



21 October 2020

[REDACTED]

Dear [REDACTED]

**BHP BILLITON IRON ORE MINING OPERATIONS: Application to Amend Native Vegetation Clearing Permit CPS 8047/1 – Nelson Point Gate 7**

**Background and Purpose**

BHP Billiton Iron Ore Pty Ltd (BHP) currently operates a number of Iron Ore mines and associated rail and port infrastructure within the Pilbara region of Western Australia (WA). Ore from BHP Billiton Iron Ore mining operations is transported to Port Hedland via railway lines and then shipped out through Port Hedland at the BHP facilities at Nelson Point and Finucane Island.

Nelson Point Gate 7 in Port Hedland is covered by Native Vegetation Permit (NVCP) CPS 8047/1 which authorises the clearing of up to 1.37 hectares (ha). BHP has identified the need to upgrade the entrance to Gate 7. BHP is therefore seeking to amend of the boundary of CPS 8047/1 to include a section of the Wilson Street public road and an additional areas within Lot 453 on Plan 165816 Port Hedland (**Figure 1**). BHP is also seeking to:

- Amend the purpose of the permit to: “Clearing for the purpose of construction and maintenance of access roads and all associated activities”; and

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No other changes to the permit are required.

The Amendment Application Area is located on the following tenure:

- Property ID I180991 – Crown Lease, Port Hedland 5432 & 5839 Lot 5432 on Deposited Plan 184949 and Lot 5839 on Deposited Plan 219031;
- Property ID 453/P165816 – Lot 453 on Plan 165816 Port Hedland (**Attachment 5**); and
- Wilson Street public road reserve (**Attachment 6**).

**Project Characteristics and Commitments**

BHP commits to undertake the Project in accordance with the details set out in **Table 1**.

**Table 1: Project Characteristics and Commitments**

Permit Characteristics	
Authorising Agency	DWER
Permit Title:	Nelson Point Gate 7 NVCP
Area to be cleared:	1.37 hectares
Amendment Application Area:	4.74 hectares
Purpose of the permit:	Clearing for the purpose of construction and maintenance of access roads and all associated activities.
Tenure:	<ul style="list-style-type: none"> <li>Property ID 1180991 – Crown Lease, Port Hedland 5432 &amp; 5839 Lot 5432 on Deposited Plan 184949 and Lot 5839 on Deposited Plan 219031; and</li> <li>Property ID 453/P165816 – Lot 453 on Plan 165816 Port Hedland; and</li> <li>Wilson Street public road reserve</li> </ul>
Clearing Duration	[REDACTED]
Permit Duration	[REDACTED]
Proposed Annual Reporting Date:	01 October for the previous Financial Year
Proposed Final Reporting Date:	[REDACTED]
Application Boundary:	Map Reference: <ul style="list-style-type: none"> <li>Figure 1: PORT_001NVCP_001_RevB_0</li> <li>Figure 2: PORT_001NVCP_002_RevB_0</li> <li>Figure 3: PORT_001NVCP_003_RevB_0</li> </ul> BHP Billiton Iron Ore Shapefile 1 Doc Reference: [REDACTED]
Application Commitments	
Control of established weed populations will be carried out according to the BHP Billiton Iron Ore Weed Control and Management Procedure (or subsequent revisions).	
All activities will be undertaken in accordance with BHP Billiton Iron Ore's Project Environmental Aboriginal Heritage Review Procedure (or subsequent revisions).	

**Existing Environment**

ENV Australia conducted a Level 2 Flora and Vegetation Assessment (ENV Australia, 2011a) and a Level One Regional Fauna Assessment (ENV Australia, 2011b) over the Amendment Application Area (**Attachments 3 and 4**).

**Flora**

ENV Australia (2011a) identified that the Amendment Application Area was solely comprised of land which was covered by existing infrastructure or had been previously disturbed (**Figure 2**). The remanent / regrowth vegetation within the Amendment Application Area is not considered significant (ENV Australia, 2011a).

No Threatened Ecological Communities (TECs), listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) or as endorsed by the Western Australian Minister for the Environment were identified within the Amendment Application Area (ENV Australia, 2011a). No Priority Ecological Communities (PECs), as listed by the Department of Biodiversity, Conservation and Attractions (DBCA) of Western Australia under the *Biodiversity Conservation Act 2016* (BC Act), were identified within the Amendment Application Area (ENV Australia, 2011a). The vegetation condition within the proposed Amendment Application Area was categorised as completely degraded (ENV Australia, 2011a).

No Threatened Flora listed under the EPBC Act, gazetted as Threatened Flora species under the BC Act, or listed as Priority Flora by the DBCA have been recorded within the Amendment Application Area (ENV Australia, 2011a).

Two weed species were recorded from within the Amendment Application Area: *\*Aerva javanica* (Kapok Bush) and *\*Stylosanthes hamata* (Verano Stylo). Both of these weeds have a high rating under the High Environmental Weed Rating (DPAW, 2014). Control of established weed populations will be carried out according to the *BHP Billiton Iron Ore Weed Control and Management Procedure* (or subsequent revisions).

## **Fauna**

ENV Australia (2011b) identified that the Amendment Application Area was solely comprised of land which was covered by existing infrastructure or had been previously disturbed (**Figure 3**) and the area is not considered to be significant (ENV Australia, 2011b).

No significant fauna species listed under the EPBC Act or listed under the BC Act or by the DBCA have been recorded from the Amendment Application Area (ENV Australia, 2011b). Based on the conservation significant fauna species previously recorded in the vicinity, four conservation significant fauna species are considered to potentially occur (those species considered 'likely' or 'possible' to occur) within the Amendment Application Area (ENV Australia, 2011b):

- Caspian Tern (*Sterna caspia*) (Migratory EPBC Act; Schedule 5 BC Act);
- Eastern Osprey (*Pandion haliaetus*) (Migratory EPBC Act);
- Grey-tailed Tattler (*Tringa brevipes*) (DBCA Priority 4); and
- Wood Sandpiper (*Tringa glareola*) (Migratory EPBC Act; Schedule 5 BC Act).

Given the highly degraded nature of the Amendment Application Area these species are likely to be transitory visitors only.

## **Groundwater**

The Amendment Application Area is located in the Pilbara Groundwater Area, proclaimed under the *Rights in Water and Irrigation Act 1914* (RIWI Act) (DoW, 2009a). There is one main aquifer within the Amendment Application Area: Pilbara - Fractured Rock.

## **Surface Water**

The Amendment Application Area is located in the Pilbara Surface Water Area, proclaimed under the rights in RIWI Act (DoW, 2009b). There are no surface water features within or adjacent to the Amendment Application Area.

## **Heritage**

Archaeological and ethnographic surveys of the Amendment Application Area have been conducted in consultation with the traditional owners and no heritage sites have been identified within Amendment Application Area. In the event that any heritage sites are identified which cannot be avoided, BHP will consult the relevant traditional owners and seek approval under the *Aboriginal Heritage Act, 1972* before the site is disturbed.

## **Assessment against the 10 Clearing Principles**

The proposed activities are not likely to be at variance to any of the ten clearing principles.

- a) *Native vegetation should not be cleared if it comprises a high level of biological diversity.*

The vegetation of the Amendment Application Area is of a similar type and condition as the surrounding area. The number of flora species recorded in the Amendment Application Area is considered to be consistent with the size of the area surveyed within the Pilbara bioregion. No significant flora, TECs or PECs were recorded (ENV, 2011a).

Clearing of vegetation within the Amendment Application Area is not considered to be at variance with this principle as the small area proposed to be cleared is highly degraded and is not considered to represent a higher level of biodiversity compared to surrounding vegetated areas, does not support conservation significant vegetation, and is not considered to represent an area of regionally significant vegetation.

- 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.*

Clearing of vegetation within the Amendment Application Area is not considered to be at variance with this principle.

No significant fauna species have been recorded in the Amendment Application Area (ENV, 2011b). The four possible conservation significant fauna would only be transitory visitors to the Amendment Application Area. Clearing of vegetation within the Amendment Application Area is not at variance with this principle as the amount of clearing to be undertaken is very small, the Amendment Application Area is highly degraded, and vegetation and fauna habitats in the broader region are more suitable and in better condition.

- c) *Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.*

Clearing of vegetation within the Amendment Application Area is not considered to be at variance with this principle as no rare flora are known, or are likely, to occur within the Amendment Application Area.

- 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.*

Clearing of vegetation is not considered to be at variance with this principle as no TECs, Environmentally Sensitive Areas or PECs occur in the Amendment Application Area or within the vicinity. The nearest PEC is the Horseflat Land System of the Roebourne Plains, located approximately 90 km south west of the Amendment Application Area. Any impacts from the proposed clearing would not affect this 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.*

Clearing of vegetation within the Amendment Application Area is not considered to be at variance with this principle as the Amendment Application Area is not considered representative of an area of remnant vegetation within a largely cleared landscape. Rather, the site represents a relatively small area of highly disturbed vegetation within a wider region supporting large areas of intact vegetation which is in better condition than the Amendment Application Area.

- f) *Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.*

Clearing of vegetation within the Amendment Application Area is not considered to be at variance with this principle as no surface water features occur with or adjacent to the Amendment Application Area.

- g) *Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.*

Clearing of vegetation within the Amendment Application Area is not considered to be at variance with this principle. Clearing will be minimal and clearing activities will not result in an increased risk of erosion, changes to pH, water logging, increased salinity or spread of weeds. It is not anticipated that the removal of vegetation will contribute to increased amounts of wind or water erosion in adjacent areas. Control of established weed populations will be carried out according to the *BHP Billiton Iron Ore Weed Control and Management Procedure* (or subsequent revisions).

- 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.*

Clearing of vegetation within the Amendment Application Area is not considered to be at variance with this principle as there are no conservation areas located adjacent to or nearby the Amendment

Application Area. The nearest conservation area is the Mungaroona Range Nature Reserve, located approximately 110 km south southwest of the Amendment Application 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.*

Clearing of vegetation within the Amendment Application Area is not considered to be at variance with this principle as the clearing of native vegetation is not considered likely to alter the quality of surface or ground waters within the Amendment Application Area due to the small amount of proposed clearing.

- 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.*

The Pilbara region is subject to cyclonic activities and intense rainfall events. Massive surface water runoff and localised flooding occurs following these events, however the incidence or intensity of the flooding is not likely to be significantly influenced by the proposed vegetation clearing. Clearing of vegetation is not considered to be at variance with this principle.

### **Permit Dates**

In order to align BHP Billiton Iron Ore's NVCPs across the business BHP requests that:

- the Clearing Permit Final Report is required to be submitted to the DMIRS by the 30 November 2028; and
- [REDACTED]

### **Conclusion**

The proposed clearing within the Amendment Application Area is unlikely to be at variance to any of the Ten Clearing Principles. No increase to the disturbance allocation of CPS 8047/1 is being sought and the additional area to be included within the permit boundary consists of highly disturbed road reserve and therefore the proposed amendment is unlikely to have any significant negative impact on the biodiversity and environmental values in the area.

All activities will be undertaken in accordance with BHP's Project Environmental Aboriginal Heritage Review Procedure (or subsequent revisions) which is considered appropriate to manage any potential environmental impacts of the proposal.

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Yours sincerely,

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#### **Enclosed:**

- Attachment 1: Clearing Permit Amendment Application Form (C4)
- Attachment 2: Figures 1 to 3.
- Attachment 3: ENV Australia (2011a) *Port Hedland Regional Flora and Vegetation Assessment* (electronic copy only).
- Attachment 4: ENV Australia (2011b) *Port Hedland Regional Fauna Assessment* (electronic copy only).
- Attachment 5: Authority to access Property ID 453/P165816 – Lot 453 on Plan 165816 Port Hedland (electronic copy only).
- Attachment 6: Authority to access Wilson Street Public Road Reserve MRWA
- Attachment 7: Shapefile: Proposed\_NVCP\_Boundary\_CPS\_8047\_2\_Gate\_7\_Upgrade\_(GDA94\_MGAZ50).

## **References**

DPaW (2014) *Ecological Impact and Invasiveness Ratings from the Department of Parks and Wildlife Pilbara Region Species Prioritisation Process*.

Department of Water (2009a) Groundwater Proclamation Areas 2009. Website: [https://www.water.wa.gov.au/\\_data/assets/pdf\\_file/0019/1675/86307.pdf](https://www.water.wa.gov.au/_data/assets/pdf_file/0019/1675/86307.pdf) Accessed 05 September 2017

Department of Water (2009b) Surface Water Proclamation Areas 2009. Website: [https://www.water.wa.gov.au/\\_data/assets/pdf\\_file/0004/1669/86306.pdf](https://www.water.wa.gov.au/_data/assets/pdf_file/0004/1669/86306.pdf) Accessed 05 September 2017

ENV Australia (2011a) *Port Hedland Regional Flora and Vegetation Assessment*. Unpublished report prepared for BHP Billiton Iron Ore.

ENV Australia (2011b) *Port Hedland Regional Fauna Assessment*. Unpublished report prepared for BHP Billiton Iron Ore.