



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 10103/1
Permit Holder:	Port Hedland Green Steel WA Pty Ltd
Duration of Permit:	From 15 June 2023 to 8 May 2024

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 geotechnical investigations to support the design of the Australia Green Steel Project.

2. Land on which clearing is to be done

Lot 487 on Deposited Plan 61851, Boodarie
Lot 1497 on Deposited Plan 404497, Boodarie
Lot 509 on Deposited Plan 417142, Boodarie
Lot 515 on Deposited Plan 417143, Boodarie
Lot 323 on Deposited Plan 220768, Boodarie
Lot 324 on Deposited Plan 220768, Boodarie

3. Clearing authorised

The permit holder must not clear more than 25 hectares of *native vegetation* within the area cross-hatched yellow in Figure 1 of Schedule 1.

PART II – MANAGEMENT CONDITIONS

4. 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.

5. Weed management

When undertaking any clearing authorized under this permit, the permit holder must take the following measures to minimize 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.

6. Directional clearing

The permit holder must conduct clearing activities in a slow, progressive manner in one direction. i.e. east to west, to allow fauna to move into adjacent *native vegetation* ahead of the clearing activity.

7. Flora management – pre-clearance survey

- (a) Prior to undertaking any clearing authorised under this permit within the area cross-hatched yellow in Figure 1 of Schedule 1, the permit holder must engage a *botanist* to conduct a *targeted flora survey* of the permit area to identify possible occurrences of the following *priority flora* species:
 - *Tephrosia rosea* var. Port Hedland (A.S. George 1114) (priority 1);
 - *Abutilon* sp. Pritzelianum (S. van Leeuwen 5095) (priority 3);
 - *Gomphrena leptophylla* (priority 3);
 - *Gymnanthera cunninghamii* (priority 3);
 - *Euploca mutica* (priority 3); and
 - *Goodenia nuda* (priority 4).
- (b) Where *priority flora* are identified in relation to condition 7(a) of this permit, the permit holder shall ensure that:
 - (i) no clearing occurs within 50 metres of identified priority 1 flora, unless approved by the *CEO* in writing;
 - (ii) no clearing occurs within 20 metres of identified priority 2, 3 and 4 flora, unless approved by the *CEO* in writing; and
 - (iii) no clearing of identified *priority flora* occurs unless approved by the *CEO* in writing.
- (c) Prior to undertaking any clearing authorised under this permit within the area cross-hatched yellow in Figure 1 of Schedule 1, the permit holder must provide the results of the *targeted flora survey* in a report to the *CEO*.
- (d) If any of the abovementioned *priority flora* are identified within the area cross-hatched yellow in Figure 1 of Schedule 1, the *targeted flora survey* report must include the following:
 - (i) the location of each *priority flora*, identified under condition 7(a), either as the location of individual plants, or where this is not practical, the areal extent of the population and an estimate of the number of plants, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (GDA2020), expressing the geographical coordinates in Eastings and Northings or decimal degrees;

- (ii) the species name of each *priority flora* species identified under condition 7(a); and
- (iii) the methodology used to survey the permit area.

8. Fauna management – pre-clearance surveys

- (a) Within seven (7) days prior to undertaking any clearing authorised under this permit, the permit holder shall engage a *fauna specialist* to undertake clearance surveys within the area cross-hatched yellow in Figure 1 of Schedule 1 for the greater bilby (*Macrotis lagotis*), brush-tailed mulgara (*Dasycercus blythi*), and crest-tailed mulgara (*Dasycercus cristicauda*) including the identification and inspection of burrows, and determination of whether burrows are being utilised.
- (b) Where evidence of recent burrow use is identified under condition 8(a) of this permit, the Permit holder must:
 - (i) engage a *fauna specialist* to flag the location of the burrow/s showing signs of recent use;
 - (ii) not clear within five metres of the flagged burrow/s;
 - (iii) engage a *fauna specialist* to monitor with cameras, the flagged burrow/s for a maximum of five days, or until such time that greater bilby or brush-tailed mulgara or crest-tailed mulgara have been observed to independently move on from the burrow/s; and
 - (iv) prior to clearing, engage a *fauna specialist* to re-inspect any flagged burrow/s for the presence of greater bilby or brush-tailed mulgara or crest-tailed mulgara.
- (c) If greater bilby or brush-tailed mulgara or crest-tailed mulgara are identified utilising any flagged burrow/s under condition 8(b)(iv) of this permit and cannot be avoided in accordance with condition 4 of this permit, the permit holder shall engage a *fauna specialist* to remove and relocate the identified greater bilby or brush-tailed mulgara or crest-tailed mulgara to an area of *suitable habitat*, in accordance with a section 40 authorisation under the *Biodiversity Conservation Act 2016*.
- (d) Where active greater bilby or brush-tailed mulgara or crest-tailed mulgara burrows are identified under condition 8(a) of this permit, and/or greater bilby or brush-tailed mulgara are relocated under condition 8(c) of this permit, the permit holder shall include the following in a report submitted to the *CEO* within three months of undertaking any *clearing* authorised under this permit:
 - (i) The location of any active greater bilby or brush-tailed mulgara or crest-tailed mulgara burrows identified, using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (GDA2020), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
 - (ii) a description of the camera monitoring measures undertaken under condition 8(b)(iii) of this Permit;
 - (iii) the date and time of greater bilbies or brush-tailed mulgara or crest-tailed mulgara are recorded as independently moving from a flagged burrow;
 - (iv) the gender of each greater bilby captured under condition 8(c) of this Permit;
 - (v) the location of any greater bilbies or brush-tailed mulgara or crest-tailed mulgara, as referred to under condition 8(a) of this Permit, captured using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (GDA2020), expressing the geographical coordinates in Eastings and Northings or decimal degrees;

- (vi) the date, time, vegetation type and weather conditions at each location where greater bilbies or brush-tailed mulgaras or crest-tailed mulgaras are captured under condition 8(d)(v) of this permit;
- (vii) the location of any greater bilbies or brush-tailed mulgara or crest-tailed mulgara, identified in accordance with condition 8(a) of this permit, relocated using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (GDA2020), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
- (viii) the date, time, vegetation type and weather conditions at each location where greater bilbies or brush-tailed mulgaras or crest-tailed mulgaras are relocated under condition 8(c) of this permit;
- (ix) the name of the *fauna specialist* that relocated fauna under condition 8(c) of this permit; and
- (x) a copy of the fauna licence authorising the relocation of fauna under condition 8(c) of this permit.

9. Fauna management – backfilling

- (a) The Permit Holder must:
 - (i) backfill all test pits on the day of drilling/excavating with excavated material; or
 - (ii) fence all test pits on the day of drilling/excavating with fine mesh to prevent fauna access; or
 - (iii) cover all test pits on the day of drilling/excavating with a cover which prevents entry to the pits by fauna species;
 - (iv) cover all bore holes at the end of each day and backfill upon completion.

10. Revegetation and rehabilitation (temporary works)

The permit holder must:

- (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) as soon as is practicable, and no later than six (6) months following clearing authorised under this permit, *revegetate* and *rehabilitate* the areas that are no longer required for geotechnical investigations by:
 - (i) re-shaping the surface of the land so that it is consistent with the surrounding five metres land;
 - (ii) ripping the ground on the contour to remove soil compaction;
 - (iii) laying the vegetative material and topsoil retained under condition 10(a) on the cleared areas.

PART III - RECORD KEEPING AND REPORTING

11. 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 1.

Table 1: Records that must be kept

No.	Relevant matter	Specifications
1.	In relation to the authorised clearing activities generally	<ul style="list-style-type: none"> (a) the species composition, structure, and density of the cleared area; (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; (c) the date that the area was cleared; (d) the size of the area cleared (in hectares); (e) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 4; and (f) actions taken to minimise the risk of the introduction and spread of <i>weeds</i> accordance with condition 5; and (g) evidence of backfilling all test pits in accordance with condition 9 of this Permit
2.	In relation to flora management pursuant to condition 7	<ul style="list-style-type: none"> (a) the name and location of each <i>priority flora</i> species, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (GDA2020), expressing the geographical coordinates in Eastings and Northings; (b) actions taken to demarcate each <i>priority flora</i> species recorded and their relevant buffers; and (c) actions taken to avoid the clearing of <i>priority flora</i> species.
3.	In relation to fauna management pursuant to condition 9	<ul style="list-style-type: none"> (a) actions taken to cover or backfill all boreholes and test pits.
4.	In relation to fauna management pursuant to condition 8	<ul style="list-style-type: none"> (a) all results of the pre-clearance surveys undertaken in accordance with condition 8 of this permit; (b) a copy of the <i>fauna specialist's</i> report.
5.	In relation to the revegetation and rehabilitation of areas pursuant to condition 10	<ul style="list-style-type: none"> (a) the size of the area <i>revegetated</i> and <i>rehabilitated</i>; (b) the location of any <i>revegetated</i> and <i>rehabilitated</i> areas, recorded using using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (GDA2020), expressing the geographical coordinates in Eastings and

No.	Relevant matter	Specifications
		<p>Northings or decimal degrees;</p> <p>(c) a description of the <i>revegetation</i> and <i>rehabilitation</i> activities undertaken;</p> <p>(d) the date(s) on which the area <i>revegetation</i> and <i>rehabilitation</i> was undertaken.</p>

12. Reporting

The permit holder must provide to the *CEO* the records required under condition 11 of this permit when requested by the *CEO*.

DEFINITIONS

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

Table 2: Definitions

Term	Definition
Botanist	means a person who holds a tertiary qualification specialising in environmental science or equivalent, and has a minimum of two (2) years work experience in Western Australian flora identification and undertaking flora surveys native to the bioregion being inspected or surveyed, or who is approved by the CEO as a suitable environmental specialist for the bioregion, and who holds a valid flora licence issued under the <i>Biodiversity Conservation Act 2016</i>
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.
fauna specialist	means a person who holds a tertiary qualification specialising in environmental science or equivalent, and has a minimum of 2 years work experience in fauna identification and surveys of fauna native to the region being inspected or surveyed, or who is approved by the <i>CEO</i> as a suitable fauna specialist for the bioregion, and who holds a valid fauna licence issued under the <i>Biodiversity Conservation Act 2016</i> .
fill	means material used to increase the ground level, or to fill a depression.
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.
EP Act	<i>Environmental Protection Act 1986</i> (WA)
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.
priority flora	means those fauna taxa describes as priority fauna, classes 1, 2, 3, 4 or 5 in the <i>Department of Biodiversity, Conservation and Attractions Threatened and Priority Fauna List for Western Australia</i> (as amended);

Term	Definition
suitable habitat	means habitat known to support the greater bilby (<i>Macrotis lagotis</i>) or brush-tailed mulgara (<i>Dasymercus blythi</i>) or crest-tailed mulgara (<i>Dasymercus cristicauda</i>) (within the known current distribution of the species.
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
targeted flora survey	means a field-based investigation, including a review of established literature, of the biodiversity of flora and vegetation of the permit area, focusing on habitat suitable for flora species that are being targeted and carried out during the optimal time to identify those species. Where target flora are identified in the permit area, the survey must also include a minimum of a 10 metre radius of the surrounding areas to place the permit area into local context.
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.
weeds	means any plant – (a) that is a declared pest under section 22 of the <i>Biosecurity and Agriculture Management Act 2007</i> ; or (b) published in a Department of Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking summary, regardless of ranking; or (c) not indigenous to the area concerned.

END OF CONDITIONS



 Jessica Burton
 A/MANAGER
 NATIVE VEGETATION REGULATION

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

24 May 2023

Schedule 1

The boundary of the area authorized to be cleared is shown in the map below.

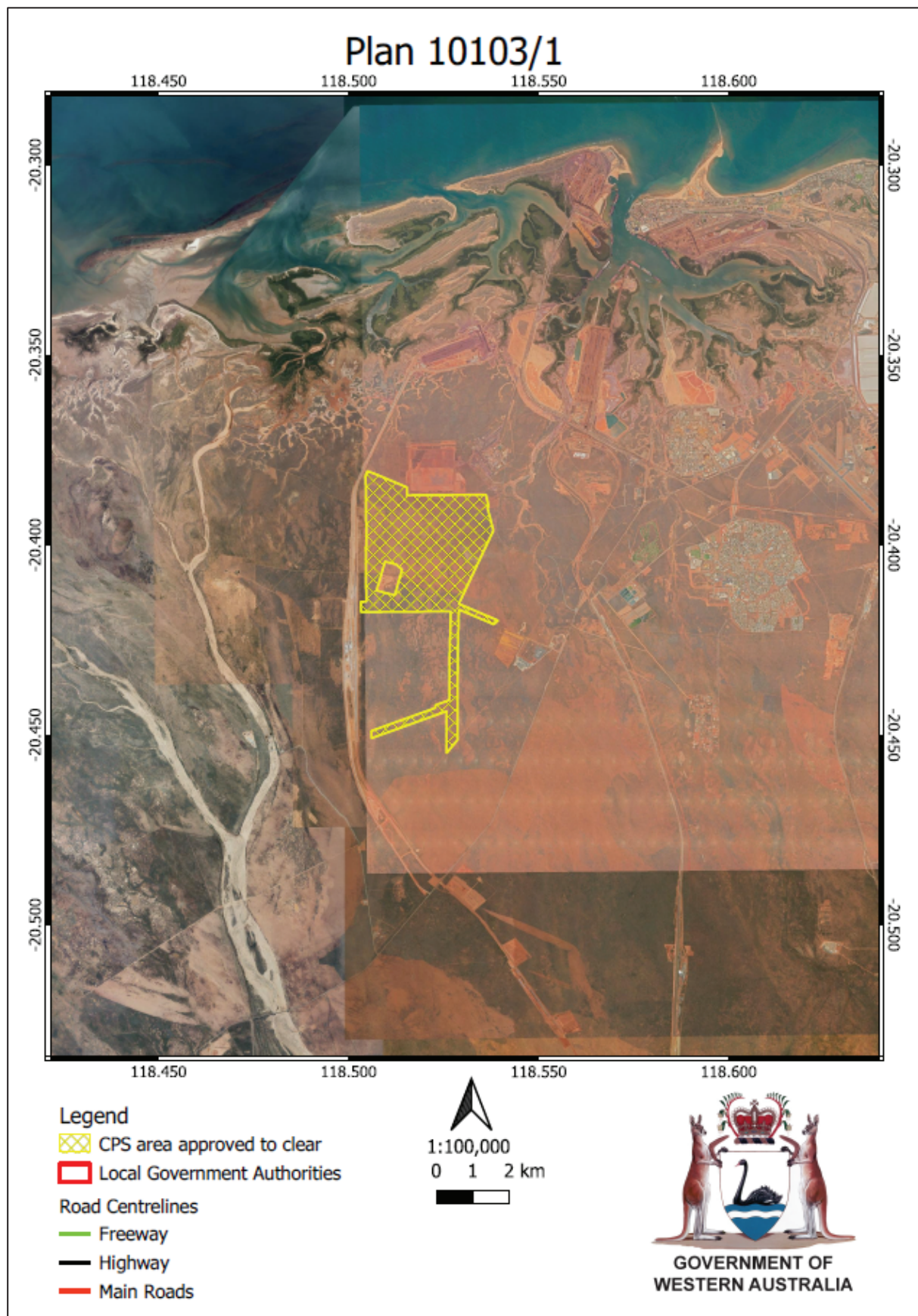


Figure 1: Map of the boundary of the area within which clearing may occur



Clearing Permit Decision Report

1 Application details and outcome

1.1. Permit application details

Permit number:	CPS 10103/1
Permit type:	Purpose permit
Applicant name:	Port Hedland Green Steel WA Pty Ltd
Application received:	03 March 2023
Application area:	25 hectares of native vegetation within a 1,228-hectare footprint
Purpose of clearing:	Geotechnical investigations to support the design of the Australia Green Steel Project
Method of clearing:	Mechanical
Property:	Lot 487 on Deposited Plan 61851 Lot 1497 on Deposited Plan 404497 Lot 509 on Deposited Plan 417142 Lot 515 on Deposited Plan 417143 Lot 323 on Deposited Plan 220768 Lot 324 on Deposited Plan 220768
Location (LGA area/s):	Town of Port Hedland
Localities (suburb/s):	Boodarie

1.2. Description of clearing activities

The vegetation proposed to be cleared is contained within a single contiguous area (see Figure 1, Section 1.5). The proposed clearing is for geotechnical investigation to inform the design of the Australia Green Steel Project. The geotechnical investigations are required to determine soil structure, composition and stability of the application area and will be used to assess the project feasibility and design.

The proposed activities under this application include the following;

- Clearing of drill pads (typically 20 metres x 20 metres) to allow boreholes to be drilled with a geotechnical site investigation drilling rig;
- Clearing to allow the excavation of test pits across the site to depths of up to 3 metres (or shallower if restricted by refusal or collapsing);
- Clearing to allow pile testing (typically 10 metres x 10 metres).
- Access tracks associated with the site activities listed above.

1.3. Decision on application

Decision:	Granted
Decision date:	24 May 2023
Decision area:	25 hectares of native vegetation within a 1,228-hectare footprint, as depicted in Section 1.5, below.

1.4. Reasons for decision

The clearing permit 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 21 days and no submissions were received.

In making this decision, the Delegated Officer had regard for the site characteristics (see Appendix A), relevant datasets (see Appendix F.1), the supporting information provided by the proponent, the clearing principles set out in Schedule 5 of the EP Act (see Appendix C), relevant planning instruments and any other matters considered relevant to the assessment (see Section 3). The Delegated Officer also took into consideration that the Australia Green Energy Project is a high priority for the State Government (JTSI, 2023).

The assessment identified that the proposed clearing will result in:

- the loss of native vegetation that is suitable habitat for conservation significant fauna species (bilby, brush-tailed mulgara and crest-tailed mulgara)
- impacts to individual fauna if present at the time of clearing and impacts to individual fauna if test pits are left exposed;
- impacts on priority flora species that potentially occur within the application area; the potential introduction and spread of weeds into adjacent vegetation, which could impact on the quality of the adjacent vegetation and its habitat values.

After consideration of the available information, as well as the applicant's minimisation and mitigation measures (see Section 3.1), the Delegated Officer determined the proposed clearing is unlikely to have long-term adverse impacts on environmental values of flora, fauna and their habitat; and can be minimised and managed to unlikely lead to an unacceptable risk to environmental values.

The Delegated Officer decided to grant a clearing permit subject to conditions to:

- avoid, minimise to reduce the impacts and extent of clearing
- take hygiene steps to minimise the risk of the introduction and spread of weeds
- conduct pre-clearance surveys for conservation significant fauna (bilbies, brush-tailed mulgara and crest-tailed mulgara) and flora species
- securing of any test pits at the end of each day
- revegetation and rehabilitation of areas temporarily cleared.

1.5. Site map

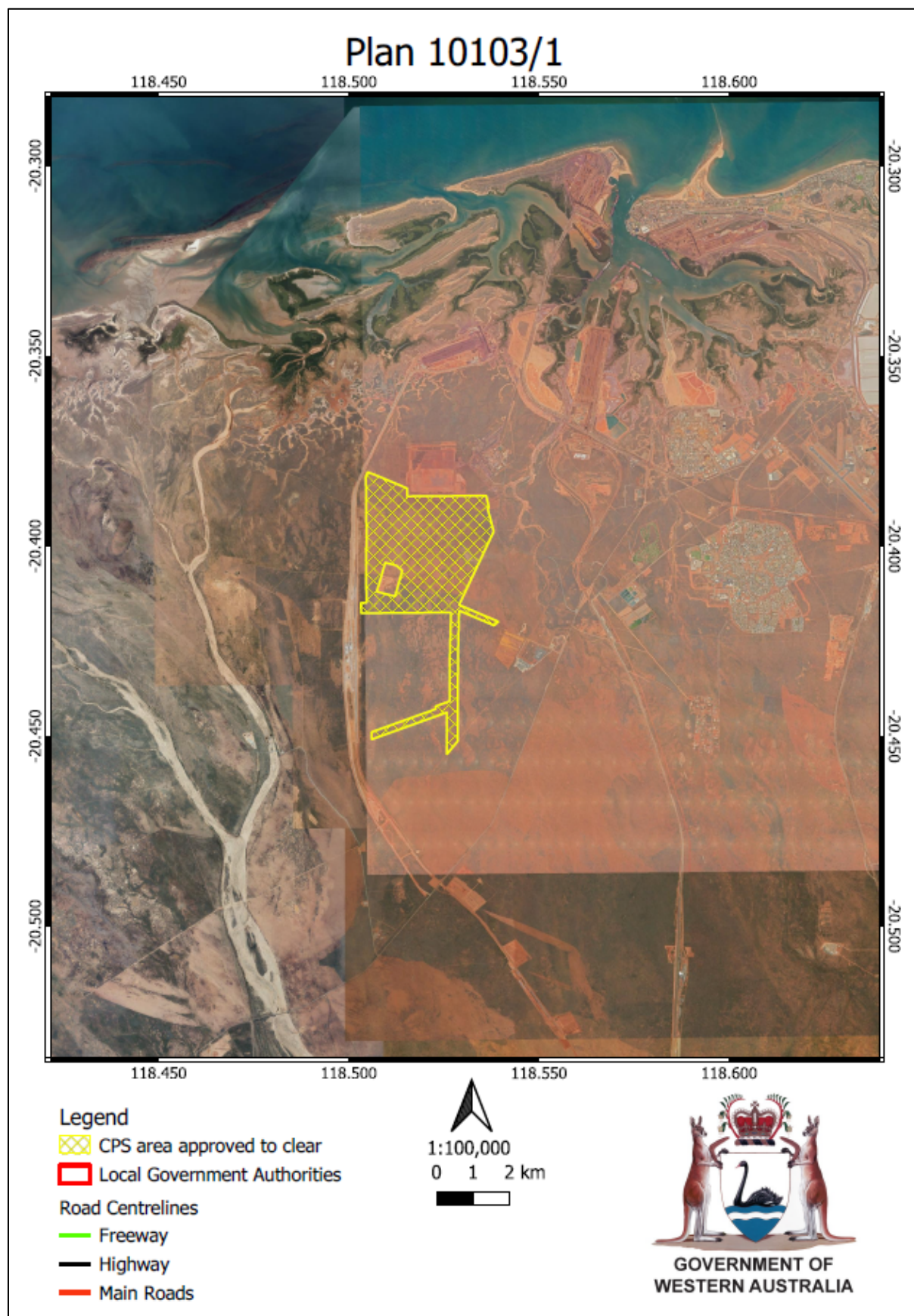


Figure 1. Map of the application area

The area cross-hatched 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 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)

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)

3 Detailed assessment of application

3.1. Avoidance and mitigation measures

Evidence was submitted by the applicant, demonstrating that the following measures would be undertaken to avoid and minimise the impacts on native vegetation:

- All clearing to be managed under a clearing contractor's ground disturbance permit (or similar management document);
- The total extent of vegetation clearing is limited to up to 25 hectares of disturbance;
- The clearing areas will be identified using GPS coordinates;
- All clearing kept to a minimum within the Permit Area and completed only when required; and
- All vehicles, equipment and personnel will be inspected and cleaned as required to prevent the incidental spread of weeds.

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

3.2. Assessment of impacts on environmental values

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

The assessment against the clearing principles (see Appendix C) identified the impacts of the proposed clearing present a risk to fauna and flora. The consideration of these impacts, and the extent to which they can be managed through conditions applied in line with sections 51H and 51I of the EP Act, is set out below.

3.2.1. Biological values (fauna and biodiversity) - Clearing Principles (a) and (b)

Assessment

The desktop assessment identified that there are 61 conservation significant fauna species recorded in the local area, including 47 bird species, nine mammal species and five reptile species. Of these species, 45 are migratory bird species or shorebird species associated with coastal habitats not represented within the application area and an additional three species are species only found in marine environments.

The supporting information provided by the applicant (Preston Consulting, 2023a) identified that the majority (98 per cent) of the application area footprint comprises of sandplain habitat, described as:

"low *Acacia* shrublands over *Triodia* hummock grasslands. A moderate diversity of microhabitats was present and includes shrubs, grass hummocks and leaf litter. In addition, the soils were suitable for digging and burrowing animals".

Based on the analysis on suitability on habitat, distance of closest mapped records and number of known records in the local area, four fauna species have potential to occur in the application area (See C.3 for fauna analysis table), including:

- Greater bilby (*Macrotis lagotis*) (VU)
- Grey falcon (*Falco hypoleucos*) (VU)
- Peregrine falcon (*Falco peregrinus*) (OS)
- Brush-tailed mulgara (*Dasycercus blythi*) (P4)
- Crest-tailed mulgara (*Dasycercus cristicauda*) (P4)

Greater bilby

Greater bilbies (*Macrotis lagotis*) (Vulnerable) are nocturnal marsupials known from the Gibson Desert, Little Sandy Desert, Great Sandy Desert and parts of the Pilbara and southern Kimberley in Western Australia and are associated with open tussock grassland on uplands and hills, *Acacia aneura* (mulga) woodland/shrubland growing on ridges and rises, and hummock grassland in plains and alluvial areas (TSSC, 2016). Bilbies also utilise complex burrow systems up to three metres deep for diurnal refuge, rest, and shelter (TSSC, 2016). There are 38 records of bilby mapped within the local area with the closest record at 300 metres away from the application area footprint. A targeted fauna survey conducted for an adjacent area (Phoenix, 2022), which covered a small southern portion of the application area footprint, identified several records of bilby within the proposed clearing area. Noting the historical records in the local area and the suitable habitat, it is considered that this species is likely to occur in the application area.

Mulgaras

The brush-tailed mulgara (*Dasycercus blythi*) (Priority 4) is a carnivorous marsupial associated with *Triodia spinifex* grasslands with medium to dense cover, while the crest-tailed mulgara typically occurs on sand dunes with a sparse cover of vegetation or in sparse herb lands and grasslands bordering salt lakes (CALM, 2002). The species utilises extensive burrow systems with multiple entrances on sand dunes, typically at the base of grass clumps or bushes (CALM, 2002). Available databases indicate that 275 records of brush-tailed mulgaras are mapped within the local area with two records mapped within the application area footprint.

The crest-tailed mulgara (*Dasycercus cristicauda*) (Priority 4) is similar but larger and more brightly coloured than the brush-tailed mulgara. This species is often associated with a sparse cover of vegetation (such as *Zygochloa paradoxa* (cane grass), or in herblands and sparse grasslands bordering salt lakes with *Nitraria billardieri* (nitre bush) (TSSC, 2019). There are three records of brush-tailed mulgaras mapped within the local area with the closest record 600 metres away from the application area.

Given the proximity of mapped records and the suitability of the habitat, it is considered that these species of mulgaras are likely present in the proposed clearing area.

Grey falcon and Peregrine falcon

The grey falcon (*Falco hypoleucos*) (Vulnerable) occurs in arid and semi-arid inland Australia and is associated with timbered lowland plains such as tussock grassland, open woodland, and particularly *Acacia* shrublands that are crossed by tree-lined watercourses (TSSC, 2020). The grey falcon roosts and nests in the tallest trees along watercourses, particularly river red gum (*Eucalyptus camaldulensis*) and coolibah (*Eucalyptus coolabah*) (TSSC, 2020). Considering there is no watercourses within the application area footprint and the distance from the closest record (more than 8 kilometres away), the proposed clearing area may not be a preferable foraging habitat of this species.

The peregrine falcon (*Falco peregrinus*) (Other Specially Protected Fauna) is found Australia-wide and occurs in a range of habitats including woodlands, grasslands and coastal cliffs, usually near watercourses (DAWE, 2020). Preferred roosting and breeding habitat for the peregrine falcon includes granite outcrops and coastal cliffs, but in the absence of these habitats, the species has been known to utilise the nests of other bird species or tree hollows for breeding (Marchant et al., 1993). It is considered that the habitat present within the application area may also provide suitable transient foraging habitat for this species as individuals migrate through the landscape. However, noting that the peregrine falcon is a highly mobile species with a large home range that does not rely on special niche habitats, the peregrine falcon is likely to be transient in the application area and it is unlikely that the application area represents significant habitat for the species.

Conclusion

Based on the above assessment, the proposed clearing is considered to impact suitable habitat for of greater bilbies and mulgaras. It is considered that the some of the purposes to clear may have secondary impacts to individuals also, particularly the test pits (as described to be up to 3 meters) to be dug which have the potential to trap fauna.

For the reasons set out above, it is considered that the impacts of the proposed clearing on bilbies and mulgaras can be managed by undertaking pre-clearance surveys to avoid clearing the identified habitat of these species, slow

directional clearing to allow fauna to move into adjacent vegetation, covering test pits at the end of each day and backfilling once complete to avoid trapping fauna.

Given the possibility of greater bilby (threatened species and Matter of National Environmental Significance) being within the application area, an authorisation under section 40 of the *Biodiversity Conservation Act 2016* and a referral under the *Environment Protection and Biodiversity Conservation Act 1999* may be required.

Conditions

To address the above impacts, the following management measures will be required as conditions on the clearing permit:

- undertake pre-clearance surveys for the greater bilby, brush-tailed mulgara and crest-tailed mulgara by qualified personnel and avoid clearing these species and their habitat as required.
- slow directional clearing to allow fauna to move into adjacent vegetation.
- covering test pits at the end of each day and backfilling once complete to avoid trapping fauna.
- implement weed control measures to minimise the risk of the introduction and spread of weeds into adjacent fauna habitat.

3.2.2. Biological values (flora and biodiversity) - Clearing Principles (a) and (c)

Assessment

According to available databases and an analysis on the suitable soil type, vegetation type and habitat within the application area, it is considered for six priority flora species to have the potential to be present (see C.2 for flora analysis table), including:

- *Tephrosia rosea* var. Port Hedland (A.S. George 1114) (P1)
- *Abutilon* sp. Pritzelianum (S. van Leeuwen 5095) (P3)
- *Gomphrena leptophylla* (P3)
- *Gymnanthera cunninghamii* (P3)
- *Euploca mutica* (*Heliotropium muticum*) (P3)
- *Goodenia nuda* (P4)

The above priority flora species presenting within the local area are associated with similar soil and vegetation types, as well as similar habitats, as those which occur within the application area. Noting this, these conservation significant species are likely to occur within the application area.

Conclusion:

Given the presence of suitable habitat occurring within the application area footprint, it is considered that the proposed clearing is likely to impact populations of these priority flora species.

Since no biological surveys of the entire application area has been undertaken, the presence or absence of these species or their habitats cannot be confirmed. To manage the risk of significant impacts to the occurrences of these species, a pre-clearance survey condition, requiring the avoidance of clearing of these species, if identified, will be placed on the permit.

Conditions

To address the above impacts, the following management measures will be required as conditions on the clearing permit:

- undertake pre-clearance survey for the above listed priority flora species by qualified personnel and avoid clearing these species.
- implement weed control measures to minimise the risk of the introduction and spread of weeds into adjacent remnant vegetation.

3.3. Relevant planning instruments and other matters

The Town of Port Hedland (the Town) (2023) advised the following concerns related to the application:

- the proposed geotechnical investigation may require an unnecessarily large areas of native vegetation to be cleared.
- requirements for a visual protection corridor: the proposed activities must be setback a minimum of 200 meters from the Great Northern Highway Road reserve.

- requirements for an erosion and sediment control management plan: the area receives a lot of water during cyclonic events and heavy clearing of the land may present erosion issues. Stabilisation measure should be implemented by preparing an erosion and sediment control management plan.
- requirements for dust management in accordance with the Town's *Animals, Environment and Nuisance Local Law* 2016; and
- requirements for the consideration of the Boodarie Strategic Industrial Area Structure Plan.

The proponent clarified that the application is for up to 25 hectares to enable access to planned geotechnical investigation sites within an envelope, designed to give flexibility for ground conditions. The majority of the 25-hectare area will be tracks for access and hence any individual investigation area will be relatively small. Therefore, the risk associated with dust and erosion is considered very small. The proponent also confirmed the awareness regarding their responsibility to comply with the requirements of the Boodarie Strategic Industrial Area Structural Plan (Preston Consulting, 2023c). The proponent has committed to work with the Town to address the remaining concerns (Preston Consulting, 2023c).

DWER Contaminated Sites advised that there are no concerns for this proposed clearing in relation to contamination issues and acid sulphate soil management (DWER, 2023a).

The proposed activities occur within the proclaimed Pilbara groundwater and surface water areas and are subject to licensing requirements under the *Rights in Water and Irrigation (RIWI) Act 1914* (DWER, 2023b). If the applicant requires groundwater or surface water for construction or any other purposes, a 5C licence to take water and a 26D licence to construct any new water supply bores is required under the RIWI Act. Furthermore, since the project crosses a number of aquifers (including the Pilbara, Ashburton, Lower Turner Alluvial aquifer and the Pilbara, Ashburton, Pilbara – alluvial aquifer, Pilbara, Coastal Saline aquifer, and fractured rock aquifer) the applicant will be required to identify and demonstrate how environmental receptors are not adversely impacted, and/or impacts are appropriately managed, particularly if targeting the alluvial aquifers (DWER, 2023b).

Two Aboriginal sites of significance have been mapped within the application area. It is the permit holder's responsibility to comply with the *Aboriginal Heritage Act 1972* (WA) and ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

End

Appendix A. Additional information provided by applicant

During the assessment, the applicant responded to requests for information to the following (see below):

Request for information	Further information provided
Application area to align with approved section 91 licence area.	Updated shapefiles and supporting information to reflect the adjusted application footprint in accordance with the Licence to Occupy Crown Land under Section 91 (Section 91 Licence) of the <i>Land Administration Act 1997</i> . The adjusted shapefile has been used for the assessment of this application.
Advice on the relationship between POSCO and Port Hedland Green Steel Pty Ltd (licensee under the relevant Section 91 Licence) or evidence which demonstrates POSCO's authorisation to access all properties within the application footprint	The applicant provided the certificate of registration and ASIC Extract Snapshot to demonstrate that POSCO is the holding company of Port Hedland Green Steel Pty Ltd. The applicant also requested to amend the name of permit holder to be Port Hedland Green Steel Pty Ltd (Preston Consulting, 2023d). The name of permit holder has been amended accordingly.
Information to address various Town of Port Hedland's comments	The applicant responded to the comments. Detail of the applicant's response is presented in Section 3.3 of the Decision Report.

Appendix B. Site characteristics

B.1. Site characteristics

Characteristic	Details
Local context	<p>The area proposed to be cleared is part of an expansive tract of native vegetation in the extensive land use zone of Western Australia. It is located approximately 11 kilometres southeast of the Port Hedland Town, and approximately 8 kilometres from the ocean to the north.</p> <p>Aerial imagery indicates the local area (50-kilometre radius from the centre of the area proposed to be cleared, except the ocean) retains approximately 96 per cent of the original native vegetation cover.</p>
Ecological linkage	The application area is not within any mapped linkages and is unlikely to be part of any local ecological linkage.
Conservation areas	The application area is not within a conservation area. In addition, there are no conservation areas adjacent to the application area and no conservation areas within the local area.
Vegetation description	<p>Based on previous flora survey for areas overlapping/close to the application area, the vegetation within the proposed clearing area is indicated consisting of the following vegetation types (Preston Consulting, 2023a):</p> <ul style="list-style-type: none"> <i>Acacia tumida</i> var. <i>pilbarensis</i> shrubland over a low <i>Acacia stellaticeps</i> shrubland over a <i>Triodia epactia</i> hummock grassland. open <i>Acacia colei</i> var. <i>colei</i> shrublands over low <i>Acacia stellaticeps</i> shrublands over <i>Triodia epactia</i> and <i>Triodia secunda</i> hummock grasslands/low <i>Acacia stellaticeps</i> shrublands over <i>Triodia epactia</i> and <i>Triodia secunda</i> hummock grasslands mosaic. Low open <i>Corymbia flavescentis</i> woodland over an open <i>Acacia colei</i> var. <i>colei</i> shrubland over a low <i>Acacia stellaticeps</i> shrubland over a <i>Triodia epactia</i> hummock grassland/ low <i>Acacia stellaticeps</i> shrublands over <i>Triodia epactia</i> and <i>Triodia secunda</i> hummock grasslands/ <i>Triodia epactia</i> and <i>Triodia secunda</i> hummock grasslands mosaic.

Characteristic	Details
	<ul style="list-style-type: none"> Low open <i>Corymbia flavescentis</i> and <i>Eucalyptus victrix</i> woodland over an <i>Acacia colei</i> var. <i>colei</i> and <i>Acacia sericophylla</i> shrubland over a low open <i>Acacia stellaticeps</i> shrubland over a <i>Triodia epactia</i> hummock grassland. <i>Acacia tumida</i> var. <i>pilbarensis</i> and <i>Acacia colei</i> var. <i>colei</i> shrubland over a low <i>Acacia stellaticeps</i> shrubland over a <i>Triodia epactia</i> hummock grassland/ low <i>Acacia stellaticeps</i> shrubland over a <i>Triodia epactia</i> hummock grassland mosaic. <i>Acacia tumida</i> var. <i>pilbarensis</i> shrubland over a low <i>Acacia stellaticeps</i> shrubland over a <i>Triodia epactia</i> hummock grassland/ low <i>Acacia stellaticeps</i> shrubland over a <i>Triodia epactia</i> hummock grassland/ <i>Triodia epactia</i> hummock grassland mosaic. Scattered low <i>Corymbia flavescentis</i> trees over an open <i>Acacia tumida</i> var. <i>pilbarensis</i> shrubland over a low open <i>Acacia stellaticeps</i> shrubland over a <i>Triodia epactia</i> and <i>Triodia secunda</i> hummock grassland/<i>Triodia secunda</i> and <i>Triodia epactia</i> hummock grassland mosaic. <p>Maps are available in Appendix E.</p> <p>This is consistent with the mapped vegetation types:</p> <ul style="list-style-type: none"> Beard vegetation association 589 which is described as short bunch-grass savanna / Grass-steppe. Beard vegetation association 647 which is described as hummock grassland with scattered shrubs or mallee <i>Triodia spp.</i> <i>Acacia spp.</i>, <i>Grevillea spp.</i> <i>Eucalyptus spp</i> (Shepherd et al, 2001) <p>The mapped vegetation types retain approximately 98 to 99 per cent of the original extent (Government of Western Australia, 2019).</p>
Vegetation condition	<p>Based on previous flora survey for areas overlapping/close to the application area, the vegetation within the proposed clearing area is indicated in the excellent (Keighery, 1994) condition (Preston Consulting, 2023a), described as:</p> <ul style="list-style-type: none"> Excellent: Pristine or nearly so, no obvious signs of damage caused by human activities since European settlement <p>The full Keighery (1994) condition rating scale is provided in Appendix D. The full mapping is available in Appendix E.</p>
Climate and landform	<p>Mean maximum temperature: 33.4 °C</p> <p>Mean maximum temperature: 19.6 °C</p> <p>The annual average rainfall is 318.5 millimetres (taken from Port Hedland Airport) (BOM, 2023).</p> <p>The application area is described as depositional surfaces; level sandy plains up to 10 km or more in extent with little organised through drainage; pebbly surfaced plains and plains with calcrete at shallow depth; broad, mostly unchanneled, tracts receiving more concentrated sheet flow.</p>
Soil description	<p>The soil is mapped as the Uaroo System 281Ua, which is described as broad sandy plains, pebbly plains and drainage tracts supporting hard and soft spinifex hummock grasslands with scattered acacia shrubs.</p>
Land degradation risk	<p>Land degradation risks for the mapped soil type include (DPIRD, 2019):</p> <ul style="list-style-type: none"> Soil erosion: 1% of map unit has a slight risk, 99% of map unit has no risk Acidification: 23% of map unit has a low risk, 77% of map unit has moderate risk Salinity: 100% of map unit has a slight to no risk.
Waterbodies	<p>The desktop assessment and aerial imagery indicated that no watercourses intersect the application area. The closest watercourse is a minor nonperennial river located approximately 200 metres away from the northeast corner of the application area.</p>
Hydrogeography	<p>The application area is within the Pilbara Groundwater area and the Pilbara Surface Water area as proclaimed under the <i>Rights in Water and Irrigation Act 1914</i> (RiWI Act).</p>

Characteristic	Details
	The mapped groundwater salinity is 1000-3000 milligrams per litre total dissolved solids which is described as brackish to saline.
Flora	According to available databases, there are 16 conservation significant flora species within the local area. The most frequently recorded species is <i>Heliotropium muticum</i> (P3) which is more recently known as <i>Euploca mutica</i> . The closest recorded species is <i>Goodenia nuda</i> (P4) which is mapped 800 metres away from the application area footprint.
Ecological communities	The application area is not within any mapped conservation significant ecological communities. There are no mapped conservation significant ecological communities within the local area.
Fauna	<p>According to available databases, 61 species of conservation significant fauna species have been recorded within the local area, including 18 threatened fauna species, six priority fauna species, and 37 specially protected fauna species. The species recorded include 36 migratory bird species.</p> <p>Within the application area, there are two records of the brush-tailed mulgara (a Priority 4 species).</p>

B.2. Flora analysis table

Species name	Conservation status	Suitable habitat features? [Y/N]	Suitable vegetation type? [Y/N]	Suitable soil type? [Y/N]	Distance of closest record to application area (km)	Number of known records (total)	Are surveys adequate to identify? [Y, N, N/A]
<i>Tephrosia rosea</i> var. Port Hedland (A.S. George 1114)	P1	Y	Y	Y	3.0	14	N/A
<i>Abutilon</i> sp. Pritzelianum (S. van Leeuwen 5095)	P3	Y	Y	Y	2.2	31	N/A
<i>Gomphrena leptophylla</i>	P3	Y	Y	Y	1.4	1	N/A
<i>Gymnanthera cunninghamii</i>	P3	Y	Y	Y	4.5	7	N/A
<i>Euploca mutica</i> (formally described as <i>Heliotropium muticum</i>)	P3	Y	Y	Y	9.4	37	N/A
<i>Goodenia nuda</i>	P4	Y	Y	Y	3.0	14	N/A

T: threatened, P: priority

B.3. Fauna analysis table

Species name	Conservation status	Suitable habitat features? [Y/N]	Suitable vegetation type? [Y/N]	Distance of closest record to application area (km)	Number of known records (total)	Are surveys adequate to identify? [Y, N, N/A]
Bilby (<i>Macrotis lagotis</i>)	VU	Y	Y	0.3	38	N/A
Grey falcon (<i>Falco hypoleucos</i>)	VU	Y	Y	8.3	3	N/A
Peregrine falcon (<i>Falco peregrinus</i>)	OS	Y	Y	1.4	3	N/A
Brush-tailed mulgara (<i>Dasymercus blythi</i>)	P4	Y	Y	0.0	275	N/A
Crest-tailed mulgara (<i>Dasymercus cristicauda</i>)	P4	Y	Y	0.6	3	N/A

CR: critically endangered, EN: endangered, VU: vulnerable, OS: other specifically protected species, P: priority

Appendix C. Assessment against the clearing principles

Assessment against the clearing principles	Variance level	Is further consideration required?
Environmental value: biological values		
<p><u>Principle (a):</u> “Native vegetation should not be cleared if it comprises a high level of biodiversity.”</p> <p><u>Assessment:</u></p> <p>Majority of the area proposed to be cleared is sandplain which is suitable habitat for only some specific fauna and flora species. It is considered unlikely comprising of a high level of biodiversity.</p>	Not likely to be at variance	Yes <i>Refer to Section 3.2.1 and 3.2.2, above.</i>
<p><u>Principle (b):</u> “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.”</p> <p><u>Assessment:</u></p> <p>The area proposed to be cleared contains suitable habitat for conservation significant fauna such as Bilby (<i>Macrotis lagotis</i>), Brush-tailed mulgara (<i>Dasyercus blythi</i>, crest-tailed mulgara (<i>Dasyercus cristicauda</i>) with known records mapped within the application area footprint.</p>	May be at variance	Yes <i>Refer to Section 3.2.1, above.</i>
<p><u>Principle (c):</u> “Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened flora.”</p> <p><u>Assessment:</u></p> <p>The area proposed to be cleared is unlikely to contain habitat for threatened flora species listed under the BC Act.</p>	Not likely to be at variance	Yes <i>Refer to Section 3.2.2, above.</i>
<p><u>Principle (d):</u> “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.”</p> <p><u>Assessment:</u></p> <p>The area proposed to be cleared does not contain species that can indicate a threatened ecological community.</p>	Not likely to be at variance	No
Environmental value: significant remnant vegetation and conservation areas		
<p><u>Principle (e):</u> “Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.”</p> <p><u>Assessment:</u></p> <p>The extent of the mapped vegetation type and native vegetation in the local area is consistent with the national objectives and targets for biodiversity conservation in Australia. The vegetation proposed to be cleared is not considered to be part of a significant ecological linkage in the local area.</p>	Not likely to be at variance	No
<p><u>Principle (h):</u> “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.”</p> <p><u>Assessment:</u></p> <p>Given the distance to the nearest conservation area, the proposed clearing is not likely to have an impact on the environmental values of conservation areas.</p>	Not likely to be at variance	No
Environmental value: land and water resources		

Assessment against the clearing principles	Variance level	Is further consideration required?
<p><u>Principle (f):</u> “Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.”</p> <p><u>Assessment:</u></p> <p>Given no water courses or wetlands are recorded within the application area footprint, the proposed clearing is unlikely to impact on- or off-site hydrology and water quality.</p>	Not likely to be at variance	No
<p><u>Principle (g):</u> “Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.”</p> <p><u>Assessment:</u></p> <p>The mapped soils are not susceptible forms of land degradation. Noting the location of the application area and the condition of the vegetation, the proposed clearing is not likely to have an appreciable impact on land degradation.</p>	Not likely to be at variance	No
<p><u>Principle (i):</u> “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.”</p> <p><u>Assessment:</u></p> <p>Given no water courses are recorded within the application area footprint, the proposed clearing is unlikely to impact surface or ground water quality.</p>	Not likely to be at variance	No
<p><u>Principle (j):</u> “Native vegetation should not be cleared if the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.”</p> <p><u>Assessment:</u></p> <p>The mapped soils and topographic contours in the surrounding area do not indicate the proposed clearing is likely to contribute to increased incidence or intensity of flooding.</p> <p>Given no water courses are recorded within the application area footprint, the proposed clearing is unlikely to contribute to waterlogging.</p>	Not likely to be at variance	No

Appendix D. Vegetation condition rating scale

Vegetation condition is a rating given to a defined area of vegetation to categorise and rank disturbance related to human activities. The rating refers to the degree of change in the vegetation structure, density and species present in relation to undisturbed vegetation of the same type. The degree of disturbance impacts upon the vegetation's ability to regenerate. Disturbance at a site can be a cumulative effect from a number of interacting disturbance types.

Considering its location, the scale below was used to measure the condition of the vegetation proposed to be cleared. This scale has been extracted from Keighery, B.J. (1994) *Bushland Plant Survey: A Guide to Plant Community Survey for the Community*. Wildflower Society of WA (Inc). Nedlands, Western Australia.

Measuring vegetation condition for the South West and Interzone Botanical Province (Keighery, 1994)

Condition	Description
Pristine	Pristine or nearly so, no obvious signs of disturbance.
Excellent	Vegetation structure intact, with disturbance affecting individual species; weeds are non-aggressive species.
Very good	Vegetation structure altered, with obvious signs of disturbance. For example, disturbance to vegetation structure caused by repeated fires, the presence of some more aggressive weeds, dieback, logging and/or grazing.

Condition	Description
Good	Vegetation structure significantly altered by very obvious signs of multiple disturbances. Retains basic vegetation structure or ability to regenerate it. For example, disturbance to vegetation structure caused by very frequent fires, the presence of some very aggressive weeds at high density, partial clearing, dieback and/or grazing.
Degraded	Basic vegetation structure severely impacted by disturbance. Scope for regeneration but not to a state approaching good condition without intensive management. For example, disturbance to vegetation structure caused by very frequent fires, the presence of very aggressive weeds, partial clearing, dieback and/or grazing.
Completely degraded	The structure of the vegetation is no longer intact and the area is completely or almost completely without native species. These areas are often described as 'parkland cleared' with the flora comprising weed or crop species with isolated native trees or shrubs.

Appendix E. Supporting information provided by the applicant

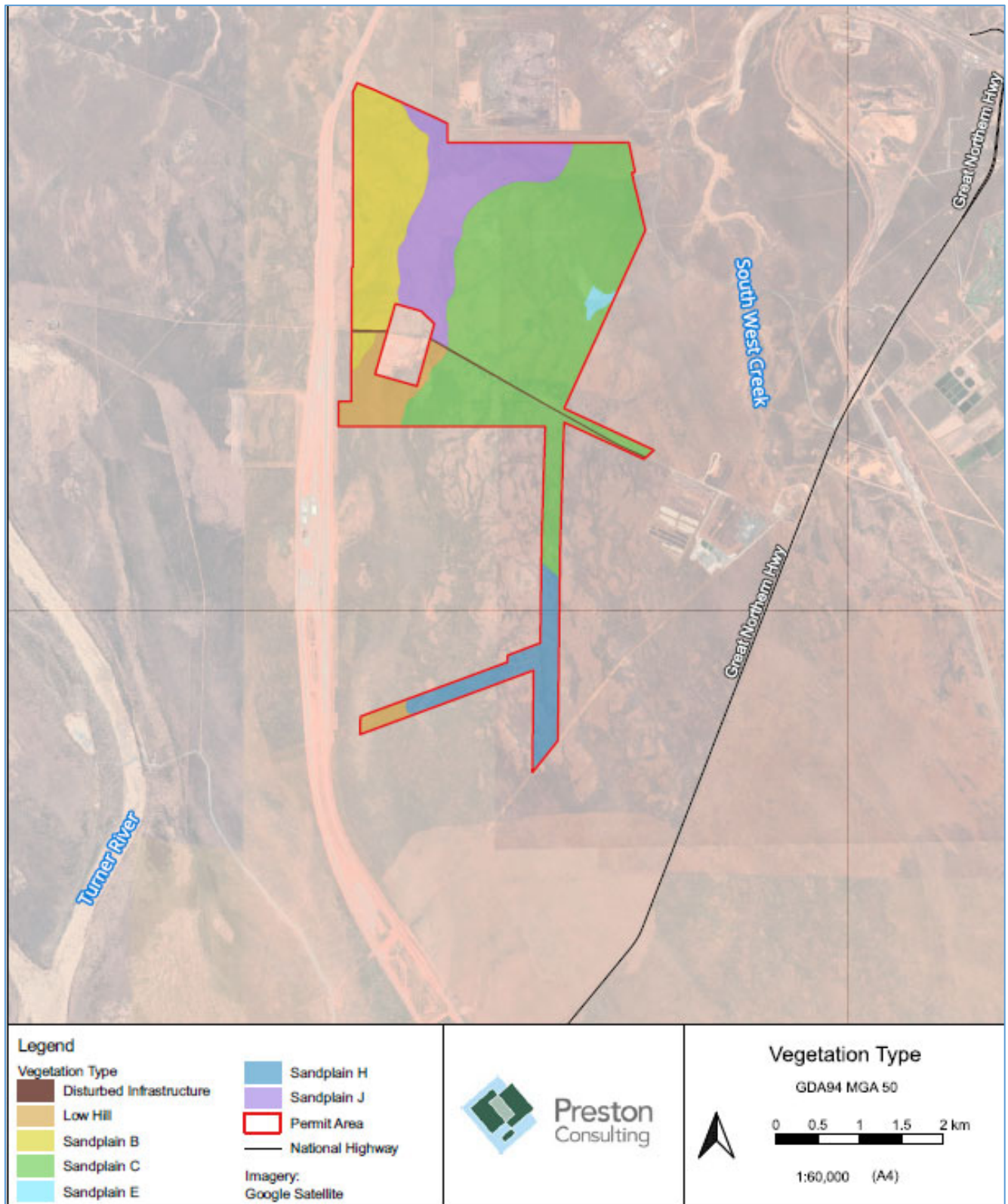


Figure E-1: Mapping of vegetation types in application area (Preston Consulting, 2023b).

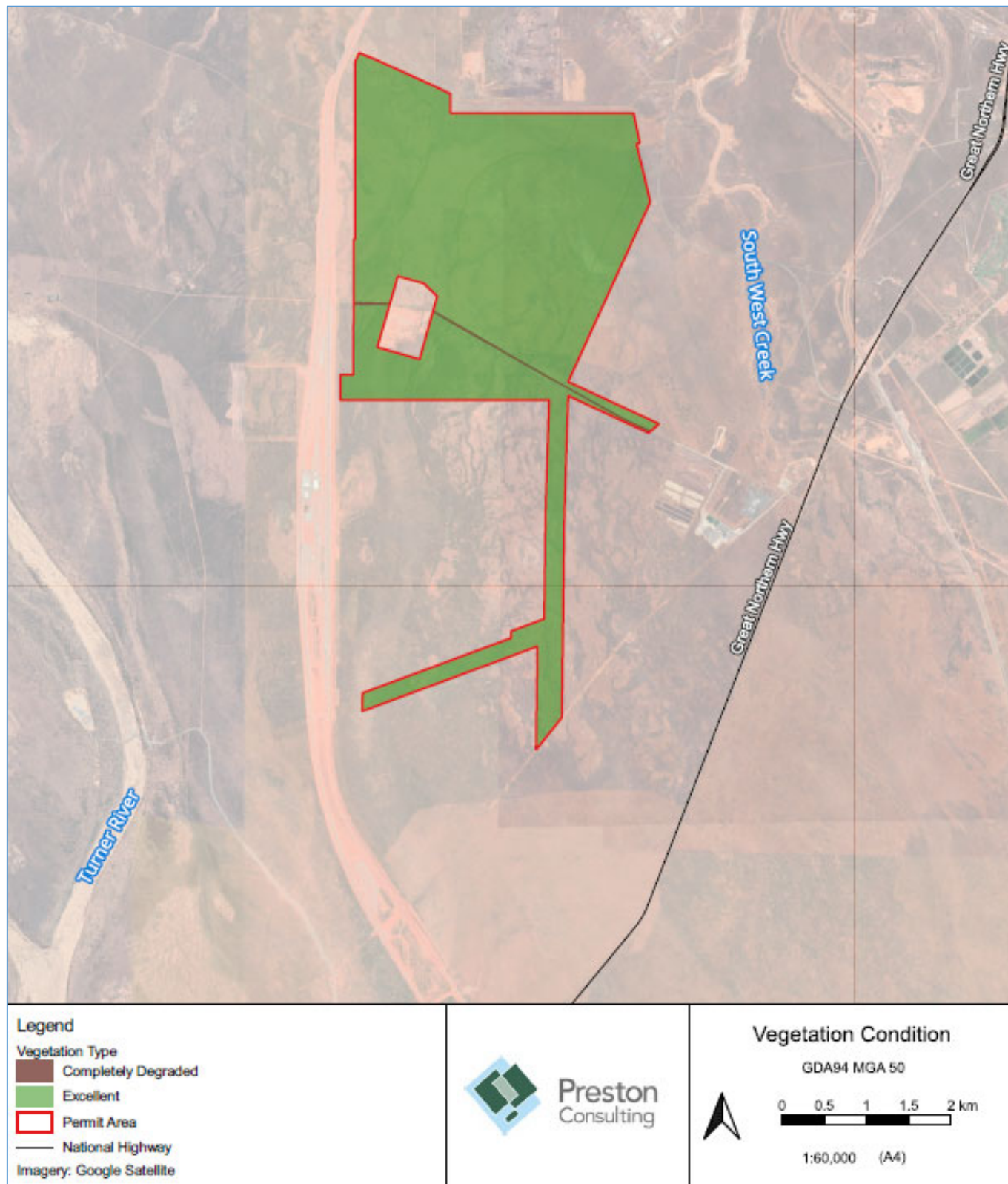


Figure E-2: Mapping of vegetation condition in application area (Preston Consulting, 2023b).

Appendix F. Sources of information

F.1. GIS databases

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

- Aboriginal Heritage Places (DPLH-001)
- Cadastre (LGATE-218)
- Contours (DPIRD-073)
- DBCA – Lands of Interest (DBCA-012)
- DBCA Legislated Lands and Waters (DBCA-011)
- Flood Risk (DPIRD-007)
- Groundwater Salinity Statewide (DWER-026)
- Hydrography – Inland Waters – Waterlines
- Hydrological Zones of Western Australia (DPIRD-069)
- IBRA Vegetation Statistics
- Imagery
- Native Title (ILUA) (LGATE-067)
- Pre-European Vegetation Statistics
- Public Drinking Water Source Areas (DWER-033)
- Remnant Vegetation, All Areas
- RIWI Act, Groundwater Areas (DWER-034)
- 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

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

F.2. References

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