



## CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

<b>Purpose Permit number:</b>	7009/3
<b>Duration of Permit:</b>	From 13 August 2016 to 30 November 2032
<b>Permit Holder:</b>	BHP 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

Mining Lease 47/283;  
Mining Lease 47/284;  
Mining Lease 47/289;  
Mining Lease 47/290;  
Mining Lease 47/291;  
Miscellaneous Licence 45/129;  
Miscellaneous Licence 45/130;  
Miscellaneous Licence 45/131;  
Miscellaneous Licence 45/132;  
Miscellaneous Licence 45/133;  
Miscellaneous Licence 45/134;  
Miscellaneous Licence 45/135;  
Miscellaneous Licence 45/136;  
Miscellaneous Licence 45/147;  
Miscellaneous Licence 45/190;  
Miscellaneous Licence 45/194;  
Miscellaneous Licence 47/92;  
Miscellaneous Licence 47/95;  
*Iron Ore (Mount Newman) Agreement Act 1964*, Mineral Lease 244SA (AML 70/244);  
*Iron Ore (Marillana Creek) Agreement Act 1991*, Mining Lease 270SA (AM 70/270);  
*Iron Ore (Mount Newman) Agreement Act 1964*, Special Lease for Mining Operations Lease 3116/6038,  
Document I123402L, Lot 135 on Deposited Plan 48926, F 963074 EL;  
Lease 3116/3690, Document I123403L, Lot 6254 on Deposited Plan 035659;  
Lease 3116/6301, Document I123595L, Lot 48 on Deposited Plan 048928, F 963074 EL;  
Lease 3116/6300, Document I123596L, Lot 143 on Deposited Plan 048927, F 963074 EL;  
Lease 3116/6298, Document I123599L, Lot 141 on Deposited Plan 048923, F 963074 EL;  
Lease 3116/6400, Document I123701L, Lots 86, 87 on Deposited Plan 213620;  
Lease 3116/6329, Document I123720L, Lot 49 on Deposited Plan 048931, F 963074 EL;  
Lease 3116/6068, Document I150309L, Lot 136 on Deposited Plan 048924;  
Lease 3116/6297, Document 150310L, Lot 140 on Deposited Plan 048922, F 963074 EL;  
Lease 3116/4028, N105667L, Lot 92 on Deposited Plan 60351, Lot 93 on Deposited Plan 60352, Lot 94 on  
Deposited Plan 60707, Lot 95 on Deposited Plan 60708, Lot 96 on Deposited Plan 60709, Lot 24 on  
Deposited Plan 60348, Lot 25 on Deposited Plan 60349, Lot 26 on Deposited Plan 60350;  
Lease 3116/3687, Document I154279L, Lot 65 on Deposited Plan 048920, Lot 19 on Deposited Plan 048921;  
Lease 3116/6299, Document I163678L, Lot 142 on Deposited Plan 048925, F 963074 EL;  
Lease 3116/3684, N88235L, Lot 351 on Deposited Plan 74327;

*Iron Ore (Marillana Creek) Agreement Act 1991* pursuant to *Land Administration Act 1997*, K843924L, Lots 145 on Deposited Plan 243202, 146 on Deposited Plan 243202 and 243203, 147 on Deposited Plan 243202, 149 on 243203, 150 on Deposited Plan 243203, 155 on Deposited Plan 220067, 156 on Deposited Plan 194001, 220 on Deposited Plan 243202; K843925L, Lot 148 on Deposited Plan 93544;  
*Iron Ore (Mount Goldsworthy) Agreement Act 1964*, Special Lease for Mining Operations, Lease 3116/5999, Document I126342L, Lot 125 on Deposited Plan 219861, M653978L pursuant to *Land Administration Act 1997*, Lots 321, 322, 323,324, 325 on Deposited Plan 74344

**2. Purpose for which clearing may be done**

Clearing for the purposes of railway construction, maintenance and associated activities.

**3. Area of Clearing**

The Permit Holder must not clear more than 2,928 hectares of native vegetation. All clearing must be within the areas shaded or cross-hatched yellow, shaded pink, or shaded red on attached Plans 7009/3A, 7009/3B, 7009/3C, 7009/3D, 7009/3E, 7009/3F, 7009/3G, 7009/3H, 7009/3I, 7009/3J, 7009/3K and 7009/3L.

**4. Type of Clearing Authorised – Staged clearing**

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

**5. Clearing not Authorised**

The Permit Holder shall not clear any native vegetation within the area shaded red on attached Plans 7009/3A and 7009/3H for the purpose of *borrow pits*.

**6. Restricted Clearing**

The Permit Holder shall only clear native vegetation within the area shaded pink on attached Plans 7009/3A, 7009/3B and 7009/3C for the following purposes:

- (a) maintenance of the existing rail formation; and
- (b) installation and maintenance of the wind fence.

**7. Period in which clearing is authorised**

The Permit Holder shall not clear any native vegetation after 30 November 2025.

**8. 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 - MANAGEMENT CONDITIONS**

**9. Avoid, minimise and reduce the impacts and extent of clearing**

In determining the amount of native vegetation to be cleared authorised under this Permit, the Permit Holder must have regard to the following principles, set out in order of preference:

- (a) avoid the clearing of native vegetation;
- (b) minimise the amount of native vegetation to be cleared; and
- (c) reduce the impact of clearing on any environmental value.

**10. 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.

**11. Erosion Management**

The Permit Holder shall implement erosion control measures to minimise potential erosion within the areas approved to clear and adjacent areas.

## 12. Flora Management

Where the *priority flora* species *Heliotropium muticum* and *Tephrosia rosea* var. Port Hedland have been identified and their written location(s), provided to the CEO, within the report 'BHP Billiton Iron Ore Pty Ltd (2016) Application for a Strategic NVCP for the Newman mainline - Native Vegetation Clearing Permit Application Supporting Document, March 2016', the Permit Holder shall ensure that:

- (i) No more than 56 individual plants of identified *Heliotropium muticum* are cleared; and
- (ii) No more than 324 individual plants of identified *Tephrosia rosea* var. Port Hedland are cleared.

## 13. Vegetation Management

- (a) Where practicable the Permit Holder shall avoid clearing *riparian vegetation*; and
- (b) Where a *watercourse* is to be impacted by clearing, the Permit Holder shall maintain the existing surface flow.

## 14. Environmental Management Plan

- (a) By 31 December 2019 the Permit Holder must submit a Management Plan to the CEO.
- (b) The Management Plan must include:
  - (i) a plan for managing the *impacts* to Northern Quoll (*Dasyurus hallucatus*);
  - (ii) a table setting out the Permit Holder's commitments to the Management Plan requirements; and
  - (iii) a program for monitoring compliance with the Permit Holder's commitments.
- (c) The Management Plan must be approved by the CEO prior to being implemented.
- (d) The approved Management Plan must be implemented by the Permit Holder.
- (e) If it is necessary to modify the Management Plan, the Permit Holder must submit the modified plan to the CEO.
- (f) A modified Management Plan must not be implemented until approved by the CEO.
- (g) An approved modified Management Plan supersedes any previous Management Plans.

## 15. Retain vegetative material and topsoil, revegetation and rehabilitation

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 15(a) on the cleared area.
- (c) Within 4 years of laying the vegetative material and topsoil on the cleared area in accordance with Condition 15(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 15(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 15(c)(ii) of this permit, the Permit Holder shall repeat Condition 15(c)(i) and 15(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 15(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 15(c)(ii), the *CEO* may require the Permit Holder to undertake additional *planting* and *direct seeding* in accordance with the requirements under Condition 15(c)(ii).

### **PART III - RECORD KEEPING AND REPORTING**

#### **16. 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 Condition 15 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).
- (c) In relation to flora management pursuant to Condition 12 of this Permit:
  - (i) the location of each *priority flora* species cleared 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 species name of each *priority flora* species identified; and
  - (iii) the number of individuals of each *priority flora* species cleared.
- (d) actions taken to avoid, minimise and reduce the impacts and the extent of clearing in accordance with Condition 9 of this Permit; and
- (e) actions taken to minimise the introduction and spread of *weeds* in accordance with Condition 10 of this Permit.

#### **17. Reporting**

- (a) The Permit Holder shall provide a report to the *CEO* 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 16 of this Permit in relation to clearing carried out between 1 July and 30 June of the previous financial year.
- (b) If no clearing authorised under this Permit was undertaken between 1 July and 30 June of the previous financial year, a written report confirming that no clearing under this permit has been carried out, must be provided to the *CEO* by 1 October of each year.
- (c) Prior to 30 November 2032, the Permit Holder must provide to the *CEO* a written report of records required under Condition 16 of this Permit where these records have not already been provided under Condition 17(a) or 17(b) of this Permit.

## DEFINITIONS

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

*borrow pit(s)* means an area where *fill* has been sourced for use at another location;

*CEO* means the Chief Executive Officer of the Department responsible for administering the clearing provisions contained within the *Environmental Protection Act 1986* 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;

*impacts* means any impact of clearing on environmental values;

*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;

*priority flora* means those plant taxa described as priority flora classes 1, 2, 3, or 4 in the Department of Biodiversity, Conservation and Attractions' *Threatened and Priority Flora List for Western Australia* (as amended);

*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;

*riparian vegetation* has the meaning given to it in Regulation 3 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*;

*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;

*watercourse* has the meaning given to it in section 3 of the *Rights in Water and Irrigation Act 1914*;

*weed/s* means any plant -

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



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Dan Endacott  
General Manager Environmental Compliance  
Resource and Environmental Compliance Division  
22 July 2021

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