



Clearing Permit Decision Report

1. Application details and outcome

1.1. Permit application details

Permit number:	7374/3
Permit type:	Purpose Permit
Applicant name:	BHP Iron Ore Pty Ltd
Application received:	5 July 2022
Application area:	700 hectares
Purpose of clearing:	Geotechnical investigations, the construction of access tracks, drill pads, mineral exploration and hydrogeological drilling, pipelines, powerlines, water bores, safety bunds, potential flyrock damage, borrow pits and other associated activities.
Method of clearing:	Mechanical Removal
Tenure:	<i>Iron Ore (Mount Newman) Agreement Act 1964</i> , Mineral Lease 244SA (AML 70/244) <i>Iron Ore (McCamey's Monster) Agreement Act 1972</i> , Mining Lease 266SA (AM 70/266) Miscellaneous Licence 47/92
Location (LGA area/s):	Shire of East Pilbara
Colloquial name:	Eastern Ridge Exploration Project

1.2. Description of clearing activities

BHP Iron Ore Pty Ltd proposes to clear up to 700 hectares of native vegetation within a total boundary of approximately 14,177.46 hectares for the purpose of geotechnical investigations, construction of access tracks, drill pads, mineral exploration and hydrogeological drilling, pipelines, powerlines, water bores, safety bunds, potential flyrock damage, borrow pits and other associated activities. The project is located immediately north and east-west of the town of Newman within the Shire of East Pilbara.

Clearing Permit CPS 7374/1 was granted by the former Department of Mines and Petroleum (Now Department of Mines, Industry Regulation and Safety) on 19 January 2017 authorising the clearing of up to 700 hectares of native vegetation within a total boundary of 14,177.46 hectares.

Clearing Permit CPS 7374/2 was granted on 23 February 2017 to update the clearing purpose for geotechnical investigations, construction of access tracks, drill pads, mineral exploration and hydrogeological drilling, water bores, safety bunds and potential flyrock damage, borrow pits and other associated activities.

On 5 July 2022, the Permit Holder applied to amend CPS 7374/2 to include "pipelines and powerlines" in the clearing purpose and update the Permit Holder name to BHP Iron Ore Pty Ltd. The permit boundary and total area of clearing authorised remain unchanged.

1.3. Decision on application and key considerations

Decision:	Granted
Decision date:	22 July 2022
Decision area:	700 hectares of native vegetation

1.4. Reasons for decision

This clearing permit application was made in accordance with section 51KA(1) of the *Environmental Protection Act 1986* (EP Act) and was received by the Department of Mines, Industry Regulation and Safety (DMIRS) on 5 July 2022. DMIRS advertised the application for public comment for a period of 7 days, and no submissions were received.

In making this decision, the Delegated Officer had regard for the site characteristics, relevant datasets, supporting information provided by the applicant including the results of a flora and vegetation survey and fauna survey, the clearing principles set out in Schedule 5 of the EP Act, and any other matters considered relevant to the assessment.

The assessment of the amendment application remains consistent with the assessment of previous versions of the permit. The Delegated Officer determined that the proposed clearing is not likely to lead to an unacceptable risk to the environment. The Delegated Officer decided to grant a clearing permit with the existing permit conditions.

2. Assessment of application

2.1. Avoidance and mitigation measures

The applicant has advised that the disturbance will be kept to the smallest size possible with previously cleared areas used where practicable (BHP, 2022).

The Delegated Officer is satisfied that the applicant has made a reasonable effort to avoid and minimise potential impacts of the proposed clearing on environmental values.

2.2. Assessment of impacts on environmental values

The proponent has reported that 104.75 hectares has been cleared in their latest annual clearing report for activities occurring from 1 July 2020 to 30 June 2021 (BHP, 2021).

No new biological information has been provided in support of the amendment application. The environmental values of the application area are well understood, and are described in previous versions of the decision report, based on biological studies undertaken by ENV Australia (2009) and Onshore Environmental (2014; 2015; 2016). The environmental impacts of the proposed clearing have been previously assessed and conditionally approved via clearing permits CPS 7374/1 and 7374/2.

The name and status of the priority species recorded within the application area were revised and updated according to the Western Australian Herbarium (1998–). The table below states the changes made where necessary:

Name and status of species on CPS 7374/2	Current name and status of species
<i>Hibiscus</i> sp. Canga – Priority 1	<i>Hibiscus campanulatus</i> – Priority 1
<i>Aristida lazaridis</i> – Priority 2	<i>Aristida lazaridis</i> – Priority 2
<i>Isotropis parviflora</i> – Priority 2	<i>Isotropis parviflora</i> – Priority 2
<i>Calotis latiuscula</i> – Priority 3	<i>Calotis latiuscula</i> – Delisted
<i>Goodenia nuda</i> – Priority 4	<i>Goodenia nuda</i> – Priority 4
<i>Lepidium catapycnon</i> – Priority 4	<i>Lepidium catapycnon</i> – Priority 4

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 versions of the decision report.

2.3. Relevant planning instruments and other matters

The clearing permit application was advertised on 12 July 2022 by the Department of Mines, Industry Regulation and Safety inviting submissions from the public. No submissions were received in relation to this application.

There is one native title claim (WC05/6) over the area under application (DPLH, 2022). This claim has been registered with the Native Title Tribunal on behalf of the claimant group. However, the tenure has been granted in accordance with the future act regime of the *Native Title Act 1993* and the nature of the act (ie. 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 numerous registered Sites of Aboriginal Significance located in the area applied to clear (DPLH, 2022). It is the proponent's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no Sites of Aboriginal Significance are damaged through the clearing process.

Other relevant authorisations required for the proposed land use include:

- A Programme of Work approved under the *Mining Act 1978*.
- The Petroleum Pipelines Act 1969 (WA).
- *Iron Ore (Mount Newman) Agreement Act 1964*, Mineral Lease 244SA (AML 70/244).
- *Iron Ore (McCamey's Monster) Agreement Act 1972*, Mining Lease 266SA (AM 70/266).

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.

Appendix A - References and databases

1. GIS datasets

Publicly available GIS Databases used (sourced from www.data.wa.gov.au):

- Aboriginal Heritage Places (DPLH-001)
- Cadastre Address (LGATE-002)
- Directory of Important Wetlands in Australia – Western Australia (DBCA-045)
- Environmentally Sensitive Areas (DWER-046)
- Hydrography, linear

Restricted GIS Databases used:

- Threatened Flora (TPFL)
- Threatened Flora (WAHerb)
- Threatened Fauna
- Threatened Ecological Communities and Priority Ecological Communities
- Threatened Ecological Communities and Priority Ecological Communities (Buffers)

2. References

- Department of Planning, Lands and Heritage (DPLH) (2022) Aboriginal Heritage Inquiry System. Department of Planning, Lands and Heritage. <https://espatial.dplh.wa.gov.au/AHIS/index.html?viewer=AHIS> (Accessed 15 July 2022).
- ENV Australia (2009) Orebody 25 to Newman Flora and Vegetation Assessment. Internal Report for BHP Billiton Iron Ore prepared by ENV Australia, 2009.
- Onshore Environmental (2014) Consolidation of Regional Vegetation Mapping BHP Billiton Iron Ore Pilbara Tenure. Report prepared for BHP Billiton Iron Ore, by Onshore Environmental, 2014.
- Onshore Environmental (2015) *Kurra Village Targeted Flora, Vegetation and Fauna Survey*. Internal Report prepared for BHP Billiton Iron Ore, by Onshore Environmental, 2015.
- Onshore Environmental (2016) *Cathedral Gorge Level 2 Flora and Vegetation Survey*. Internal Report prepared for BHP Billiton Iron Ore, by Onshore Environmental, 2016.
- BHP (2021) BHP Iron Ore Pty Ltd - Annual Environmental Report July 2020 to June 2021. Unpublished report, June 2021.
- BHP (2022) Amendment Application for Purpose Permit CPS 7374/2 - (Eastern Ridge Exploration Project) – Form C4, June 2022.
- Western Australian Herbarium (1998-) Florabase - the Western Australian Flora. Department of Biodiversity, Conservation and Attractions, Western Australia. <https://florabase.dpaw.wa.gov.au/> (14 July 2022).

3. Glossary

Acronyms:

BC Act	<i>Biodiversity Conservation Act 2016</i> , Western Australia
BoM	Bureau of Meteorology, Australian Government
DAA	Department of Aboriginal Affairs, Western Australia (now DPLH)
DAFWA	Department of Agriculture and Food, Western Australia (now DPIRD)
DAWE	Department of Agriculture, Water and the Environment, Australian Government
DBCA	Department of Biodiversity, Conservation and Attractions, Western Australia
DER	Department of Environment Regulation, Western Australia (now DWER)
DMIRS	Department of Mines, Industry Regulation and Safety, Western Australia
DMP	Department of Mines and Petroleum, Western Australia (now DMIRS)
DoEE	Department of the Environment and Energy (now DAWE)
DoW	Department of Water, Western Australia (now DWER)
DPaW	Department of Parks and Wildlife, Western Australia (now DBCA)
DPIRD	Department of Primary Industries and Regional Development, Western Australia
DPLH	Department of Planning, Lands and Heritage, Western Australia
DRF	Declared Rare Flora (now known as Threatened Flora)
DWER	Department of Water and Environmental Regulation, Western Australia
EP Act	<i>Environmental Protection Act 1986</i> , Western Australia
EPA	Environmental Protection Authority, Western Australia
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (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
PEC	Priority Ecological Community, Western Australia
RIWI Act	<i>Rights in Water and Irrigation Act 1914</i> , Western Australia
TEC	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.
- (c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened 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 the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.