



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 7525/2  
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 Newman) Agreement Act 1964, Mineral Lease 244SA (AML 70/244);  
Crown Lease K858923, Windell 17 Lot 556 on Deposited Plan 400578  
Local Government Area: Shire of East Pilbara  
Colloquial name: Eastern Ridge to Whaleback Infrastructure Corridor

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
15		Mechanical Removal	Mining related infrastructure

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 8 August 2018

## 2. Site Information

### 2.1. Existing environment and information

#### 2.1.1. Description of the native vegetation under application

**Vegetation Description** The vegetation of the application area is broadly mapped as the following Beard vegetation associations:  
18: Low woodland; mulga (*Acacia aneura*); and  
82: Hummock grasslands, low tree steppe; snappy gum over *Triodia wiseana* (GIS Database).

Numerous flora and vegetation surveys have been conducted over BHP Billiton land tenure over many years (including over the current application area), and results from the various survey reports have been reviewed and consolidated by Onshore Environmental (2014). The consolidated survey report identified the following four broad floristic communities and seven vegetation associations within the application area:

#### **Cenchrus Tussock Grassland**

MA CcCs: Tussock Grassland \**Cenchrus ciliaris* and \**Cenchrus setiger* with Low Woodland of *Eucalyptus victrix*, *Acacia citrinoviridis* and *Atalaya hemiglauca* on brown sandy loam on major drainage lines and adjacent flood plains;

MA CcTtEa ChCa AbAtpAsc: Tussock Grassland of \**Cenchrus ciliaris*, *Themeda triandra* and *Eulalia aurea* with Low Open Woodland of *Corymbia hamersleyana* and *Corymbia aspera* over High Open Shrubland of *Acacia bivenosa*, *Acacia tumida* var. *pilbarensis* and *Acacia sclerosperma* subsp. *sclerosperma* on brown loamy sand on levee banks of major drainage lines;

#### **Corymbia Low Open Woodland**

MI CcAa CcCs Tb: Low Open Woodland of *Corymbia candida* subsp. *dipsodes* and *Acacia aptaneura* over Open Tussock Grassland of \**Cenchrus ciliaris* and \**Cenchrus setiger* and Very Open Hummock Grassland of *Triodia basedowii* on red brown loam on floodplains and minor drainage lines;

#### **Triodia Hummock Grassland**

FP Tb AaApr Eff: Hummock Grassland of *Triodia basedowii* with Low Open Woodland of *Acacia aptaneura* and *Acacia pruinocarpa* over Open Shrubland of *Eremophila forrestii* subsp. *forrestii* on red sandy loam on floodplains;

HC TwTbrTp EICH AmaGwAb: Hummock Grassland of *Triodia wiseana*, *Triodia brizoides* and *Triodia pungens* with Low Open Woodland of *Eucalyptus leucophloia* subsp. *leucophloia* and *Corymbia hamersleyana* over High Open Shrubland of *Acacia maitlandii*, *Grevillea wickhamii* subsp. *hispidula* and *Acacia bivenosa* on red brown sandy loam on hill crests and upper hill slopes;

HS TsTwTp EICH AhiAad: Hummock Grassland of *Triodia* sp. Shovelanna Hill (S. van Leeuwen 3835), *Triodia wiseana* and *Triodia pungens* with Low Open Woodland of *Eucalyptus leucophloia* subsp. *leucophloia* and *Corymbia hamersleyana* over Low Open Shrubland of *Acacia hilliana* and *Acacia adoxa* var. *adoxo* on red brown sandy loam on hill slopes;

### **Triodia Open Hummock Grassland**

SA TI AanApa ApaAprCh: Open Hummock Grassland of *Triodia lanigera* with Open Shrubland of *Acacia ancistrocarpa* and *Acacia pachyacra* and Scattered Low Trees of *Acacia paraneura*, *Acacia pruinocarpa* and *Corymbia hamersleyana* on red sandy loam on stony plains.

Based on the consolidated flora and vegetation report by Onshore Environmental (2014), three additional vegetation associations have been mapped within the amendment area (amendment application CPS 7525/2):

### **Acacia Low Open Forest**

HS AcaAaApr SaEIIAb TbrTw - Low Open Forest of *Acacia catenulata* subsp. *occidentalis*, *Acacia aptaneura* and *Acacia pruinocarpa* over Open Shrubland of *Scaevola acacioides*, *Eremophila latrobei* subsp. *latrobei* and *Acacia bivenosa* over Open Hummock Grassland of *Triodia brizoides* and *Triodia wiseana* on red brown clay loam on breakaways and steep hill slopes;

### **Acacia Low Woodland**

FP AciChAa AanApyPI TtAinCc - Low Woodland of *Acacia citrinoviridis*, *Corymbia hamersleyana* and *Acacia aptaneura* over High Shrubland of *Acacia ancistrocarpa*, *Acacia pyrifolia* var. *pyrifolia* and *Petalostylis labicheoides* over Very Open Tussock Grassland of *Themeda triandra*, *Aristida inaequiglumis* and *\*Cenchrus ciliaris* on brown sandy loam on floodplains and medium drainage lines; and

### **Eucalyptus Woodland**

MA EcEv AciApyMg CcEaTt – 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.

\* Denotes a weed species

<b>Clearing Description</b>	Eastern Ridge to Whaleback Infrastructure Corridor project. BHP Billiton Iron Ore Pty Ltd (BHP Billiton) proposes to clear up to 15 hectares of native vegetation within a boundary of approximately 280 hectares, for the purpose of mining related infrastructure. The project is located approximately two kilometres north of Newman, within the Shire of East Pilbara.
<b>Vegetation Condition</b>	Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994);  To:  Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994).
<b>Comment</b>	The amendment to CPS 7525/1 is to allow for road upgrades and installation and maintenance of monitoring bores between the existing permit boundary and CPS 5617/5.  Clearing permit CPS 7525/1 was granted by the Department of Mines and Petroleum (now the Department of Mines, Industry Regulation and Safety) on 18 May 2017 and was valid from 10 June 2017 to 30 November 2032. The permit authorised the clearing of up to 15 hectares of native vegetation within a boundary of approximately 180 hectares, for the purpose of mining related infrastructure.  On 14 June 2019, the Permit Holder applied to amend CPS 7525/1 to increase the permit boundary from 180 hectares to 280 hectares, and to add Crown Lease K858923, Windell 17 Lot 556 on Deposited Plan 400578 to the tenure on the permit.

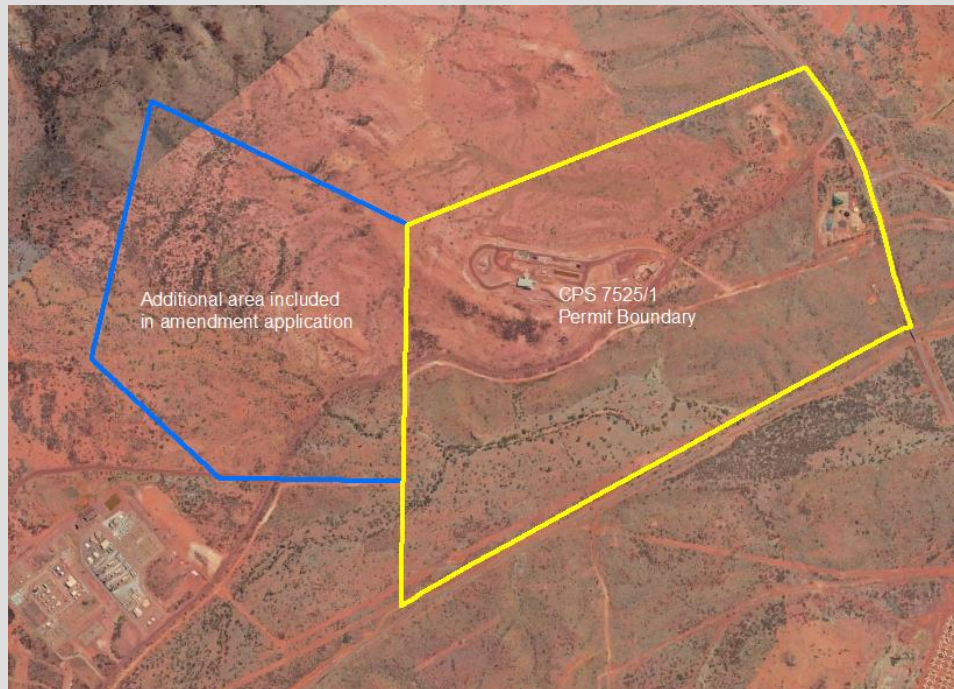


Figure 1: Original clearing permit boundary (yellow area) and proposed amended permit boundary (blue area)

### 3. Assessment of application against Clearing Principles

#### Comments

BHP Billiton has applied to amend the clearing permit boundary to include an additional area of approximately 100 hectares, and to include additional tenure on the permit.

The permit area is located in close proximity to the Newman townsite, Mount Whaleback minesite, and abuts CPS 5617/5 (GIS Database).

A review of flora and vegetation surveys which includes the amended boundary, was conducted by Onshore Environmental (2014). Onshore Environmental (2014) recorded an additional three vegetation communities within the amendment boundary, with these vegetation associations and landforms well represented within the region (BHP Billiton, 2019; Onshore Environmental, 2014). No Threatened or Priority flora species, Threatened or Priority Ecological Communities were recorded within the amendment boundary (BHP Billiton, 2019; Onshore Environmental, 2014).

There were five faunal habitats recorded within the amendment boundary, which were also recorded within decision report 7525/1:

1. Crest / Slope;
2. Drainage Area;
3. Major Drainage Line;
4. Mulga; and
5. Sand Plain.

These faunal habitats are widespread in the Pilbara region and areas of better quality fauna habitat exist outside of the amendment boundary (BHP Billiton, 2019; GIS Database).

One fauna species of conservation significance, the Rainbow Bee-Eater (*Merops ornatus*), was recorded in two locations on the edge of the amendment boundary (BHP Billiton, 2019). This migratory bird species is wide-ranging and relatively common within the Pilbara region. Although this species may forage within the drainage line and major drainage line fauna habitats, there is extensive suitable habitat outside of the amendment boundary (BHP Billiton, 2019; GIS Database).

The proposed clearing is unlikely to have any significant impact on fauna habitat at either a local or regional level. However, an existing clearing permit (CPS 3373/3) overlaps the southern portion of the application area for CPS 7525/2. CPS 3373/3 authorises clearing for similar purposes to the current application and includes a permit condition prohibiting clearing within a small area which was considered to provide higher habitat value for fauna. To ensure consistency between the two overlapping permits, a similar condition has been retained on this permit over the same area.

The amendment boundary is located within the Newman Water Reserve, a Priority 1 Public Drinking Water Source Area (PDWSA) (GIS Database). DoW (2017) advised that the proposed activities are compatible with

the conditions in a Priority 1 PDWSA, and that the proposed clearing is unlikely to have a significant impact on the quality or quantity of groundwater, provided activities are carried out in accordance with DoW guidelines.

There are no permanent watercourses or wetlands within the amended permit boundary (GIS Database). The proposed clearing is not likely to have a significant impact on any watercourses, surface water or ground water quality in the local area (GIS Database). The proposed amendment is not likely to result in appreciable land degradation.

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 report CPS 7525/1.

**Methodology** BHP Billiton (2019)  
DoW (2017)  
Onshore Environmental (2014)

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, 2019). 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 two registered Aboriginal Sites of Significance within the application area (DPLH, 2019). 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 July 2019 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 (2019)

#### **4. References**

- BHP Billiton (2019) Amendment of NVCP CPS 7525/1. Native Vegetation Clearing Permit Application Supporting Document. BHP Billiton Iron Ore Pty Ltd, June 2019.
- DPLH (2019) Aboriginal Heritage Inquiry System. Department of Planning, Lands and Heritage. <http://maps.daa.wa.gov.au/AHIS/> (Accessed 24 July 2019).
- DoW (2017) Advice received in relation to Clearing Permit Application CPS 7525/1. Department of Water, Western Australia, April 2017.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.

## 5. Glossary

### Acronyms:

<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>DBCA</b>	Department of Biodiversity, Conservation and Attractions, Western Australia
<b>DEC</b>	Department of Environment and Conservation, Western Australia (now DBCA and DWER)
<b>DEE</b>	Department of the Environment and Energy, Australian Government
<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>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
<b>DoE</b>	Department of the Environment, Australian Government (now DEE)
<b>DoW</b>	Department of Water, Western Australia (now DWER)
<b>DPaW</b>	Department of Parks and Wildlife, Western Australia (now DBCA)
<b>DSEWPaC</b>	Department of Sustainability, Environment, Water, Population and Communities (now DEE)
<b>DWER</b>	Department of Water and Environmental Regulation, Western Australia
<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:

{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.