



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 4861/3
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Atlas Iron Limited

1.3. Property details

Property: Mining Lease 47/1449
Miscellaneous Licence 45/248
Local Government Area: Shire of East Pilbara
Colloquial name: Mt Dove DSO Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
219		Mechanical Removal	Mineral Production

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 1 November 2018

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description Beard vegetation associations have been mapped for the whole of Western Australia. One Beard vegetation association has been mapped within the application area (GIS Database).

93: Hummock grasslands, shrub steppe; kanji over soft spinifex.

A Level 2 flora and vegetation survey was undertaken over the Mt Dove area, including the permit area, in June 2010 by botanists from Woodman Environmental Consulting Pty Ltd (Woodman). Five floristic community types (FCTs) from two super groups were described within the larger survey area, with one of the FCTs further divided into two subtypes (FCT 5a and FCT 5b) (Woodman, 2011). Each of the FCTs occurred within the permit area, except FCT 5b, and these are described below (Woodman, 2011):

Super Group 1

FCT 1 - Mid Open to Sparse Shrubland of mixed *Acacia* species including *A. inaequilatera*, *A. coleii* var. *coleii* and *A. ancistrocarpa* over Low Open Shrubland dominated by *Acacia stellaticeps* over Low Hummock Grassland dominated by *Triodia epactia* and/or *T. lanigera* on red sandy loams on lower slopes, flats and plains.

FCT 2 - Low Isolated Trees of *Corymbia zygophylla* or *Corymbia hamersleyana* over Mid Sparse Shrubland of mixed species including *Acacia ancistrocarpa*, *A. inaequilatera*, *A. sericophylla* and *A. acradenia* over Low Sparse Shrubland of mixed species including *Acacia stellaticeps*, *Pluchea tetranthera*, *Corchorus elachocarpus* and *Sida arenicola* over Low Hummock Grassland dominated by *Triodia lanigera* and/or *Triodia schinzii* on red sandy loams on lower slopes, flats and plains.

FCT 3 - Low Sparse Shrubland of mixed species including *Pluchea tetranthera*, *P. ferdinandi-muelleri* and *Acacia stellaticeps* over Low Hummock Grassland of *Triodia lanigera* and *Triodia schinzii* on red sandy loams on lower slopes, flats and plains.

Super Group 2

FCT 4 - Mid Sparse Shrubland of mixed species including *Acacia inaequilatera*, *Grevillea wickhamii*, *A. ancistrocarpa* and *A. acradenia* over Low Sparse Shrubland of mixed species including *Corchorus elachocarpus*, *Indigofera monophylla* and *Goodenia stobbsiana* over Low Hummock Grassland of *Triodia epactia*, *Triodia wiseana* or *Triodia lanigera* on shallow stony red-brown sandy loams on slopes and crests of low rises and hills.

FCT 5a - Low Sparse Shrubland of mixed species including *Ptilotus obovatus*, *Aerva javanica* and *Capparis spinosa* var. *nummularia* over Low Hummock Grassland of *Triodia epactia* and *Eriachne mucronata* on skeletal red sandy loams over massive ironstone outcropping on mid and upper slopes and crests of hills.

Clearing Description Mt Dove DSO Project.
Atlas Iron Limited proposes to clear up to 219 hectares of native vegetation within a boundary of approximately 219 hectares for the purposes of mineral production. The project is located approximately 60 kilometres south of Port Hedland within the Shire of East Pilbara.

Vegetation Condition	Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994); To Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994).
Comment	The vegetation condition was assessed by botanists from Woodman (2011). This project was referred to the Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act), due to the presence of EPBC Act listed fauna species within the project area. The project was deemed a 'controlled action' and required assessment under the EPBC Act with the level of assessment being set at Preliminary Documentation. Final approval for the project was given on 13 January 2012 and was subject to 12 conditions. Clearing permit CPS 4861/1 was granted on 17 May 2012 authorising the clearing of 219 hectares within a boundary of approximately 219 hectares. Clearing permit 4861/2 was granted on 18 May 2017 extending the duration of the permit until 31 December 2018. Atlas Iron Limited has applied to amend CPS 4861/2 for the purpose of extending the duration of the permit until 31 December 2023.

3. Assessment of application against Clearing Principles

Comments

Atlas Iron Limited has applied to extend the duration of the permit from 31 December 2018 to 31 December 2023. The amount of clearing authorised and the clearing permit boundary will remain the same.

The proposed amendment is unlikely to result in any significant change to the environmental impacts of the proposed clearing. The assessment against the clearing principles remains consistent with the assessment contained in decision report CPS 4861/1 and 4861/2.

Methodology

Planning Instrument, Native Title, previous EPA decision or other matter.

Comments

There is one Native Title claim over the area under application (DPLH, 2018). This claim has been registered with the National Native Title Tribunal on behalf of the claimant group. However, the mining tenure has been granted in accordance with the future act regime of the *Native Title Act 1993* and the nature of the act (i.e. the proposed clearing activity) has been provided for in that process, therefore, the granting of a clearing permit is not a future act under the *Native Title Act 1993*.

There are no registered Aboriginal Sites of Significance within the application area (DPLH, 2018). It is the proponent's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

It is the proponent's responsibility to liaise with the Department of Water and Environmental Regulation and the Department of Biodiversity Conservation and Attractions, to determine whether a Works Approval, Water Licence, Bed and Banks Permit, or any other licences or approvals are required for the proposed works.

Methodology DPLH (2018)

4. References

- DPLH (2018) Aboriginal Heritage Enquiry System. Department of Planning, Lands and Heritage. <http://maps.daa.wa.gov.au/AHIS/> (Accessed 3 October 2018).
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Woodman (2011) Mount Dove Direct Shipping Ore Project Flora and Vegetation Studies. Report prepared for Atlas Iron Limited, by Woodman Environmental Consulting Pty Ltd, July 2011.

5. Glossary

Acronyms:

BoM Bureau of Meteorology, Australian Government

DAA	Department of Aboriginal Affairs, Western Australia (now DPLH)
DAFWA	Department of Agriculture and Food, Western Australia (now DPIRD)
DBCA	Department of Biodiversity Conservation and Attractions, Western Australia
DEC	Department of Environment and Conservation, Western Australia (now DBCA and DWER)
DEE	Department of the Environment and Energy, Australian Government
DER	Department of Environment Regulation, Western Australia (now DWER)
DMIRS	Department of Mines, Industry Regulation and Safety, Western Australia
DMP	Department of Mines and Petroleum, Western Australia (now DMIRS)
DPIRD	Department of Primary Industries and Regional Development, Western Australia
DPLH	Department of Planning, Lands and Heritage, Western Australia
DRF	Declared Rare Flora
DoE	Department of the Environment, Australian Government (now DEE)
DoW	Department of Water, Western Australia (now DWER)
DPaW	Department of Parks and Wildlife, Western Australia (now DBCA)
DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities (now DEE)
DWER	Department of Water and Environmental Regulation, Western Australia
EPA	Environmental Protection Authority, Western Australia
EP Act	<i>Environmental Protection Act 1986</i> , Western Australia
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Federal Act)
GIS	Geographical Information System
ha	Hectare (10,000 square metres)
IBRA	Interim Biogeographic Regionalisation for Australia
IUCN	International Union for the Conservation of Nature and Natural Resources – commonly known as the World Conservation Union
PEC	Priority Ecological Community, Western Australia
RIWI Act	<i>Rights in Water and Irrigation Act 1914</i> , Western Australia
TEC	Threatened Ecological Community

Definitions:

{DPaW (2017) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia):-

T	<p>Threatened species: Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, listed under Schedules 1 to 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora (which may also be referred to as Declared Rare Flora).</p> <p>Threatened fauna is that subset of ‘Specially Protected Fauna’ declared to be ‘likely to become extinct’ pursuant to section 14(4) of the <i>Wildlife Conservation Act 1950</i>.</p> <p>Threatened flora is flora that has been declared to be ‘likely to become extinct or is rare, or otherwise in need of special protection’, pursuant to section 23F(2) of the <i>Wildlife Conservation Act 1950</i>.</p> <p>The assessment of the conservation status of these species is based on their national extent and ranked according to their level of threat using IUCN Red List categories and criteria as detailed below.</p>
CR	<p>Critically endangered species Threatened species considered to be facing an extremely high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.</p>
EN	<p>Endangered species Threatened species considered to be facing a very high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.</p>
VU	<p>Vulnerable species Threatened species considered to be facing a high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.</p>
EX	<p>Presumed extinct species Species which have been adequately searched for and there is no reasonable doubt that the last individual has died. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Presumed Extinct Fauna and Wildlife Conservation (Rare Flora) Notice for Presumed Extinct Flora.</p>
IA	<p>Migratory birds protected under an international agreement</p>

Birds that are subject to an agreement between the government of Australia and the governments of Japan (JAMBA), China (CAMBA) and The Republic of Korea (ROKAMBA), and the Bonn Convention, relating to the protection of migratory birds. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 5 of the Wildlife Conservation (Specially Protected Fauna) Notice.

- CD Conservation dependent fauna**
Fauna of special conservation need being species dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 6 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- OS Other specially protected fauna**
Fauna otherwise in need of special protection to ensure their conservation. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 7 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- P Priority species**
Species which are poorly known; or
Species that are adequately known, are rare but not threatened, and require regular monitoring. Assessment of Priority codes is based on the Western Australian distribution of the species, unless the distribution in WA is part of a contiguous population extending into adjacent States, as defined by the known spread of locations.
- P1 Priority One - Poorly-known species:**
Species that are known from one or a few locations (generally five or less) which are potentially at risk. All occurrences are either: very small; or on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, road and rail reserves, gravel reserves and active mineral leases; or otherwise under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes. Such species are in urgent need of further survey.
- P2 Priority Two - Poorly-known species:**
Species that are known from one or a few locations (generally five or less), some of which are on lands managed primarily for nature conservation, e.g. national parks, conservation parks, nature reserves and other lands with secure tenure being managed for conservation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes. Such species are in urgent need of further survey.
- P3 Priority Three - Poorly-known species:**
Species that are known from several locations, and the species does not appear to be under imminent threat, or from few but widespread locations with either large population size or significant remaining areas of apparently suitable habitat, much of it not under imminent threat. Species may be included if they are comparatively well known from several locations but do not meet adequacy of survey requirements and known threatening processes exist that could affect them. Such species are in need of further survey.
- P4 Priority Four - Rare, Near Threatened and other species in need of monitoring:**
(a) Rare. Species that are considered to have been adequately surveyed, or for which sufficient knowledge is available, and that are considered not currently threatened or in need of special protection, but could be if present circumstances change. These species are usually represented on conservation lands.
(b) Near Threatened. Species that are considered to have been adequately surveyed and that are close to qualifying for Vulnerable, but are not listed as Conservation Dependent.
(c) Species that have been removed from the list of threatened species during the past five years for reasons other than taxonomy.

Principles for clearing native vegetation:

- (a) Native vegetation should not be cleared if it comprises a high level of biological diversity.
- (b) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia.
- (c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.
- (d) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community.
- (e) Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.
- (f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.

- (g)** Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.
- (h)** Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.
- (i)** Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.
- (j)** Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.