regulation, Western Australia
<b>EP Act</b>	<i>Environmental Protection Act 1986</i> , Western Australia
<b>EPA</b>	Environmental Protection Authority, 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:

{DBCA (2019) Conservation Codes for Western Australian Flora and Fauna. Department of Biodiversity, Conservation and Attractions, Western Australia):-

**T** Threatened species:

Listed by order of the Minister as Threatened in the category of critically endangered, endangered or vulnerable under section 19(1), or is a rediscovered species to be regarded as threatened species under section 26(2) of the *Biodiversity Conservation Act 2016* (BC Act).

**Threatened fauna** is that subset of 'Specially Protected Fauna' listed under schedules 1 to 3 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for Threatened Fauna.

**Threatened flora** is that subset of 'Rare Flora' listed under schedules 1 to 3 of the *Wildlife Conservation (Rare Flora) Notice 2018* for Threatened Flora.

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 in the immediate future, as determined in accordance with criteria set out in the ministerial guidelines*”.
- Listed as critically endangered under section 19(1)(a) of the BC Act in accordance with the criteria set out in section 20 and the ministerial guidelines. Published under schedule 1 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for critically endangered fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for critically endangered flora.
- EN Endangered species**  
Threatened species considered to be “*facing a very high risk of extinction in the wild in the near future, as determined in accordance with criteria set out in the ministerial guidelines*”.
- Listed as endangered under section 19(1)(b) of the BC Act in accordance with the criteria set out in section 21 and the ministerial guidelines. Published under schedule 2 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for endangered fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for endangered flora.
- VU Vulnerable species**  
Threatened species considered to be “*facing a high risk of extinction in the wild in the medium-term future, as determined in accordance with criteria set out in the ministerial guidelines*”.
- Listed as vulnerable under section 19(1)(c) of the BC Act in accordance with the criteria set out in section 22 and the ministerial guidelines. Published under schedule 3 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for vulnerable fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for vulnerable flora.

#### **Extinct Species:**

- EX Extinct species**  
Species where “*there is no reasonable doubt that the last member of the species has died*”, and listing is otherwise in accordance with the ministerial guidelines (section 24 of the BC Act).
- Published as presumed extinct under schedule 4 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for extinct fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for extinct flora.
- EW Extinct in the wild species**  
Species that “*is known only to survive in cultivation, in captivity or as a naturalised population well outside its past range; and it has not been recorded in its known habitat or expected habitat, at appropriate seasons, anywhere in its past range, despite surveys over a time frame appropriate to its life cycle and form*”, and listing is otherwise in accordance with the ministerial guidelines (section 25 of the BC Act).
- Currently there are no threatened fauna or threatened flora species listed as extinct in the wild. If listing of a species as extinct in the wild occurs, then a schedule will be added to the applicable notice.

#### **Specially protected species:**

Listed by order of the Minister as specially protected under section 13(1) of the BC Act. Meeting one or more of the following categories: species of special conservation interest; migratory species; cetaceans; species subject to international agreement; or species otherwise in need of special protection.

Species that are listed as threatened species (critically endangered, endangered or vulnerable) or extinct species under the BC Act cannot also be listed as Specially Protected species.

- MI Migratory species**  
Fauna that periodically or occasionally visit Australia or an external Territory or the exclusive economic zone; or the species is subject of an international agreement that relates to the protection of migratory species and that binds the Commonwealth; and listing is otherwise in accordance with the ministerial guidelines (section 15 of the BC Act).
- Includes 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 fauna subject to the *Convention on the Conservation of Migratory Species of Wild Animals* (Bonn Convention), an environmental treaty under the United Nations Environment Program. Migratory species listed under the BC Act are a subset of the migratory animals, that are known to visit Western

Australia, protected under the international agreements or treaties, excluding species that are listed as Threatened species.

Published as migratory birds protected under an international agreement under schedule 5 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

**CD**      **Species of special conservation interest (conservation dependent fauna)**  
Fauna of special conservation need being species dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened, and listing is otherwise in accordance with the ministerial guidelines (section 14 of the BC Act).  
  
Published as conservation dependent fauna under schedule 6 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

**OS**      **Other specially protected species**  
Fauna otherwise in need of special protection to ensure their conservation, and listing is otherwise in accordance with the ministerial guidelines (section 18 of the BC Act).  
  
Published as other specially protected fauna under schedule 7 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

**P**      **Priority species:**  
  
Possibly threatened species that do not meet survey criteria, or are otherwise data deficient, are added to the Priority Fauna or Priority Flora Lists under Priorities 1, 2 or 3. These three categories are ranked in order of priority for survey and evaluation of conservation status so that consideration can be given to their declaration as threatened fauna or flora.  
  
Species that are adequately known, are rare but not threatened, or meet criteria for near threatened, or that have been recently removed from the threatened species or other specially protected fauna lists for other than taxonomic reasons, are placed in Priority 4. These species 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.