

Clearing Permit Decision Report

1. Application details 1.1. Permit application details Permit application No.: 8068/2 Permit type: **Purpose Permit** 1.2. **Proponent details** Proponent's name: Wodgina Lithium Pty Ltd 1.3. Property details Property: Mining Lease 45/50 Mining Lease 45/381 Mining Lease 45/949 Miscellaneous Licence 45/108 Local Government Area: Town of Port Hedland **Colloquial name:** Wodgina Lithium Project 1.4. Application Method of Clearing Clearing Area (ha) No. Trees For the purpose of: 293 Mechanical Removal Gas pipeline and supporting infrastructure 1.5. Decision on application **Decision on Permit Application:** Grant **Decision Date:** 24 March 2022 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: 93: Hummock grasslands, shrub steppe; kanji over soft spinifex; 589: Mosaic: Short bunch grassland - savanna / grass plain (Pilbara) / Hummock grasslands, grass steppe; soft spinifex; 626: Hummock grasslands, shrub-steppe; kanji over soft spinifex & Triodia brizoides; and 647: Hummock grasslands, dwarf-shrub steppe; Acacia translucens over soft spinifex (GIS Database). A flora and vegetation survey over the application area was conducted by 360 Environmental during January - February 2018, and a targeted flora and vegetation survey was conducted in June 2018. Thirteen vegetation associations were recorded within the application area (360 Environmental, 2018): AaAbTI: Acacia inaequilatera, Acacia ancistrocarpa tall sparse shrubland over Grevillea wickhamii 1 subsp. macrodonta, Acacia bivenosa mid sparse shrubland over Halgania solanacea, Bonamia erecta low isolated clumps of shrubs over Triodia lanigera low tussock grassland; AhAiTe: Atalaya hemiglauca, Acacia inaequilatera, Acacia pyrifolia var. pyrifolia tall sparse shrubland 2 over Hakea lorea subsp. lorea, Carissa lanceolata mid sparse shrubland over Triodia epactia mid tussock grassland; 3. AiGwTI: Acacia inaequilatera, Grevillea wickhamii subsp. macrodonta tall isolated clumps of shrubs over Acacia ancistrocarpa, Acacia bivenosa, Hakea lorea subsp. lorea mid isolated clumps of shrubs over Acacia stellaticeps, Bonamia erecta low isolated shrubs over Triodia lanigera tussock grassland; 4 AmTeTI: Acacai maitlandii, Grevillea wickhamii subsp. macrodonta mid sparse shrubland over Acacia stellaticeps, Tephrosia sp. Bungaroo Creek (M.E. Trudgen 11601), Pluchea tetranthera low sparse shrubland over Triodia epactia, Triodia lanigera mid tussock grassland; CcAiMI: Corymbia candida subsp. lautifolia low isolated trees over Acacia inaequilatera, Acacia 5 sericophylla tall isolated shrubs over Melaleuca lasiandra, Acacia sphaerostachya, Acacia ancistrocarpa mid isolated shrubs over Acacia stellaticeps low Isolated shrubs over Triodia schinzii, Triodia lanigera mid tussock grassland; 6. CcEvTe: Corymbia candida subsp. lautifolia, Eucalyptus victrix low woodland over Acacia colei var. colei, Acacia ancistrocarpa, Acacia trachycarpa tall sparse shrubland over Acacia pyrifolia var. pyrifolia, Acacia sphaerostachya, Carissa lanceolata mid isolated clumps of trees over Acacia

stellaticeps, Pluchea tetranthera, Cullen martinii low isolated shrubs over Triodia epactia mid closed tussock grassland; 7. ChAiTs: Corymbia hamersleyana low isolated trees over Acacia inaequilatera, Acacia tumida var. pilbariensis tall sparse shrubland over Acacia sericophylla, Acacia acradenia, Acacia ancistrocarpa mid open shrubland over Acacia stellaticeps, Bonamia erecta, Corchorus parviflorus low shrubland over Triodia spp. mid tussock grassland; ChAtTe: Corymbia hamersleyana low isolated trees over Acacia tumida var. pilbarensis, Acacia 8. inaequilatera tall sparse shrubland over Acacia acradenia, Acacia ancistrocarpa, Grevillea wickhamii subsp. macrodonta mid sparse shrubland over Triodia epactia tussock grassland; 9. ChCzAt: Corymbia hamersleyana, Corymbia zygophylla low open woodland over Acacia trachycarpa, Acacia bivenosa, Acacia acradenia tall shrubland over Hakea lorea subsp. lorea, Petalostylis labicheoides, Acacia ancistrocarpa mid isolated clumps of shrubs over Acacia stellaticeps low open shrubland over Triodia epactia closed tussock grassland; 10. CzGwAs: Corymbia zygophylla low isolated clumps of trees over Acacia trachycarpa, Hakea lorea subsp. lorea mid isolated clumps of shrubs over Acacia stellaticeps low shrubland over Triodia epactia, Triodia schinzii tussock grassland; 11. CzAtTe: Corymbia zygophylla low isolated clumps of trees over Acacia trachycarpa, Hakea lorea subsp. lorea mid isolated clumps of shrubs over Acacia stellaticeps low shrubland over Triodia epactia, Triodia schinzii tussock grassland; 12. HINdTe: Hakea lorea subsp. lorea, Carissa lanceolata tall isolated shrubs over Rhynchosia minima. Neptunia dimorphantha, Corchorus parviflorus low isolated shrubs over Triodia epactia tussock grassland; and 13. MIAiTs: Melaleuca lasiandra low woodland over Acacia inaequilatera, Hakea lorea subsp. lorea, Senna artemisioides subsp. oligophylla mid isolated shrubs over Acacia stellaticeps, Corchorus parviflorus, Pluchea ferdinandi-muelleri low isolated shrubs over Triodia schinzii, Triodia lanigera open tussock grassland. **Clearing Description** Wodgina Lithium Project. Wodgina Lithium Pty Ltd proposes to clear up to 293 hectares of native vegetation within a boundary of approximately 1,599 hectares, for the purpose of a gas pipeline and supporting infrastructure. The project is located approximately 35 kilometres southwest of Port Hedland and runs in a south-easterly direction for approximately 80 kilometres. Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994); **Vegetation Condition** to: Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994). Comment The initial flora and vegetation survey over the application area was conducted between January and February 2018, which is outside of the recommended survey period for the Eremaean province (6-8 weeks post wet season, March - June). Consequently, further survey work was required during the recommended survey period, and subsequently undertaken over the application area in June 2018. The vegetation condition of the application area ranged from Very Good to Completely Degraded, with the majority considered to be in Very Good condition (360 Environmental, 2018). Clearing permit CPS 8068/1 was granted by the Department of Mines, Industry Regulation and Safety on 11 October 2018 and was valid from 3 November 2018 to 2 November 2023. The permit authorised the clearing of up to 240 hectares of native vegetation within a boundary of approximately 1,599 hectares, for the purpose of a gas pipeline and supporting infrastructure. On 15 October 2021, the Permit Holder applied to amend CPS 8068/1 to extend the permit duration by 10 years, to increase the area authorised to clear by 53 hectares, and to amend condition 6 on the permit. The amendments are to allow clearing for the ongoing maintenance of the gas pipeline.

3. Assessment of application against Clearing Principles

Comments

The permit holder has applied to extend the permit duration, increase the area authorised to clear from 240 hectares to 293 hectares, and amend condition 6 on the permit.

Based on information provided by the permit holder, 239.15 hectares of the 240 hectares of native vegetation authorised to clear has been cleared for the construction of the Wodgina 2 Gas pipeline and associated infrastructure since clearing permit CPS 8068/1 became live on 3 November 2018 (Energy Resources, 2021).

As noted in the original decision report, the flora and vegetation survey of the application area was undertaken in early 2018 (360 Environmental, 2018) and a fauna survey over the application area in 2018 (Stantec, 2018). DMIRS notes that the 360 Environmental (2018) and Stantec (2018) surveys would become dated if a 10 year permit extension was granted, therefore it is recommended the permit duration only be extended by five years, instead of the requested ten years. The permit holder may apply for future duration extensions, if required. There are two gas pipelines within the permit boundary; the Wodgina 1 pipeline which was installed and operated prior to the applicant acquiring the tenement, and the recently installed Wodgina 2 pipeline authorised under this permit. The Wodgina 1 gas pipeline runs parallel to the Wodgina 2 gas pipeline at an offset distance of between 30 metres and 100 metres (Wodgina Lithium, 2021).

Regrowth over the Wodgina 1 pipeline appears to be within a 'good' condition (GIS Database). Regrowth of native vegetation over the existing disturbance for the installation of the Wodgina 2 gas pipeline is in a 'completely degraded' to 'degraded' condition and is relatively sparse, whereas remaining vegetation within the application is within a 'good' to 'very good' condition (Keighery, 1994; GIS Database). The additional 53 hectares of native vegetation to be cleared over a 10 year period within the application area is for the maintenance of two gas pipelines, which includes maintenance of line of sight, erosion repairs and pipeline integrity digs (Wodgina Lithium, 2021). The additional clearing of native vegetation is not likely to impact any conservation significant species of flora or fauna on a local or regional scale. There are no permanent watercourses or wetlands within the permit area, however, there are several minor seasonal drainage lines (GIS Database). Clearing of vegetation growing in association with drainage lines should be avoided where possible, however, given the ephemeral nature of the drainage lines, any impacts are likely to be minimal. There are no conservation areas within the application area, and the proposed clearing is unlikely to significantly impact surface water or groundwater (GIS Database). The increase in authorised clearing from 240 hectares to 293 hectares within the existing permit boundary is unlikely to result any significant change to the environmental impacts of the proposed clearing.

The applicant has requested to amend condition 6 of the permit which relates to a fauna management condition which requires a pre-clearance survey to be undertaken within the application area two weeks prior to any clearing authorised under CPS 8068/1. The applicant has requested that this condition only applies to new areas of clearing, not the maintenance clearing of the Wodgina 2 gas pipeline authorised under this permit. The new areas of clearing would apply to the clearing of native vegetation for the maintenance of the Wodgina 1 gas pipeline. Given the degraded and sparse nature of regrowth vegetation over the Wodgina 2 gas pipeline, and recent compaction of soils over this area, it is acknowledged that the likelihood of fauna using this linear area for burrows is minor. DMIRS considers condition 6(a) to be not necessary, considering the purpose for the additional 53 hectares of clearing is for pipeline maintenance. Condition 6(d) - (e) of the permit which require a fauna spotter to traverse the project area ahead of clearing machinery at the time of clearing and move fauna on if found to prevent injury or mortality will still apply.

The amendment application has been assessed against the clearing principles, planning instruments and other matters in accordance with s.510 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 report CPS 8068/1.

Methodology 360 Environmental (2018) Energy Resources (2021) Wodgina Lithium (2021)

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 is one native title claim over the area under application (DPLH, 2022). 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 several registered Aboriginal Sites of Significance within the application area (DPLH, 2022). 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.

It is noted that the proposed clearing may impact on the greater bilby which is a protected matter under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). The proponent may be required to refer the project to the (Federal) Department of the Environment and Energy for environmental impact assessment under the EPBC Act. The proponent is advised to contact the Department of the Environment and Energy for further information regarding notification and referral responsibilities under the EPBC Act.

The amendment application was advertised on 16 November 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 (2022)

4. References

360 Environmental (2018) Wodgina Gas Pipeline Detailed Flora and Vegetation Survey. Report for Mineral Resources Limited, prepared by 360 Environmental Pty Ltd, July 2018.

DPLH (2022) Aboriginal Heritage Inquiry System. Department of Planning, Lands and Heritage.

https://espatial.dplh.wa.gov.au/AHIS/index.html?viewer=AHIS (Accessed 21 March 2022).

Energy Resources (2021) Wodgina Lithium Project – Clearing Permit 8068/1 – Annual Clearing Report. Report prepared by Energy Resources, October 2021.

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

Stantec (2018) Wodgina Project: Level 1 Fauna Survey, Targeted Conservation Significant Fauna Survey & Desktop Assessment. Report for Mineral Resources Limited, prepared by Stantec Australia Pty Ltd, September 2018.

Wodgina Lithium (2021) CPS 8068/1 – Application for an amendment to a clearing permit. Wodgina Lithium Pty Ltd, October 2021.

5. Glossary

Acronyms:

BC Act BoM DAA DAFWA DAFWA DBCA DBCA DER DMIRS	Biodiversity Conservation Act 2016, Western Australia Bureau of Meteorology, Australian Government Department of Aboriginal Affairs, Western Australia (now DPLH) Department of Agriculture and Food, Western Australia (now DPIRD) Department of Agriculture, Water and the Environment, Australian Government Department of Biodiversity, Conservation and Attractions, Western Australia Department of Environment Regulation, Western Australia (now DWER) 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	Environmental Protection Act 1986, Western Australia
EPA	Environmental Protection Authority, Western Australia
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999 (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	Rights in Water and Irrigation Act 1914, 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 <u>Threatened species:</u>

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 <u>Priority species:</u>

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.