



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 5176/4
Permit Holder:	Atlas Iron Pty Ltd
Duration of Permit:	From 28 September 2012 to 28 September 2028

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 road widening.

2. Land on which clearing is to be done

Lot 300 on Deposited Plan 58181, Marble Bar
Lot 304 on Deposited Plan 58185, Marble Bar

3. Clearing authorised

The Permit Holder must not clear more than 13.42 hectares of *native vegetation* within the area cross-hatched yellow in Figure 1 of Schedule 1.

4. Application of liability to agents of the permit holder

Without limiting or transferring the liability of the permit holder to comply with the conditions of this permit, the permit holder may authorise (in writing) additional persons, including employees, contractors, and agents of the permit holder, to clear *native vegetation* for the purpose(s) specified in condition 1.

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;
- (c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared; and
- (d) at least once in each 12-month period, the permit holder must remove or kill any *weeds* growing within areas cleared under this permit.

7. Land degradation management

The permit holder must commence road widening activities no later than three (3) months after undertaking the authorised clearing activities to reduce the potential for land degradation.

PART III - RECORD KEEPING AND REPORTING

8. 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	<ol 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 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); and(e) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 5;(f) actions taken to minimise the risk of the introduction and spread of <i>weeds</i> in accordance with condition 6.

9. Reporting

- (a) The permit holder must maintain records relating to the listed relevant matters in accordance with the specifications detailed in Table 1.
- (b) The permit holder must provide to the CEO the records required under condition 8 of this permit when requested by the CEO.


DEFINITIONS

In this permit, the terms in Table 2 have the meanings defined.

Table 2: 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.
EP Act	<i>Environmental Protection Act 1986</i> (WA)
fill	means material used to increase the ground level, or to fill a depression.
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.
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


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Ryan Mincham
MANAGER
NATIVE VEGETATION REGULATION

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

5 September 2023

Schedule 1

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

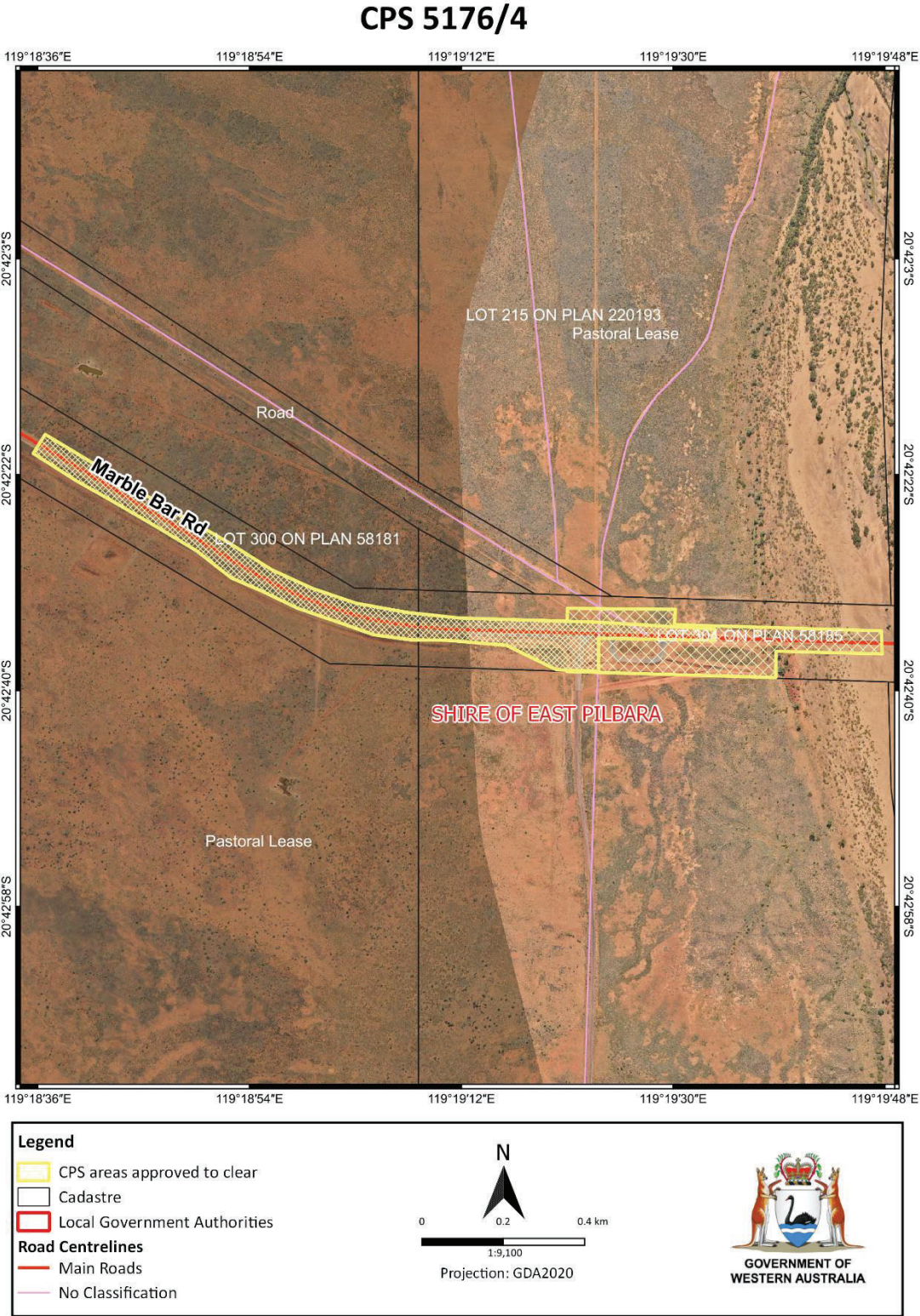


Figure 1: Map of the boundary of the area within which clearing may occur



Clearing Permit Decision Report

1 Application details and outcome

1.1. Permit application details

Permit number:	CPS 5176/4
Permit type:	Purpose permit
Applicant name:	Atlas Iron Pty Ltd
Application received:	22 May 2023
Application area:	13.42 hectares of native vegetation
Purpose of clearing:	Road widening
Method of clearing:	Mechanical
Property:	Lot 300 on Deposited Plan 58181 Lot 304 on Deposited Plan 58185
Location (LGA area/s):	Shire of East Pilbara
Localities (suburb/s):	Marble Bar

1.2. Description of clearing activities

This amendment is to extend the permit duration by a further five years and update the permit holder's name to Atlas Iron Pty Ltd (previously Atlas Iron Limited). The clearing footprint and amount of clearing remains unchanged from that authorised under clearing permit CPS 5176/3 (see Figure 1, Section 1.5). The clearing is for road upgrades to improve the safety and serviceability of the haulage route for both road trains and other road users. Atlas Iron Pty Ltd has advised that clearing for these upgrades has not been completed and upgrades are still planned.

1.3. Decision on application

Decision:	Granted
Decision date:	5 September 2023
Decision area:	Up to 13.42 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 14 days and no submissions were received.

On 6 September 2012, the Department granted CPS 5176/1 authorising the Permit Holder to clear 10.55 hectares of native vegetation within Lot 300 on Deposited Plan 58181 and Lot 304 on Deposited Plan 58185, Marble Bar, for the purpose of widening Marble Bar Road to construct dedicated turning and acceleration lanes. It was determined that the proposed clearing area was unlikely to be at variance with the clearing principles.

On 18 October 2012, the Department granted CPS 5176/2 to increase the clearing area by 0.72 hectares to 11.27 hectares to allow works to occur on the eastern side of the intersection. No new conditions were implemented.

On 30 August 2017, the Department granted CPS 5176/3 authorising the additional clearing of 2.15 hectares of native vegetation to a total of 13.42 hectares and extend the duration of the permit to 28 September 2023.

To support CPS 5176/3, the applicant commissioned MWH (2017) to undertake a fauna habitat assessment and Woodman Environmental (2017) to undertake a flora and vegetation assessment.

The flora and vegetation assessment did not identify any conservation significant flora species (Woodman, 2017). The fauna assessment (MWH, 2017) identified that the application area contained suitable habitat for *Pseudomys chapmani* (Western pebble-mound mouse) within the application area with several records of the species within the local area, however, it was determined that the species were not dependent on the habitat within the proposed clearing area with extensive suitable habitat surrounding the clearing area. Furthermore, the species may not be present within the application area due to ongoing disturbance from the already existing road.

Information supplied by the applicant states that to date a total of 3.17 hectares of native vegetation has been cleared (see Appendix B, Figure 2), none of which has occurred within the last five years.

The assessment has not changed since CPS 5176/3, except in the case of principle (g). Land degradation mapping indicates that the clearing area is at high to extreme risk of wind erosion, water erosion, flooding, waterlogging, and phosphorous export. The applicant provided their own documents outlining the various processes and procedures in place already relating to ground disturbance, clearing, and construction that include (Atlas Iron Pty Ltd, 2021):

- only clearing in dry conditions
- clearing only when appropriate controls are in place to manage sediment runoff to ensure material remains in application area; and
- topsoil, subsoil, and vegetation stockpiles are stored in locations not subject to excessive water flows or wind erosion, with erosion controls implemented as necessary.

The Delegated Officer was satisfied that the applicant has taken appropriate actions to avoid and mitigate the risk of land degradation from the clearing area.

Based on the assessment undertaken from CPS 5176/3 and current environmental information, the Delegated Officer determined that the proposed clearing may result in the spread of weeds into adjacent areas and increase the risk of erosion.

To minimise environmental impacts, the previous conditions from CPS 5176/3 will remain, with the following new condition imposed to mitigate the risk of erosion:

- commencement of road widening activities no later than three (3) months after undertaking the authorised clearing activities.

To align the permit to modern Department practices, the new permit will include:

- record keeping related to general clearing activities; and
- reporting of clearing activities.

No additional planning or other matters have arisen since the grant of CPS 5176/3 that would influence the decision to approve the amendment in this instance.

The Delegated Officer determined that the proposed amendment to extend the duration of this clearing permit is not likely to lead to an unacceptable risk to environmental values.

1.5. Site map

CPS 5176/4

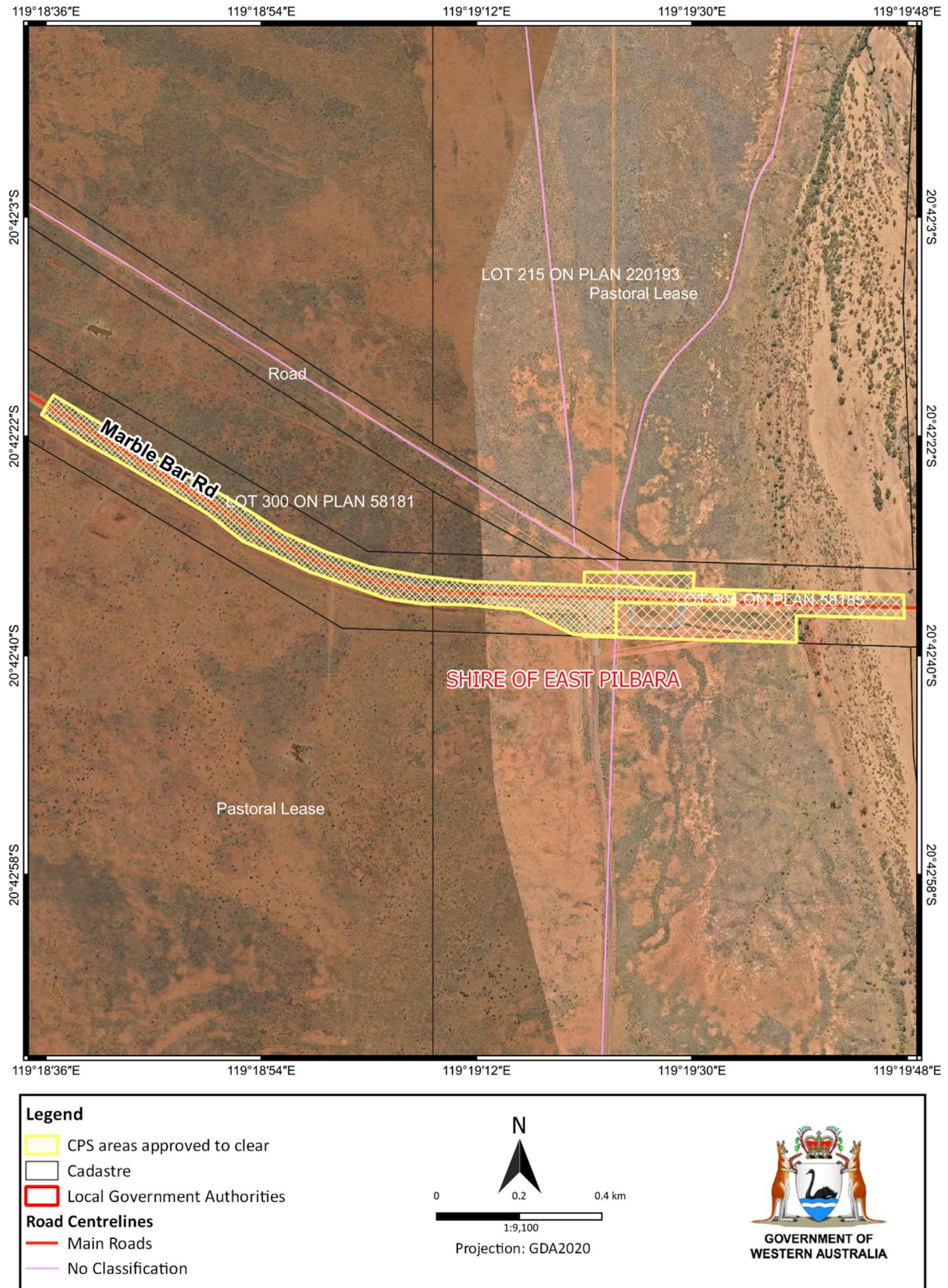


Figure 1 Map of the application area

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)
- *Conservation and Land Management Act 1984* (WA) (CALM 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 Relevant planning instruments and other matters

Other relevant authorisations required for the proposed land use include:

- Permit to interfere with bed and banks under the *Rights in Water and Irrigation Act 1914*.

The amended clearing area for CPS 5176/3 intersects with the Shaw River on the eastern edge triggering the requirement for a permit to interfere with the bed and banks of a watercourse under *the Rights in Water and Irrigation Act 1914*, which was obtained on 26 July 2017 and expired 27 July 2019. The bed and banks permit included conditions requiring certain work specifications and that the activities do not act as an artificial barrier or levee that causes water to pond upstream. Records indicate this permit was extended on 26 June 2019 for expiry on 28 September 2023. An application to extend the bed and banks permit for the same duration as the clearing permit was received by the Department on 27 April 2023. The bed and banks permit was granted on 31 August 2023 with an expiry date of 28 September 2028, with no new conditions imposed.

A Letter of Authority to access the road reserve is required from both the Shire of East Pilbara and Main Roads Western Australia. The Shire advised DWER that the Letter of Authority supplied in CPS 5176/3 is still valid. Main Roads Western Australia advised that they have no objection to the extension of the clearing permit.

No Aboriginal sites of significance have been mapped within the application area.

End

Appendix A. Additional information provided by applicant

Summary of information	Consideration of comment
Processes and procedures for land clearing	See Section 1.4. Most land degradation risks are managed effectively through these procedures
Email containing current area cleared and map of cleared area	See section 1.4.

Appendix B. Map of previously cleared areas

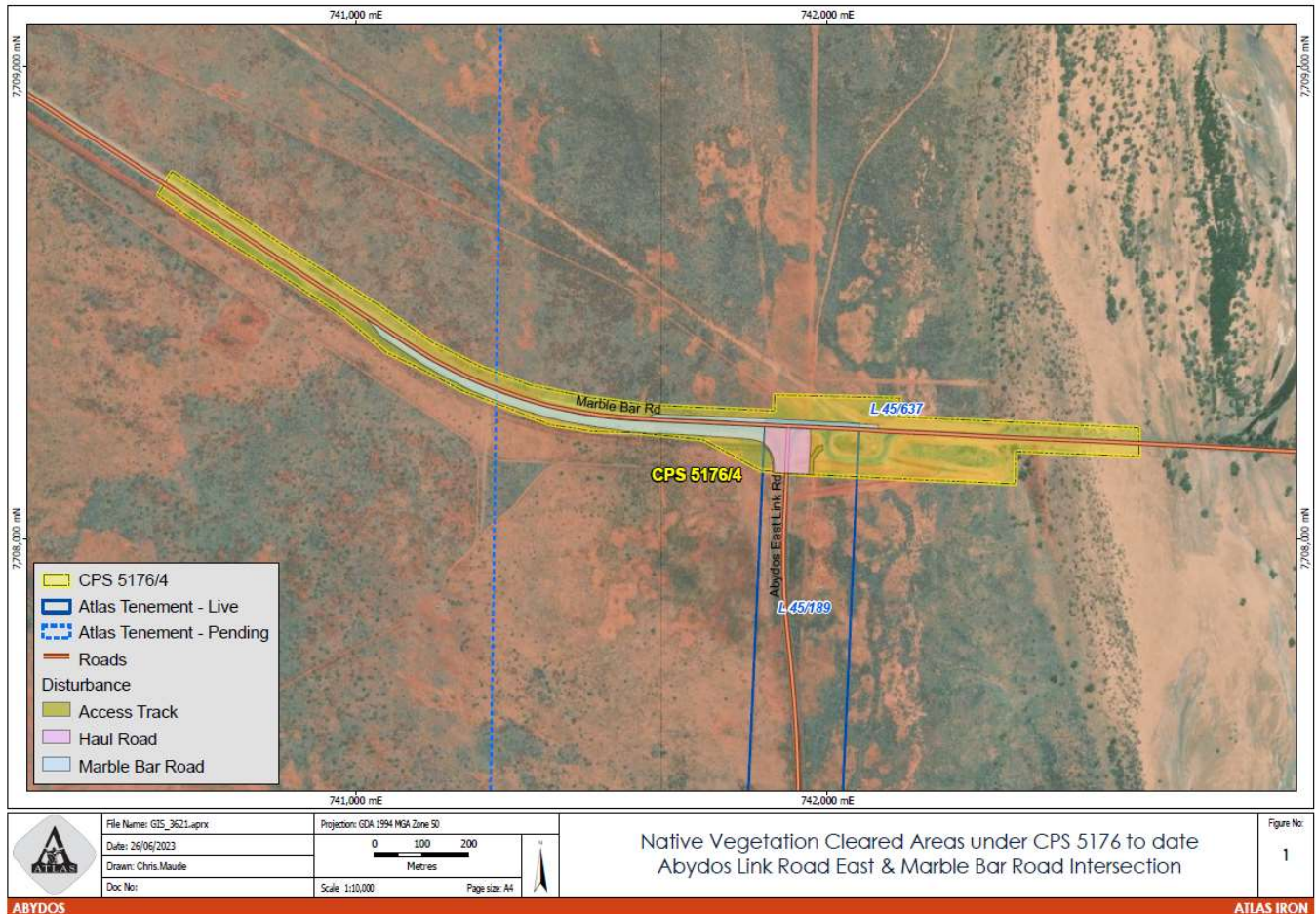


Figure 2. Map of areas cleared under CPS 5176/1, 5176/2 and 5176/3 (Atlas Iron Pty Ltd, 2023).

Appendix C. Sources of information

C.1. GIS databases

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

- 10 Metre Contours (DPIRD-073)
- 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)
- 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)
- 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

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)

C.2. References

- Atlas Iron Pty Ltd (2023) *Clearing permit application to amend CPS 5176/3*, received 22 May 2023 (DWER Ref: DWERDT782143).
- Atlas Iron Pty Ltd (2023) *Supporting information for clearing permit amendment CPS 5176/4*, received 8 June 2023 (DWER Ref: DWERDT798680).
- Atlas Iron Pty Ltd (2023) *Supporting information for clearing permit amendment CPS 5176/4*, received 2 August 2023 (DWER Ref: DWERDT798680).
- Department of Environment Regulation (DER) (2013). *A guide to the assessment of applications to clear native vegetation*. Perth. Available from: https://www.der.wa.gov.au/images/documents/your-environment/native-vegetation/Guidelines/Guide2_assessment_native_veg.pdf.
- Department of Water and Environmental Regulation (DWER) (2019). *Procedure: Native vegetation clearing permits*. Joondalup. Available from: https://dwer.wa.gov.au/sites/default/files/Procedure_Native_vegetation_clearing_permits_v1.PDF.
- Environmental Protection Authority (EPA) (2016). *Technical Guidance - Flora and Vegetation Surveys for Environmental Impact Assessment*. Available from: http://www.epa.wa.gov.au/sites/default/files/Policies_and_Guidance/EPA%20Technical%20Guidance%20-%20Flora%20and%20Vegetation%20survey_Dec13.pdf.
- Environmental Protection Authority (EPA) (2016). *Technical Guidance – Terrestrial Fauna Surveys*. Available from: https://www.epa.wa.gov.au/sites/default/files/Policies_and_Guidance/Tech%20guidance-%20Terrestrial%20Fauna%20Surveys-Dec-2016.pdf.
- MWH Australia (MWH) (2017). *Corunna Downs Road and Limestone-Marble Bar Road Intersections: Fauna Desktop Assessment*. Received 24 May 2017 (DWER Ref: A1438136).
- Woodman Environmental Consulting Pty Ltd (Woodman) (2017). *Corunna Downs intersection works flora and fauna assessment*. Received 24 May 2017 (DWER Ref: A1438136)