



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 5343/4
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Atlas Iron Pty Ltd

1.3. Property details

Property: Mining Lease 45/1179
Miscellaneous Licence 45/188
Miscellaneous Licence 45/189
Miscellaneous Licence 45/284
Miscellaneous Licence 45/285
Miscellaneous Licence 45/287

Local Government Area: Shire of East Pilbara
Colloquial name: Abydos Link Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
361		Mechanical Removal	Borrow Pits, Construction of a Haul Road and Associated Infrastructure

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 16 December 2021

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description The vegetation of the application area is broadly mapped as the following Beard vegetation associations:
82: Hummock grasslands, low tree steppe; snappy gum over *Triodia wiseana*;
92: Hummock grasslands, shrub steppe; kanji over soft spinifex;
589: Mosaic: Short bunch grassland - savanna / grass plain (Pilbara) / Hummock grasslands, grass steppe; soft spinifex; and
619: Medium woodland; river gum (*Eucalyptus camaldulensis*) (GIS Database).

A number of flora and vegetation surveys have been conducted across the Abydos Link site since 2001 (Eco Logical, 2012). The majority of the application area was surveyed by Trudgen et al. (2002) and Trudgen (2006; 2007a; 2007b). Mattiske (2007) summarised the previous four surveys. The remaining section of the application area was surveyed by Woodman Environmental in July 2012 and the vegetation type descriptions were aligned with Mattiske (2007) to ensure consistency. Six vegetation formations and 18 vegetation alliances were recorded during the surveys.

Open Forest to Open Woodland: Flowlines

1: Open forest to open woodland of *Eucalyptus camaldulensis*, *Melaleuca argentea* and *Eucalyptus victrix* with scattered tall shrubs of *Indigofera monophylla* over *Schoenus falcatus*, *Cyperus vaginatus* and *Triodia longiceps* sedgeland/grasslands in river beds.

Open Forest to Open Woodland: Other

2: *Eucalyptus victrix* scattered trees to open woodland which may include *Melaleuca glomerata* and *Melaleuca linophylla* over open to closed scrub in creek beds and low slopes.

3: *Corymbia aspera* scattered low trees to low open woodland in creek beds.

4: *Acacia tumida* high shrubland to low open forest in creeklines.

5: *Eucalyptus leucophloia* scattered low trees over patches of *Acacia* shrubs over hummock grasslands of *Triodia* species, including *Triodia brizoides*, *Triodia wiseana* and *Triodia epactia* on ridge slopes.

6: *Corymbia hamersleyana* scattered low trees to low open woodland over tall shrubs to open shrubland of *Acacia* spp. and *Grevillea wickhamii* over hummock grasslands on creek banks, flood banks and distributing fans.

7: *Corymbia zygophylla* and *Corymbia hamersleyana* scattered low trees over hummock grasslands on sandplains.

8: *Terminalia canescens* scattered low trees to low woodland on creek banks.

9: *Atalaya hemiglauca*, *Acacia pruinocarpa*, *Ehretia saligna* var. *saligna*, *Acacia tumida*, *Eucalyptus ferriticola* subsp. *ferriticola* and *Ficus platypoda* scattered low trees over high open shrubland on steep, rocky gorge walls.

High Shrublands to Open Scrublands

10: Shrubland to open scrubland of *Acacia* species including *Acacia tumida*, *Acacia acradenia* and *Acacia orthocarpa* over hummock grasslands on upper and steep slopes.

11: Shrubland to closed scrubland of *Acacia* species, including *Acacia acradenia*, *Acacia pyrifolia* and *Acacia tumida* along small creeklines and on the adjacent parts of valley floors and distributing fans.

12: *Acacia inaequilatera* scattered tall shrubs to high open shrubland over *Triodia brizoides* hummock grasslands on ridge slopes and low hills.

13: *Acacia inaequilatera* scattered tall shrubs to high shrubland over *Triodia wiseana* hummock grasslands occurring mainly on gentle lower slopes.

14: *Acacia ancistrocarpa* high open shrubland to open scrub.

15: *Acacia trachycarpa* high open shrubland to high shrublands.

Low Shrublands to Low Open Heaths

16: Low shrublands to low open heath on gentle slopes and undulating plains.

Hummock Grasslands

17: Hummock grasslands on slopes and ridges.

Other Grasslands and Herblands

18: Cracking clay alliance on gentle sloping plains and seasonal damplands.

Clearing Description

Abydos Link Project.

Atlas Iron Pty Ltd proposes to clear up to 361 hectares of native vegetation within a boundary of approximately 961 hectares for the purpose of constructing a haul road and supporting infrastructure, including borrow pits, two temporary construction camps, laydown areas and water storage. The haul road is approximately 59 kilometres in length and is located approximately 85 kilometres south-east of Port Hedland within the Shire of East Pilbara.

Vegetation Condition

Pristine: No obvious signs of disturbance (Keighery, 1994).

to

Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).

Comment

The vegetation condition was assessed by botanists from Trudgen and Woodman using a scale based on Trudgen (1988) and has been converted to the corresponding Keighery (1994) condition.

The Abydos Link haul road will support road haulage from Atlas Iron Pty Ltd's approved Abydos DSO Project. Clearing will be undertaken with a bulldozer. Vegetation and topsoil will be removed where possible and stockpiled for use in rehabilitation.

Clearing permit CPS 5343/1 was granted by the Department of Mines and Petroleum (now the Department of Mines, Industry Regulation and Safety) on 24 January 2013 and was valid from 16 February 2013 to 16 February 2018. The permit authorised the clearing of up to 361 hectares of native vegetation within a boundary of approximately 961 hectares, for the purpose of borrow pits, construction of a haul road and associated infrastructure.

CPS 5343/2 was granted on 14 December 2017, amending the permit to extend the permit duration to 31 December 2019. The area of clearing authorised and the permit boundaries remained unchanged.

CPS 5343/3 was granted on 12 September 2019, amending the permit to extend the permit duration to 31 December 2021. The area of clearing authorised and the permit boundaries remained unchanged.

On 8 September 2021, the Permit Holder applied to amend CPS 5353/3 to extend the permit duration. The Permit Holder name has been updated from Atlas Iron Limited to Atlas Iron Pty Ltd due to a name change.

3. Assessment of application against Clearing Principles

Comments

The permit holder has applied to extend the permit duration until 30 September 2026. The duration extension will allow for haul road renovation, to accommodate traffic from the newly opening Miralga Creek DSO Mining Project. The clearing permit will be extended to align with the Miralga Creek life of mine.

A cumulative total of vegetation cleared under this permit is approximately 205.56 hectares, with approximately 21.74 hectares rehabilitated.

Threatened flora species *Quoya zonalis* has been recorded within approximately 84 metres of the application area in 2013 (GIS Database). No records of this species occur within the application area, and there are large numbers of this species existing within the surrounding areas recorded between 2012 and 2015 (GIS Database). Flora surveys of the project area did not identify this species (Eco Logical, 2012). The proposed amendment is unlikely to have direct impacts to this species or significantly impact the conservation status.

The amendment application has been assessed against the clearing principles, planning instruments and other matters in accordance with s.51O of the *Environmental Protection Act 1986*. Environmental information has been reviewed, and the assessment of the proposed clearing against the clearing principles remains consistent with the assessment contained in decision reports CPS 5343/1, 5343/2, and 5343/3.

Methodology Eco Logical (2012)

GIS Database:

- DPaW Tenure
- Hydrography, Lakes
- Hydrography, Linear
- IBRA Australia
- Imagery
- Landsystem Rangelands
- Pre-European Vegetation
- Public Drinking Water Source Areas
- Soils, Statewide
- Threatened and Priority Ecological Communities boundaries
- Threatened and Priority Ecological Communities buffers
- Threatened and Priority Flora
- Threatened Fauna

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

Comments

There are two native title claims (WC2000/005; WC1999/008) over the area under application (DPLH, 2021). These claims have been determined by the Federal Court on behalf of the claimant groups. 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, 2021). 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.

The amendment application was advertised on 24 September 2021 by the Department of Mines, Industry Regulation and Safety inviting submissions from the public. No submissions were received in relation to this application.

Methodology DPLH (2021)

4. References

DPLH (2021) Aboriginal Heritage Inquiry System. Department of Planning, Lands and Heritage.

<https://espatial.dplh.wa.gov.au/AHIS/index.html?viewer=AHIS> (Accessed 19 November 2021).

Eco Logical (2012) Native Vegetation Clearing Permit Application Abydos DSO Project: Proposed Abydos Link Project. Report prepared by Eco Logical Australia for Atlas Iron Limited, October 2012.

Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.

- Mattiske (2007) A Review of the Flora and Vegetation and an Assessment of Groundwater Dependent Ecosystems in the Panorama Project Survey Area. Report prepared by Mattiske Consulting for URS Australia Pty Ltd, September 2007.
- Trudgen, M.E., (1988) A Report on the Flora and Vegetation of the Port Kennedy Area. Unpublished report prepared for Bowman Bishaw and Associates, West Perth.
- Trudgen, M.E., Morgan, B.M. and Griffin, E.A. (2002) A Flora and Vegetation Survey of the Proposed Mine Areas and Access Road for the Panorama Project. Unpublished Report Prepared for Aston Environmental, January 2002, Volumes 1 and 2.
- Trudgen, M. (2006) Rare Flora Searches of a Proposed Campsite, Tailings Dam and Waste Dumps and Observations on Vegetation Condition for the Panorama Project. Report prepared for CBH Resources, November 2006.
- Trudgen, M. (2007a) Response to Department of Environment and Conservation Comments, Panorama Project. Report prepared for CBH Resources, February 2007.
- Trudgen, M. (2007b) Supplementary Botanical Surveys, Rare Flora Searches, Assessment of Vegetation Condition and Identification of Groundwater Dependent Ecosystems for the Sulphur Springs Project. Report prepared for CBH Resources, July 2007.
- Woodman (2012) Abydos East Project Camp and Haul Road Corridor Flora and Vegetation Studies. Report prepared by Woodman Environmental for Atlas Iron Limited, July 2012.

5. Glossary

Acronyms:

BC Act	<i>Biodiversity Conservation Act 2016</i> , Western Australia
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)
DAWE	Department of Agriculture, Water and the Environment, Australian Government
DBCA	Department of Biodiversity, Conservation and Attractions, Western Australia
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)
DoEE	Department of the Environment and Energy (now DAWE)
DoW	Department of Water, Western Australia (now DWER)
DPaW	Department of Parks and Wildlife, Western Australia (now DBCA)
DPIRD	Department of Primary Industries and Regional Development, Western Australia
DPLH	Department of Planning, Lands and Heritage, Western Australia
DRF	Declared Rare Flora (now known as Threatened Flora)
DWER	Department of Water and Environmental Regulation, Western Australia
EP Act	<i>Environmental Protection Act 1986</i> , Western Australia
EPA	Environmental Protection Authority, 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:

{DBCA (2019) Conservation Codes for Western Australian Flora and Fauna. Department of Biodiversity, Conservation and Attractions, Western Australia}:-

T **Threatened species:**

Listed by order of the Minister as Threatened in the category of critically endangered, endangered or vulnerable under section 19(1), or is a rediscovered species to be regarded as threatened species under section 26(2) of the *Biodiversity Conservation Act 2016* (BC Act).

Threatened fauna is that subset of 'Specially Protected Fauna' listed under schedules 1 to 3 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for Threatened Fauna.

Threatened flora is that subset of 'Rare Flora' listed under schedules 1 to 3 of the *Wildlife Conservation (Rare Flora) Notice 2018* for Threatened Flora.

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.

- CR Critically endangered species**
Threatened species considered to be “*facing an extremely high risk of extinction in the wild in the immediate future, as determined in accordance with criteria set out in the ministerial guidelines*”.
- Listed as critically endangered under section 19(1)(a) of the BC Act in accordance with the criteria set out in section 20 and the ministerial guidelines. Published under schedule 1 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for critically endangered fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for critically endangered flora.
- EN Endangered species**
Threatened species considered to be “*facing a very high risk of extinction in the wild in the near future, as determined in accordance with criteria set out in the ministerial guidelines*”.
- Listed as endangered under section 19(1)(b) of the BC Act in accordance with the criteria set out in section 21 and the ministerial guidelines. Published under schedule 2 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for endangered fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for endangered flora.
- VU Vulnerable species**
Threatened species considered to be “*facing a high risk of extinction in the wild in the medium-term future, as determined in accordance with criteria set out in the ministerial guidelines*”.
- Listed as vulnerable under section 19(1)(c) of the BC Act in accordance with the criteria set out in section 22 and the ministerial guidelines. Published under schedule 3 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for vulnerable fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for vulnerable flora.

Extinct Species:

- EX Extinct species**
Species where “*there is no reasonable doubt that the last member of the species has died*”, and listing is otherwise in accordance with the ministerial guidelines (section 24 of the BC Act).
- Published as presumed extinct under schedule 4 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for extinct fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for extinct flora.
- EW Extinct in the wild species**
Species that “*is known only to survive in cultivation, in captivity or as a naturalised population well outside its past range; and it has not been recorded in its known habitat or expected habitat, at appropriate seasons, anywhere in its past range, despite surveys over a time frame appropriate to its life cycle and form*”, and listing is otherwise in accordance with the ministerial guidelines (section 25 of the BC Act).
- Currently there are no threatened fauna or threatened flora species listed as extinct in the wild. If listing of a species as extinct in the wild occurs, then a schedule will be added to the applicable notice.

Specially protected species:

- Listed by order of the Minister as specially protected under section 13(1) of the BC Act. Meeting one or more of the following categories: species of special conservation interest; migratory species; cetaceans; species subject to international agreement; or species otherwise in need of special protection.
- Species that are listed as threatened species (critically endangered, endangered or vulnerable) or extinct species under the BC Act cannot also be listed as Specially Protected species.
- MI Migratory species**
Fauna that periodically or occasionally visit Australia or an external Territory or the exclusive economic zone; or the species is subject of an international agreement that relates to the protection of migratory species and that binds the Commonwealth; and listing is otherwise in accordance with the ministerial guidelines (section 15 of the BC Act).
- Includes 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 fauna subject to the *Convention on the Conservation of Migratory Species of Wild Animals* (Bonn Convention), an environmental treaty under the United Nations Environment Program. Migratory species listed under the BC Act are a subset of the migratory animals, that are known to visit Western Australia, protected under the international agreements or treaties, excluding species that are listed as Threatened species.
- Published as migratory birds protected under an international agreement under schedule 5 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

- CD Species of special conservation interest (conservation dependent fauna)**
Fauna of special conservation need being species dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened, and listing is otherwise in accordance with the ministerial guidelines (section 14 of the BC Act).
Published as conservation dependent fauna under schedule 6 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.
- OS Other specially protected species**
Fauna otherwise in need of special protection to ensure their conservation, and listing is otherwise in accordance with the ministerial guidelines (section 18 of the BC Act).
Published as other specially protected fauna under schedule 7 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.
- P Priority species:**
- Possibly threatened species that do not meet survey criteria, or are otherwise data deficient, are added to the Priority Fauna or Priority Flora Lists under Priorities 1, 2 or 3. These three categories are ranked in order of priority for survey and evaluation of conservation status so that consideration can be given to their declaration as threatened fauna or flora.
- Species that are adequately known, are rare but not threatened, or meet criteria for near threatened, or that have been recently removed from the threatened species or other specially protected fauna lists for other than taxonomic reasons, are placed in Priority 4. These species 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.
- (c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened 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 the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.