



## CLEARING PERMIT

*Granted under section 51E of the Environmental Protection Act 1986*

<b>Purpose Permit number:</b>	CPS 9762/2
<b>Permit Holder:</b>	BHP Nickel West Pty Ltd
<b>Duration of Permit:</b>	From 20 April 2023 to 20 April 2038

The permit holder is authorised to clear *native vegetation* subject to the following conditions of this permit.

### **PART I – CLEARING AUTHORISED**

#### **1. Clearing authorised (purpose)**

The permit holder is authorised to clear *native vegetation* for the purpose of maintenance and expansion of the Leinster town site.

#### **2. Land on which clearing is to be done**

<b>Lot Number</b>	<b>Locality</b>
Lot 10 on Deposited Plan 215045	Leinster
Lot 1002 on Deposited Plan 184485	
Lot 1003 on Deposited Plan 215204	
Lot 1006 on Deposited Plan 215205	
Lot 1009 on Deposited Plan 215205	
Lot 11 on Deposited Plan 215046	
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**3. Clearing authorised**

The permit holder must not clear more than 150 hectares of *native vegetation* within the area cross-hatched yellow in Figure 1 of Schedule 1.

**4. Period during which clearing is authorised**

The permit holder must not clear any *native vegetation* after 20 April 2033.

**PART II – MANAGEMENT CONDITIONS**

**5. Avoid, minimise, and reduce impacts and extent of clearing**

In determining the *native vegetation* authorised to be cleared under this permit, the permit holder must apply the following principles, set out in descending 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.

**6. Weed management**

When undertaking any clearing authorised under this permit, the permit holder must take the following measures to minimise the risk of introduction and spread of *weeds*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (b) ensure that no known *weed*-affected soil, *mulch*, *fill*, or other material is brought into the area to be cleared; and
- (c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

**7. Directional clearing**

The permit holder must conduct clearing activities in a slow, progressive manner toward remnant vegetation to allow fauna to move into adjacent *native vegetation* ahead of the clearing activity.

**8. Wind erosion management**

The permit holder must commence town maintenance and expansion activities no later than three (3) months after undertaking the authorised clearing activities to reduce the potential for wind erosion.

**9. Vegetation management – watercourse and drainage line surface flow**

The Permit Holder must maintain the existing surface flow of any *watercourse* or *drainage line* that is to be impacted by the authorised clearing.

**10. Flora management**

- (a) Prior to undertaking any clearing authorised under this Permit, the permit holder must demarcate the flora (*Eucalyptus kingsmillii* x *oldfieldii*) identified within the report *Leinster Townsite Flora, Vegetation and Fauna Assessment, prepared for BHP Billiton Nickel West, 2021* (Biota Environmental Sciences, January 2021) at the locations in Table 1 below:

Species	Easting (mE)	Northing (mN)	Number of Individuals
<i>Eucalyptus kingsmillii</i> x <i>oldfieldii</i>	272470	6910217	1
<i>Eucalyptus kingsmillii</i> x <i>oldfieldii</i>	272440	6910237	1
<i>Eucalyptus kingsmillii</i> x <i>oldfieldii</i>	272469	6910244	1

- (b) The permit holder shall not cause or allow the clearing of any *Eucalyptus kingsmillii* x *oldfieldii* individuals.

**11. Revegetation and rehabilitation (temporary works)**

For any clearing for *temporary works* under this Permit, 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(s) that has already been cleared.

- (b) At an *optimal time* within 12 months following the completion of works authorised under this Permit, *revegetate* and *rehabilitate* the area(s) 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(s) no longer required for the purpose for which they were cleared under this Permit.
- (c) within 24 months of laying the vegetative material and topsoil on the cleared area(s) 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(s) *revegetated* and *rehabilitated*; and
  - (ii) engage an *environmental specialist* to determine as to whether or not the composition structure and density determined under condition 11(c)(i) of this Permit will, without further *revegetation*, result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area(s).
- (d) If the determination made by the *environmental specialist* under condition 11(c)(ii) is that the composition structure and density determined under condition 11(c)(i) of this Permit will not, without further *revegetation*, result in a similar species composition, structure and density to the of pre-clearing vegetation types in that area(s), the Permit Holder shall *revegetate* the area(s) by deliberately *planting* and/or *seeding local provenance native vegetation* that will result in a similar species composition, structure and density of *native vegetation* to pre-clearing vegetation types in that area(s).
- (e) Where additional planting or *direct seeding* of *native vegetation* is undertaken in accordance with condition 11(c) of this Permit, the Permit Holder shall repeat the activities required by condition 11(c) and 11(d) within 24 months of undertaking the additional *planting* or direct seeding of native vegetation.
- (f) Where a determination is made by an *environmental specialist* under condition 11(c)(ii) that the composition structure and density within area(s) *revegetated* and *rehabilitated* will result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area(s), that determination shall be submitted to the *CEO* within three months of the determination being made by the *environmental specialist*.
- (g) During the next *optimal time* occurring after receiving notice from the *CEO*:
- (i) stating that the *CEO* disagrees with the determination submitted under condition 11(f); and
  - (ii) specifying that required further *planting* of *local provenance* propagating material and/or *direct seeding* of *local provenance* seeds that in the *CEO*'s reasonable opinion are necessary to ensure that the *native vegetation* will result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area(s), the Permit Holder must carry out the further *planting* and/or *direct seeding* specified in the notice.



**PART III - RECORD KEEPING AND REPORTING****12. Records that must be kept**

The permit holder must maintain records relating to the listed relevant matters in accordance with the specifications detailed in Table 2.

**Table 2: Records that must be kept**

No.	Relevant matter	Specifications
1.	In relation to the authorised clearing activities generally	<ul style="list-style-type: none"> <li>(a) the species composition, structure, and density of the cleared area;</li> <li>(b) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (GDA2020), expressing the geographical coordinates in Eastings and Northings;</li> <li>(c) the date that the area was cleared;</li> <li>(d) the size of the area cleared (in hectares);</li> <li>(e) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 5;</li> <li>(f) actions taken to minimise the risk of the introduction and spread of <i>weeds</i> in accordance with condition 6;</li> <li>(g) actions taken in accordance with condition 7;</li> <li>(h) actions taken in accordance with condition 8;</li> <li>(i) actions taken in accordance with condition 9;</li> </ul>
2.	In relation to flora management pursuant to condition 10	<ul style="list-style-type: none"> <li>(a) actions taken to demarcate each flora species recorded; and</li> <li>(b) actions taken to avoid the clearing of flora species.</li> </ul>
3.	In relation to the <i>revegetation</i> and <i>rehabilitation</i> of areas pursuant to condition 11 of this Permit.	<ul style="list-style-type: none"> <li>(a) the location of any areas <i>revegetated</i> and <i>rehabilitated</i>, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (2020), expressing the geographical coordinates in Eastings and Northings or decimal degrees;</li> <li>(b) a description of the <i>revegetation</i> and <i>rehabilitation</i> activities undertaken;</li> <li>(c) the size of the area(s) <i>revegetated</i> and <i>rehabilitated</i> (in hectares);</li> <li>(d) the date that the area(s) was <i>revegetated</i> and <i>rehabilitated</i>; and</li> <li>(e) action and timing of remedial actions undertaken within the area(s) that was <i>revegetated</i> and <i>rehabilitated</i> where the <i>revegetation</i> and <i>rehabilitation</i> will not result in a similar species composition, structure and density to that of pre-clearing vegetation type in that area(s).</li> </ul>

### 13. Reporting

- (a) The permit holder must provide to the *CEO*, on or before 30 September of each calendar year, a written report containing:
- (i) the records required to be kept under condition 12; and
  - (ii) records of activities done by the permit holder under this permit between 1 July and 30 June of the preceding calendar year.
- (b) If no clearing authorised under this permit has been undertaken, a written report confirming that no clearing under this permit has been undertaken, must be provided to the *CEO* on or before 30 September of each calendar year.
- (c) The permit holder must provide to the *CEO*, no later than 90 calendar days prior to the expiry date of the permit, a written report of records required under condition 12, where these records have not already been provided under condition 13(a).

### DEFINITIONS

In this permit, the terms in Table 3 have the meanings defined.

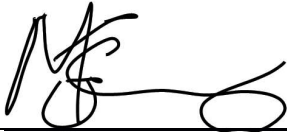
**Table 3: Definitions**

Term	Definition
CEO	Chief Executive Officer of the department responsible for the administration of the clearing provisions under the <i>Environmental Protection Act 1986</i> .
clearing	has the meaning given under section 3(1) of the EP Act.
condition	a condition to which this clearing permit is subject under section 51H of the EP Act.
department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> (WA) and designated as responsible for the administration of the EP Act, which includes Part V Division 3.
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.
Drainage line	means a natural depression that carries surface water runoff.
environmental specialist	means a person who holds a tertiary qualification in environmental science or equivalent, and has a minimum of 2 years work 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;
EP Act	<i>Environmental Protection Act 1986</i> (WA)
fill	means material used to increase the ground level, or to fill a depression.
local provenance	means native vegetation seeds and propagating material from natural sources within 200 kilometres and the same 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.
native vegetation	has the meaning given under section 3(1) and section 51A of the EP Act.
optimal time	means the period from April to May for undertaking planting and direct seeding;
planting	means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired species;

Term	Definition
rehabilitate	means actively managing an area containing native vegetation in order to improve the ecological function of that area;
revegetate, revegetated and revegetation	means the re-establishment of a cover of native vegetation in an area such that the species composition, structure, density and condition is similar to pre-clearing vegetation types in that area, and can involve regeneration, direct seeding and/or planting;
site preparation	means management of existing site topsoil and preparation of the finished soil surface, for example by ripping or tilling the soil surface and resspreading site topsoil and chipped native vegetation;
temporary works	means access tracks, spoil areas, side tracks, site offices, storage areas, laydown areas, extraction sites, camps, project surveys, pre-construction activities, and similar works associated with a project activity that are temporary in nature.
watercourse	Has the meaning given to it in section 3 of the <i>Rights in Water and Irrigation Act 1914</i> .
weeds	means any plant – <ul style="list-style-type: none"> <li>(a) that is a declared pest under section 22 of the <i>Biosecurity and Agriculture Management Act 2007</i>; or</li> <li>(b) published in a Department of Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking summary, regardless of ranking; or</li> <li>(c) not indigenous to the area concerned.</li> </ul>

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**END OF CONDITIONS**




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Mathew Gannaway  
 MANAGER  
 NATIVE VEGETATION REGULATION

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

26 August 2024

# Schedule 1

The boundary of the area authorised to be cleared is shown in the map below (Figure 1).

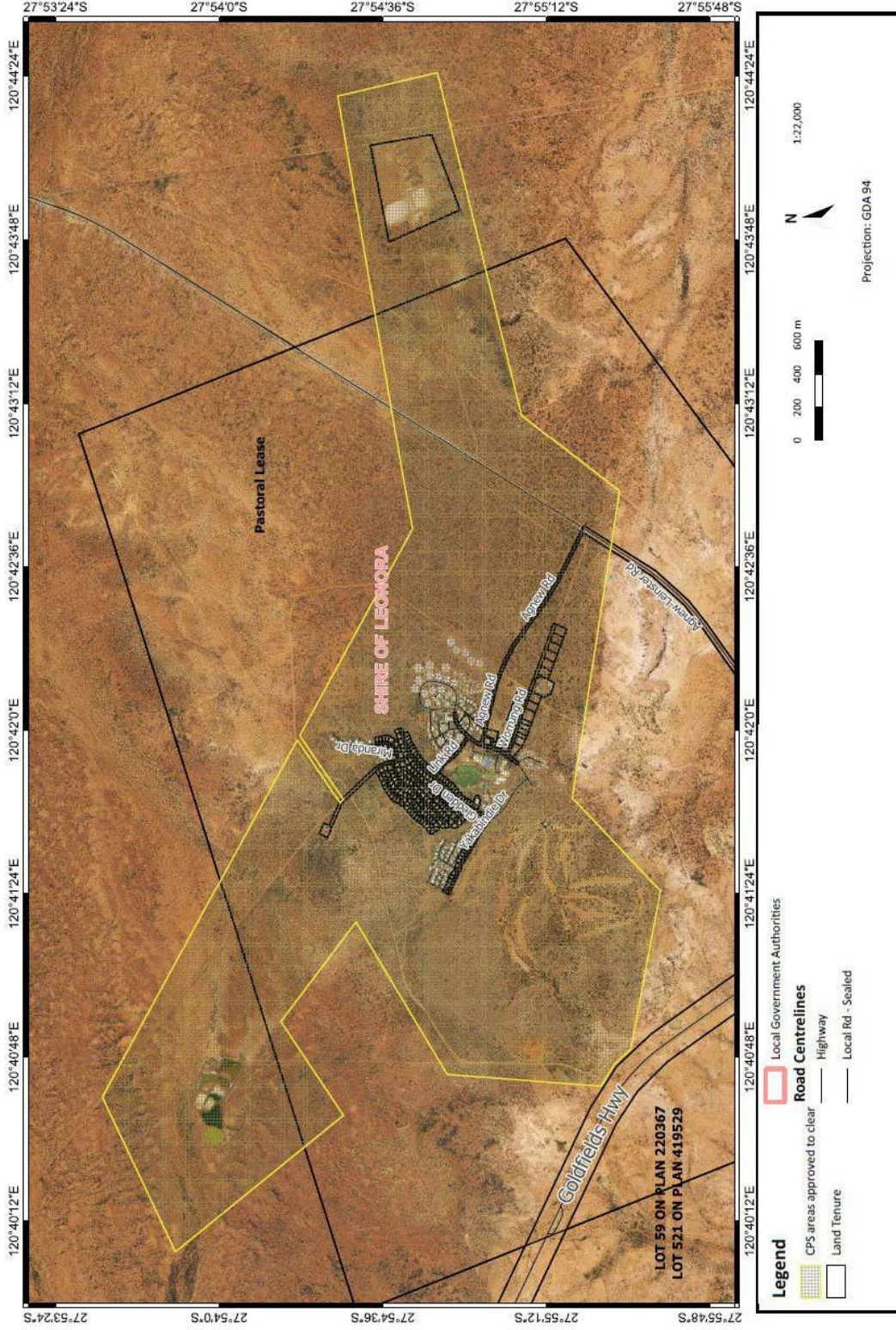


Figure 1: Map of the boundary of the area within which clearing may occur



# Clearing Permit Decision Report

## 1 Application details and outcome

### 1.1. Permit application details

<b>Permit number:</b>	CPS 9762/2
<b>Permit type:</b>	Purpose permit
<b>Applicant name:</b>	BHP Nickel West Pty Ltd
<b>Application received:</b>	14 March 2024
<b>Application area:</b>	150 hectares of native vegetation (within a footprint of 1069 hectares)
<b>Purpose of clearing:</b>	Maintenance and expansion of the Leinster town site
<b>Method of clearing:</b>	Mechanical
<b>Property:</b>	Lot 10 on Deposited Plan 215045 Lot 1002 on Deposited Plan 184485 Lot 1003 on Deposited Plan 215204 Lot 1006 on Deposited Plan 215205 Lot 1009 on Deposited Plan 215205 Lot 11 on Deposited Plan 215046 Lot 12 on Deposited Plan 215046 Lot 13 on Deposited Plan 215046 Lot 14 on Deposited Plan 215046 Lot 15 on Deposited Plan 215046 Lot 16 on Deposited Plan 215046 Lot 163 on Deposited Plan 30116 (Crown Reserve 46801) Lot 17 on Deposited Plan 215046 Lot 18 on Deposited Plan 215046 Lot 19 on Deposited Plan 215046 Lot 2 on Deposited Plan 215044 Lot 20 on Deposited Plan 215046 Lot 200 on Deposited Plan 215045 Lot 201 on Deposited Plan 215045 Lot 202 on Deposited Plan 215045 Lot 203 on Deposited Plan 215045 Lot 204 on Deposited Plan 215045 Lot 205 on Deposited Plan 215045 Lot 206 on Deposited Plan 215045 Lot 207 on Deposited Plan 215045 Lot 208 on Deposited Plan 215045 Lot 209 on Deposited Plan 215045 Lot 210 on Deposited Plan 215045 Lot 211 on Deposited Plan 215045 Lot 212 on Deposited Plan 215045 Lot 213 on Deposited Plan 215045 Lot 214 on Deposited Plan 215045 Lot 215 on Deposited Plan 215045 Lot 216 on Deposited Plan 215045 Lot 217 on Deposited Plan 215045 Lot 218 on Deposited Plan 215045 Lot 219 on Deposited Plan 215045 Lot 220 on Deposited Plan 215045

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 Lot 9 on Deposited Plan 215045  
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 Lot 997 on Deposited Plan 215046  
 Lot 998 on Deposited Plan 215046  
 Lot 999 on Deposited Plan 21504

**Location (LGA area/s):** Shire of Leonora

**Localities (suburb/s):** Leinster

## 1.2. Description of clearing activities

This amendment is to vary a permit condition relating to Part III- Record keeping and reporting conditions of the permit. The clearing footprint and amount of clearing remains unchanged from that authorised under clearing permit CPS 9762/1 (see Figure 1, Section 1.5). CPS 9762/2 allows for the clearing of 150 hectares within a footprint of 1069 hectares of native vegetation within multiple land parcels, Leinster, for the purpose of maintenance of, or expansion at, the town site. Including clearing activities required for, but not limited to, infrastructure, drainage, services, roads / access tracks, buildings, waste management, commercial and recreational activities, and laydown areas.

BHP Nickel West Pty Ltd has advised that clearing for the maintenance of, or expansion at, the town site has not been done during the financial year 2023 reporting period from 1 July 2022 to 30 June 2023 (BHP Nickel West Pty Ltd, 2024a).

## 1.3. Decision on application

**Decision:** Granted

**Decision date:** 26 August 2024

**Decision area:** 150 hectares of native vegetation, as depicted in Section 1.5, below.

### 1.4. Reasons for decision

This clearing permit amendment application was submitted, accepted, assessed and determined in accordance with sections 51E and 51O of the *Environmental Protection Act 1986* (EP Act). The Department of Water and Environmental Regulation (DWER) advertised the application for 7 days and no submissions were received.

In making this decision, the Delegated Officer took into consideration that the previous assessment was undertaken in March 2023 and based on the review of current environmental information, did not reveal any new environmental values for further consideration and the proposed amendment relates only to a change to the reporting due date stipulated in Condition 13(a). It is unlikely that additional planning or other matters have arisen since the grant of CPS 9762/1 that would influence the decision to approve the amendment in this instance.

The assessment against the clearing principles outlined in Schedule 5 of the EP Act is considered not to have changed since the assessment for CPS 9762/1. The Delegated Office had taken the above into consideration and decided to grant an amended clearing permit.

### 1.5. Site maps

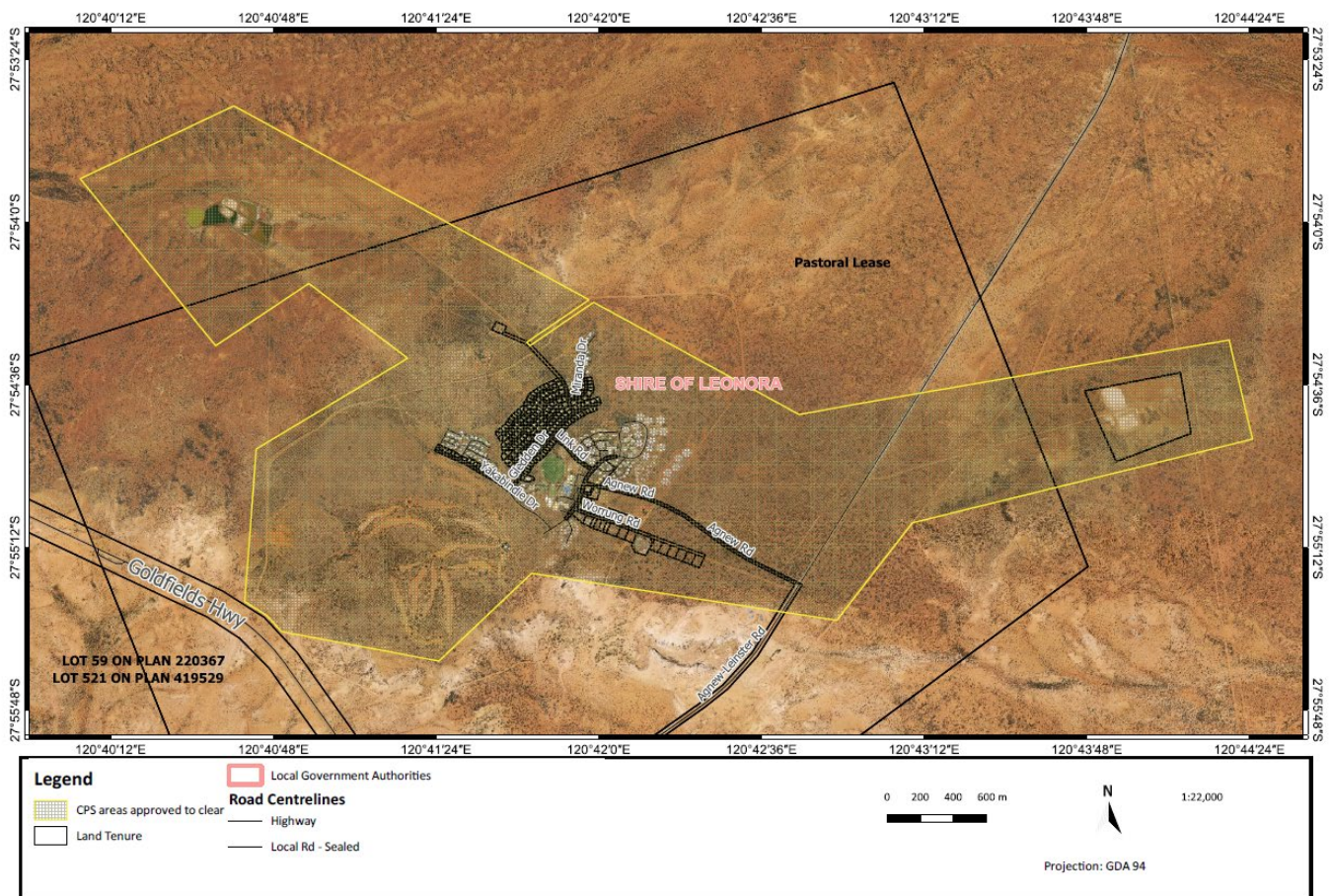


Figure 1 Map of the application area

The areas crosshatched yellow indicate the area authorised to be cleared under the granted clearing permit.

## 2 Legislative context

The clearing of native vegetation in Western Australia is regulated under the EP Act and the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* (Clearing Regulations).

In addition to the matters considered in accordance with section 51O of the EP Act (see Section 1.4), the Delegated Officer has also had regard to the objects and principles under section 4A of the EP Act, particularly:

- the precautionary principle
- the principle of intergenerational equity
- the polluter pays principle
- the principle of the conservation of biological diversity and ecological integrity.

Other legislation of relevance for this assessment include:

- *Biodiversity Conservation Act 2016* (WA) (BC Act)
- *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act)
- *Planning and Development Act 2005* (WA) (P&D Act)

The key guidance documents which inform this assessment are:

- *A guide to the assessment of applications to clear native vegetation* (DER, December 2013)
- *Procedure: Native vegetation clearing permits* (DWER, October 2019)
- Technical guidance – *Flora and Vegetation Surveys for Environmental Impact Assessment* (EPA, 2016)
- Technical guidance – *Terrestrial Fauna Surveys for Environmental Impact Assessment* (EPA, 2016)

## 3 Detailed assessment of application

### 3.1. Avoidance and mitigation measures

The avoidance and minimisation measures proposed by the applicant have not changed and can be found in the Decision Report for CPS 9762/1.

### 3.2. Assessment of impacts on environmental values

In assessing the application, the Delegated Officer has had regard for the site characteristics and the extent to which the impacts of the proposed clearing present a risk to biological, conservation, or land and water resource values.

The purpose of this application is to amend Condition 13(a) of Clearing Permit CPS 9762/1, to change the reporting due date from 1 September to 30 September of each calendar year. The justification for this change is that BHP Nickel West is in the final stages of a Reporting Simplification Project, whereby all DWER Part V reporting periods and reporting due dates are being aligned. This will enable all Nickel West Compliance Reports to be compiled in a single document. The benefit will be a reduction in administrative burden, standardisation of the reporting content, structure, attachments and to provide DWER with a holistic summary of Nickel West's compliance activity (BHP Nickel West Pty Ltd, 2024b).

The assessment against the clearing principles outlined in Schedule 5 of the EP Act remain unchanged and can be found in the Decision Report prepared for Clearing Permit CPS 9762/1.

### 3.3. Relevant planning instruments and other matters

Given the nature of the amendment and considering the time since the grant of the original permit, the relevant planning instruments and the other matters remain unchanged with the previous decision report and can be found in the Clearing Permit Decision Report CPS 9762/1 (DWER, 2023).

**End**

## Appendix E. Sources of information

### E.1. GIS databases

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

- 10 Metre Contours (DPIRD-073)
- Aboriginal Heritage Places (DPLH-001)
- Aboriginal Heritage Places (DPLH-001)
- Cadastre (LGATE-218)
- Cadastre Address (LGATE-002)
- Contours (DPIRD-073)
- DBCA – Lands of Interest (DBCA-012)
- DBCA Legislated Lands and Waters (DBCA-011)
- Directory of Important Wetlands in Australia – Western Australia (DBCA-045)
- Environmentally Sensitive Areas (DWER-046)
- Flood Risk (DPIRD-007)
- Groundwater Salinity Statewide (DWER-026)
- Hydrography – Inland Waters – Waterlines
- Hydrological Zones of Western Australia (DPIRD-069)
- IBRA Vegetation Statistics
- Imagery
- Local Planning Scheme – Zones and Reserves (DPLH-071)
- Native Title (ILUA) (LGATE-067)
- Offsets Register – Offsets (DWER-078)
- Pre-European Vegetation Statistics
- Public Drinking Water Source Areas (DWER-033)
- Ramsar Sites (DBCA-010)
- Regional Parks (DBCA-026)
- Remnant Vegetation, All Areas
- RIWI Act, Groundwater Areas (DWER-034)
- RIWI Act, Surface Water Areas, and Irrigation Districts (DWER-037)
- Soil Landscape Land Quality – Flood Risk (DPIRD-007)
- Soil Landscape Land Quality – Phosphorus Export Risk (DPIRD-010)
- Soil Landscape Land Quality – Subsurface Acidification Risk (DPIRD-011)
- Soil Landscape Land Quality – Water Erosion Risk (DPIRD-013)
- Soil Landscape Land Quality – Water Repellence Risk (DPIRD-014)
- Soil Landscape Land Quality – Waterlogging Risk (DPIRD-015)
- Soil Landscape Land Quality – Wind Erosion Risk (DPIRD-016)
- Soil Landscape Mapping – Best Available
- Soil Landscape Mapping – Systems
- Wheatbelt Wetlands Stage 1 (DBCA-021)

Restricted GIS Databases used:

- ICMS (Incident Complaints Management System) – Points and Polygons
- Threatened Flora (TPFL)
- Threatened Flora (WAHerb)
- Threatened Fauna
- Threatened Ecological Communities and Priority Ecological Communities
- Threatened Ecological Communities and Priority Ecological Communities (Buffers)

### E.2. References

BHP Nickel West Pty Ltd (2024a) Clearing permit amendment application CPS 9762/2, received 14 March 2024 (DWER Ref DWERDT920587).

BHP Nickel West Pty Ltd (2024b) Response to Further Information Request for CPS 9762/2, received 17 April 2024 (DWER Ref DWERDT957129).

