



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	8877/1
Duration of Permit:	From 14 November 2020 to 30 September 2035
Permit Holder:	BHP Billiton Nickel West 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

Nickel (Agnew) Agreement Act 1974, Mineral Lease 255SA (AML 70/255);

General Purpose Leases 36/49-51, 53/11-14;

Mining Leases 36/4, 36/9, 36/78, 36/87, 36/102-103, 36/129-131, 36/155-156, 36/158-160, 36/183-185, 36/216-220, 36/230, 36/242-243, 36/246-247, 36/285-286, 36/288-291, 36/294, 36/306-307, 36/336, 36/389, 36/399, 36/409, 36/422, 36/439-440, 36/452-457, 36/467, 36/509-510, 36/517, 36/549, 36/618, 36/631, 36/658, 36/676-677, 53/56-57, 53/165-167, 53/187, 53/218, 53/243, 53/371, 53/410-411, 53/462-463, 53/466-467, 53/475, 53/483-489;

Miscellaneous Licences 36/51-54, 36/56, 36/60, 36/67-81, 36/85-86, 36/88-91, 36/93-95, 36/97, 36/101-104, 36/109-110, 36/206, 36/240, 53/31, 53/54, 53/56, 53/58, 53/63-65, 53/67, 53/76, 53/82, 53/109-110, 53/122-132.

2. Purpose for which clearing may be done

Clearing for the purpose of mineral exploration, mineral production and associated activities.

3. Area of Clearing

The Permit Holder must not clear more than 6,000 hectares of native vegetation. All clearing must be within the areas shaded yellow on attached Plan 8877/1A and areas cross-hatched yellow on attached Plans 8877/1B, 8877/1C, 8877/1D and 8877/1E.

4. Period in which clearing is authorised

The Permit Holder shall not clear any native vegetation after 30 September 2030.

5. Period in which clearing is authorised

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

6. 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

7. 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.

8. 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.

9. Watercourse management

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

10. Flora Management

Where *Priority* flora have been identified and their locations reported within document 'BHP Billiton Nickel West, Northern Operations, Strategic Native Vegetation Clearing Permit (NVCP) Application, Supporting Information, April 2020', as retained on Department of Mines, Industry Regulation and Safety File No. A0633/202001 as Doc ID 7332479, the Permit Holder must ensure that no greater than:

- (i) 527 individuals of the *Priority 2* flora species *Hibbertia* sp. Sherwood Breakaways (R.J. Cranfield 6771) are impacted; and
- (ii) 233 individuals of the *Priority 3* flora species *Thryptomene* sp. Leinster (B.J. Lepschi & L.A. Craven 4362) are impacted.

11. 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* the areas that are no longer required for the purpose for which they were cleared under this Permit by:
 - (i) re-shaping the surface of the land so that it is consistent with the surrounding 5 metres of uncleared land;
 - (ii) ripping the ground on the contour to remove soil compaction; and
 - (iii) laying the vegetative material and topsoil retained under Condition 11(a) on the cleared area.
- (c) within 4 years of undertaking *revegetation* and *rehabilitation* in accordance with Condition 11(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 11(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 11(c)(ii) of this permit, the Permit Holder shall repeat Condition 11(c)(i) and 11(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 11(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 11(c)(ii), the *CEO* may require the Permit Holder to undertake additional *planting* and *direct seeding* in accordance with the requirements under Condition 11(c)(ii).

PART III - RECORD KEEPING AND REPORTING

12. 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) actions taken to avoid, minimise and reduce the impacts and the extent of clearing in accordance with Condition 7 of this Permit;
- (c) actions taken to minimise the introduction and spread of *weeds* in accordance with Condition 8 of this Permit; and
- (d) in relation to the impacts to *Priority* flora in accordance with Condition 10 of this Permit:
 - (i) the location of the above listed *Priority* flora impacted, 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 number of above listed *Priority* flora individuals impacted.
- (e) in relation to the *revegetation* and *rehabilitation* of areas pursuant to Condition 11 of this Permit:
 - (iii) 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;
 - (iv) a description of the *revegetation* and *rehabilitation* activities undertaken; and
 - (v) the size of the area *revegetated* and *rehabilitated* (in hectares).

13. Reporting

- (a) The Permit Holder shall provide a report to the *CEO* by 31 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 12 of this Permit in relation to clearing carried out between 1 July and 30 June of the previous financial year.
- (b) Prior to 30 September 2035, the Permit Holder must provide to the *CEO* a written report of records required under Condition 12 of this Permit where these records have not already been provided under Condition 13(a) of this Permit.

DEFINITIONS

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

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;

local provenance means native vegetation seeds and propagating material from natural sources within 100 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, 4 or 5 in the Department of Parks and Wildlife's Threatened and Priority Flora List for Western Australia (as amended);

regeneration means *revegetation* that can be established from in situ seed banks 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;

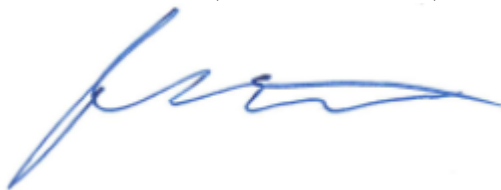
riparian vegetation has the meaning given to it in Regulation 3 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004;

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 Parks and Wildlife Regional Weed Rankings Summary, regardless of ranking; or
- (c) not indigenous to the area concerned;

wetland/s means an area of seasonally, intermittently or permanently waterlogged or inundated land, whether natural or otherwise, and includes a lake, swamp, marsh, spring, dampland, tidal flat or estuary.



Dan Endacott
General Manager Environmental Compliance
Resource and Environmental Compliance Division
22 October 2020

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