

Environmental Protection Act 1986

Section 41A(3)

NOTICE OF DECISION TO CONSENT TO MINOR OR PRELIMINARY WORKS

PERSON TO WHOM THIS NOTICE IS GIVEN:

(a) Proponent:

Atlas Iron Pty Ltd
Level 17, Raine Square 300 Murray Street Perth WA 6000

(b) Relevant Decision-Making Authorities, see Attachment 1

PROPOSAL TO WHICH THIS NOTICE RELATES:

McPhee Creek Iron Ore Project
Assessment No. 2285

Pursuant to section 41A(3) of the *Environmental Protection Act 1986* (EP Act), the Environmental Protection Authority consents to the proponent undertaking the minor or preliminary works detailed in Schedule 1.

EFFECT OF THIS NOTICE:

1. The prohibition provided by sections 41(2), 41(3) and 41A(1) of the EP Act do not apply to implementing the minor or preliminary works consented to in this Notice.
2. It is an offence under s41A(1) of the EP Act, with a maximum penalty of \$125,000 for a body corporate and \$62,500 for an individual, to do anything to implement the proposal other than the minor or preliminary works consented to in this Notice.
3. Relevant decision-making authorities may make decisions that would cause or allow the doing of the minor or preliminary works listed in Schedule 1 of this Notice.

RIGHTS OF APPEAL:

There are no rights of appeal under the EP Act in respect of this consent.



Professor Matthew Tonts
Delegate of the Environmental Protection Authority
CHAIR

12 July 2022

Schedule 1

Authorised Minor or Preliminary Implementation Works

Authorised Work(s)	Location	Authorised extent
<p>The following works are authorised in their entirety:</p> <ol style="list-style-type: none"> 1. construction; and 2. maintenance of four communication towers (The proposed towers range from 5 to 70 m in height, requiring pads of up to 110 m x 110 m); access tracks to the communication towers (10 m wide); fibre-optic cable from Marble Bar Road to the future accommodation camp); Class II landfill (three cells, each 8 m wide x 3 m deep x 60 m long); water bore headworks on existing water bore and pipeline (0.97 ha), <p>up until such time as the later of one of the following occurs:</p> <ol style="list-style-type: none"> a. notice issued under s 45(13) of the EP Act; or b. statement issued under s45(8) of the EP Act is final (that is, after period in which to lodge an appeal under s 100(3) has expired, or appeal decision under s109(3), in respect of an appeal lodged under s 100(3), is published). <p>and</p> <ol style="list-style-type: none"> 3. rehabilitation of the area/s identified in Figure 1 in accordance with current EPA rehabilitation guidance, or if an implementation statement is issued for the Proposal, in accordance with any implementation conditions relating to rehabilitation. 	<p>Figure 1</p>	<p>As shown on Figure 1: Disturbance Footprint is 10 ha of which 9 ha is the new disturbance.</p> <p>Works Items and associated footprint (ha)</p> <ul style="list-style-type: none"> • Communication towers 2.61 ha • Fibre optic cable 0.62 ha • Bore pad 0.06 ha • Landfill 0.14 ha • Access tracks 5.66 ha • Water pipeline 0.91 ha

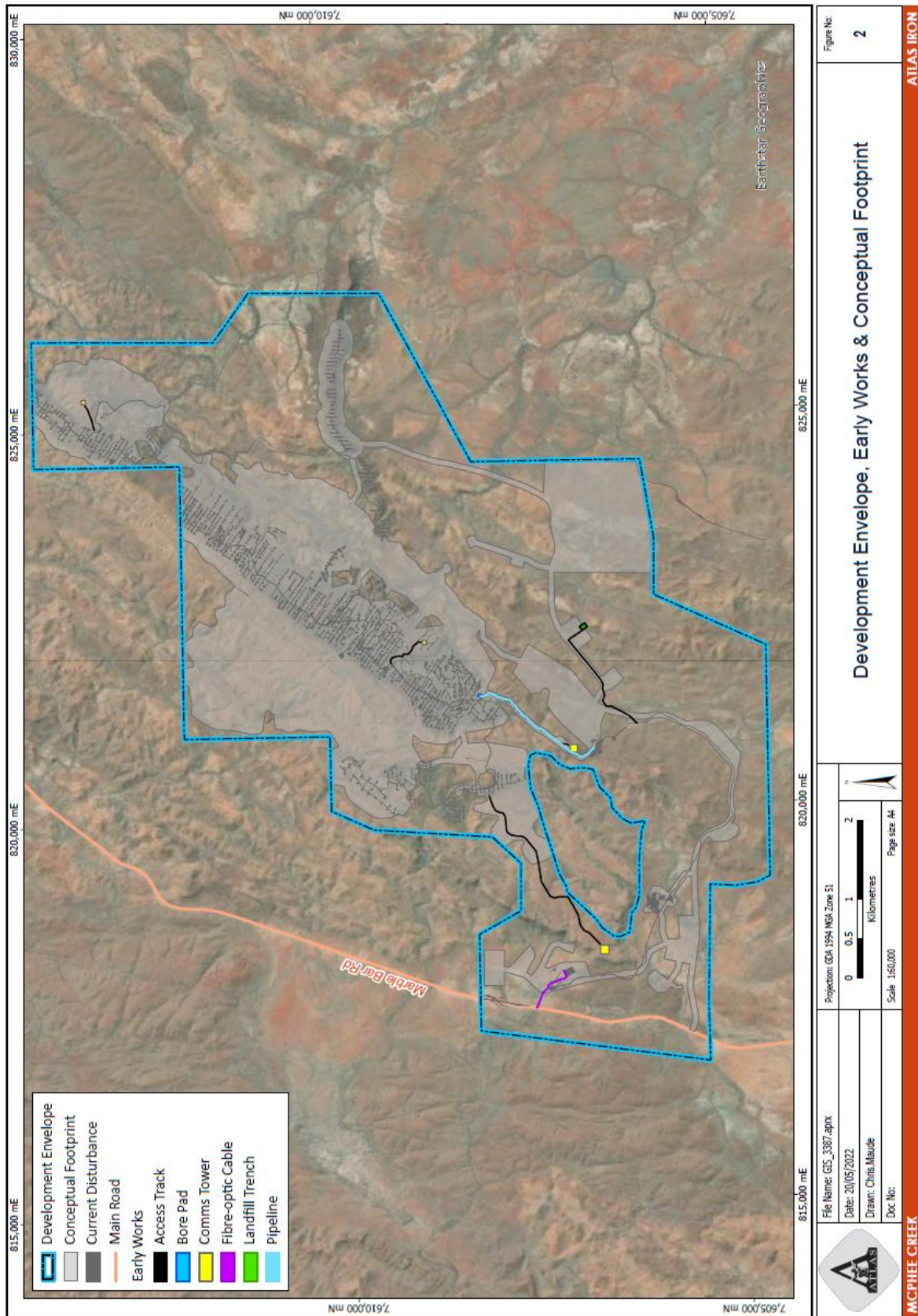


Figure 1: Minor and Preliminary Works (Early Works) and Development Envelope

Attachment 1

Relevant Decision Making Authorities

- Minister for Aboriginal Affairs
- Minister for Environment
- Minister for Mines and Petroleum
- Minister for Water
- Chief Executive Officer, Department of Biodiversity, Conservation and Attractions
- Chief Health Officer, Department of Health
- Chief Dangerous Goods Officer, Department of Mines, Industry Regulation and Safety
- Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety
- Mining Registrar, Department of Mines, Industry Regulation and Safety
- State Mining Engineer, Department of Mines, Industry Regulation and Safety
- Chief Executive Officer, Department of Water and Environmental Regulation
- Chief Executive Officer, Shire of East Pilbara

Summary of reasons for decision – request to undertake minor or preliminary works under s. 41A(3) of the *Environmental Protection Act 1986*

Proposal:	McPhee Creek Iron Ore Project
Ref No:	DWERT66259
Date request to amend referred proposal under s.41A (3) received:	
Proponent:	Atlas Iron Pty Ltd
Level of Assessment:	Public Environmental Review
Referral received:	18/02/2021

Referred proposal:

The McPhee Creek Iron Ore Project is located approximately 30 km north of Nullagine. The Proposal is for mining from five open cut pits including above water table (AWT) mining from the Crescent Moon pit, and below water table (BWT) mining from the Nicholson, Ord, Murray and Avon pits. The Proposal includes the development of mine pits and associated infrastructure including but not limited to crushing and screening facilities, waste landforms, run of mine pad, access roads, solar field, administration, accommodation camp, stockpile and laydown areas, borrow pits, groundwater bores and transfer infrastructure, explosives magazine, fuel storage and landfill. The Proposal's development envelope is 4,465 ha with a disturbance footprint of up to 1,913 ha.

Management of excess dewater is proposed via surface water discharge to three creeks.

Ore will be transported by truck to the existing Roy Hill Iron Ore Project, or other third parties for processing, or may be on sold as direct shipping ore.

Description of the minor or preliminary works sought:

The proposed minor or preliminary work involves the construction of four communications towers and associated access tracks; a fibre optic cable to be installed between the public Marble Bar Road and the future location of the accommodation camp; a small landfill site; and headworks on an existing water bore and installation of a pipeline to the future mine work area.

The proposed towers and access tracks have been selected to align within already cleared areas, where possible, and will provide effective communications coverage for the site. The communication towers and pads are to serve the operational phase as well as the construction phase of the proposal – so additional towers are unlikely to be required for the life of this operation. Minor excavation is required for the tower anchors.

The fibre optic cable to be installed by Telstra from Nullagine will remain in place and form part of the communication network for the life of the mining operation. Minor trenching is required for the fibre optic cable.

The Class II landfill cells form a subset of the cells to be developed as part of the ultimate landfill for the life of the mining operation. Minor excavation is required for the landfill cells.

The water bore headworks and pipeline will remain in place during the construction phase, providing water for use in dust suppression and earthworks.

Disturbance footprint is 10ha of which includes 9.00ha of new disturbance.

Works Item	Footprint (ha)
Communication towers	2.61
Fibre optic cable	0.62
Bore pad	0.06
Landfill	0.14
Access tracks	5.66
Water pipeline	0.91
TOTAL	10.00

Decision

Application to undertake minor or preliminary works in Attachment 1 is approved.

For the reasons outlined below, I, as a delegate of the EPA, have determined to consent to the minor or preliminary works outlined in Schedule 1 attached to this Statement of Reasons.

Environmental factors relevant to amendment(s):

The key environmental factors associated with the Minor or Preliminary works arise from clearing native vegetation and disposal of inert materials:

- Inland Waters
- Flora and Vegetation
- Terrestrial Fauna
- Terrestrial Environmental Quality
- Social Surroundings.

Inland Waters

It is noted that there are perennial and non-perennial creek lines and surface water pools within the development envelope. Proposed minor/preliminary works are not located in proximity to creek lines or the permanent and seasonal water pools located within the development (Atlas Iron 2022). No expected impacts to surface water quantity or quality are proposed as part of the works. The Class II landfill is discussed in the Terrestrial Environmental Quality section.

Groundwater modelling indicates that the pre-mining depth to groundwater within the development envelope ranges from approximately 2 to 40m below ground level (bgl)

(Atlas Iron 2022). Based on the modelling, the depth to groundwater for the minor or preliminary works area is estimated:

- Fibre optic cable: 5 to 10 mbgl.
- Communications towers: >40 mbgl
- Landfill :10-20 mbgl.

Due to the estimated depth of groundwater from surface level and that the minor or preliminary works does not involve groundwater abstraction or significant excavation activities intercepting groundwater, impact to groundwater and subterranean fauna is not expected. Based on the above, this environmental factor is not discussed further.

Flora and vegetation

The minor or preliminary works is proposing to clear up to 9 ha of vegetation within the development envelope. All vegetation types to be cleared as part of the works are also recorded within the development envelope. None of the vegetation types mapped in the development envelope are considered to represent any current Western Australian or Commonwealth listed Threatened Ecological Community (TEC). The following areas will be cleared:

- 8.4 ha of vegetation predominantly hillslopes and crest (consisting of vegetation types AiTw1, ChAiTe, EIAbTe, EI AptTe)
- 0.56 ha of vegetation predominantly drainage lines (consisting of vegetation types ChAmTe, ChApyTt, EvApyCci)

Vegetation type EvApyCci potentially represents groundwater dependent vegetation. Approximately 0.1 ha is proposed to be cleared which represents 0.07% of the mapped extent of EvApyCci within the development envelope.

Eragrostis crateriformis (P3) has been recorded in the vicinity of the fibre optic cable location. Priority species recorded within the development envelope are not within the proposed disturbance area for the minor or preliminary works. Atlas Iron (2022) advised that in accordance with their Ground Disturbance Procedure, appropriate buffers are maintained around Priority flora records to minimise impact to known species. Therefore, no known recorded Priority flora will be impacted as a result of the preliminary works.

Considering the small scale of area involved, disturbance of 9 ha is unlikely to have a significant environmental impact on the conservation status of vegetation and flora.

Terrestrial Fauna

Eight terrestrial fauna habitat types have been mapped in the development envelope (Atlas Iron 2022a), of which four are recorded within the minor or preliminary works area. The estimated impact (via clearing vegetation) to fauna habitat is 9 ha, which include the following:

- Drainage line: 0.1 ha of high value habitat associated with the Northern quoll, Ghost bat, Pilbara Olive Python.

- Hillcrest/Hillslope: 4.9 ha of high value habitat associated with the Northern quoll, Ghost bat, Pilbara Leaf-nosed Bat.
- Rocky Foothills: 3.0 ha of moderate value habitat associated with the Ghost bat, Pilbara Leaf-nosed Bat and Northern quoll.
- Spinifex Stony Plain: 1 ha of low value habitat associated with the Greater bilby.

These four habitat types are represented within the Proposals development envelope and are also mapped outside the development envelope.

Minor or preliminary works and clearing activities are located >150m from caves and pools, therefore no impact is expected to either habitat areas.

Terrestrial Environmental Quality

The minor or preliminary works includes the construction and operation of a 0.41 ha landfill (three cells, each 8 m wide x 3 m deep x 60 m long). The landfill is identified within the proposal content document which was part of the s38 referral. The landfill will be a Class II¹ Putrescible landfill and will be below the production or design capacity of 500 tonnes or more per year. Therefore, not considered to be a prescribed premises as per the *Environmental Protection Regulations 1987* and will not require a works approval or licence under Part V of the EP Act.

Groundwater modelling indicates that the pre-mining depth to groundwater within the vicinity of the landfill site location to be 10 to 20 m below ground level (Atlas Iron 2022). Indicating that separation distance from the base of the landfill to groundwater is approximately 7 m to 17 m. Regional geological mapping indicates that the landfill is within the Dalton Suite, leaching from the landfill to groundwater would likely be limited due to the geology of the area.

Putrescible waste will be progressively covered. Upon decommissioning the Landfill cells will be covered with a minimum of 1 m of earth.

Social Surroundings

The small scale of proposed activities is unlikely to have any impact on pastoral property or operations i.e. clearing 9 ha within a 10 ha area.

All sites of cultural significance have been avoided during the planning of the preliminary works and as such there is not expected to be any direct or indirect impact on these sites.

One of the proposed communications tower and access track is located approximately 110 m from the Aboriginal heritage site MCP-04-12, which is a lodged site with the Department of Planning, Lands and Heritage. The proponent is committed to maintaining appropriate buffers around all significant environmental and heritage values including Aboriginal heritage sites via the implementation of the Ground Disturbance Procedure.

¹ In accordance with *Landfill Waste Classification and Waste Definitions 1996*

Materials considered in making this decision

In considering whether to consent to the minor or preliminary works, I have considered the following:

1. Is the work associated with the implementation of the proposal?

Yes, the proposed works are associated with the Proposal (Assessment 2285) and would be carried out as part of an approved proposal if the application for minor or preliminary works did not receive consent. All the proposed minor or preliminary works would be undertaken within the development envelope of the referred Proposal.

2. Is the work minor or preliminary? Does it constitute substantial implementation of the proposal?

The minor or preliminary works would clear up to 9 ha of vegetation and fauna habitat within the development envelope. All vegetation and fauna habitat types to be cleared as part of the works are also recorded within the development envelope. The Proposal is to clear up to 1,913 ha within the development envelope. The Minor or Preliminary work will clear 0.47% of this area.

The works do not constitute substantial implementation of the proposal.

3. Are potential environmental impacts of the proposed work likely to be significant?

No, for the reasons outlined in the environmental factors above, there are no significant impacts expected from the works.

4. Can the impact be reversed? What decommissioning or rehabilitation work will be carried out should the proposal not be approved for implementation?

Yes, the preliminary mine closure plan has identified the following decommissioning and rehabilitation items:

- Communications towers: all above-ground materials including concrete footings and steel structure would be removed from the site and disposed of, or recycled, appropriately.
- Communications tower pads and all access tracks: all would be re-shaped to blend into adjacent ground levels and re-instate natural drainage lines. The final surfaces would then be ripped, and cleared vegetation and topsoil respread, to promote rehabilitation.
- Bore head works and water pipeline: all would be removed from site and disposed of, or recycled, appropriately.
- Landfill cells: these would be covered with a minimum of 1 m of earth (Atlas Iron. 2022).

Under the *Mining Act 1978*, the proponent is required to submit and obtain approval for a Mine Closure Plan detailing how disturbance would be rehabilitated. Mine Closure Plans are reviewed every three years till they can demonstrate that DMIRS objective for Rehabilitation and Mine Closure has been met. Achievement of closure outcomes will allow return of the disturbed land to a safe, stable, non-polluting/ non-contaminating landform in an ecologically sustainable manner that is productive and/or self-sustaining consistent with the agreed post-mining land use.

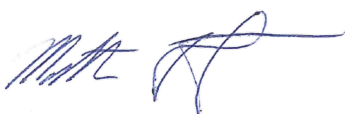
5. Is there an environmental justification for the work?

Yes, as discussed above, potential foraging and dispersal habitat for the Northern Quoll, being Hillcrest/Hillslope and Rocky Foothills, have been mapped within the minor or preliminary works area. The proposed Minor and Preliminary Works are scheduled to be completed prior to the Northern quoll breeding season, being late May through to September. Atlas Iron (2022b) has advised that based on other projects within the Pilbara region, the Northern quoll is more mobile during this period, and therefore a potential increased risk of vehicle strike.

The development of access tracks and pads, and construction of the towers, is proposed to start after September 2022 and would take three to four months to complete (Atlas Iron. 2022).

6. Are the works and their effects, of a scale or significance that would compromise the EPA's assessment or the Minister's future decisions?

No, considering the small scale of proposed minor works (i.e. 9 ha of clearing) compared to the Proposal disturbance footprint (i.e. 1,913 ha), the proposed works will not compromise the EPA assessment or future decisions. The site does not contain any key values which are critical in the assessment or would affect decisions around their management in the future.



Prof. Matthew Tonts
Delegate of the Environmental Protection Authority
CHAIR

12 July 2022

References:

Atlas Iron. 2022. Request for Minor or Preliminary Works McPhee Creek Iron Ore Project. 124-EN-REP-0003 v1. 27 May 2022.

Atlas Iron. 2022a. Environmental Review Document McPhee Creek Iron Ore Project 22/04/2022. Document ID 124-EN-REP-0002 v [2]. Assessment Number 2285

Atlas Iron. 2022b. Mc Phee Creek s41A- Minor or preliminary works application. Email Correspondence. File reference DWERDT629593.

Schedule 1

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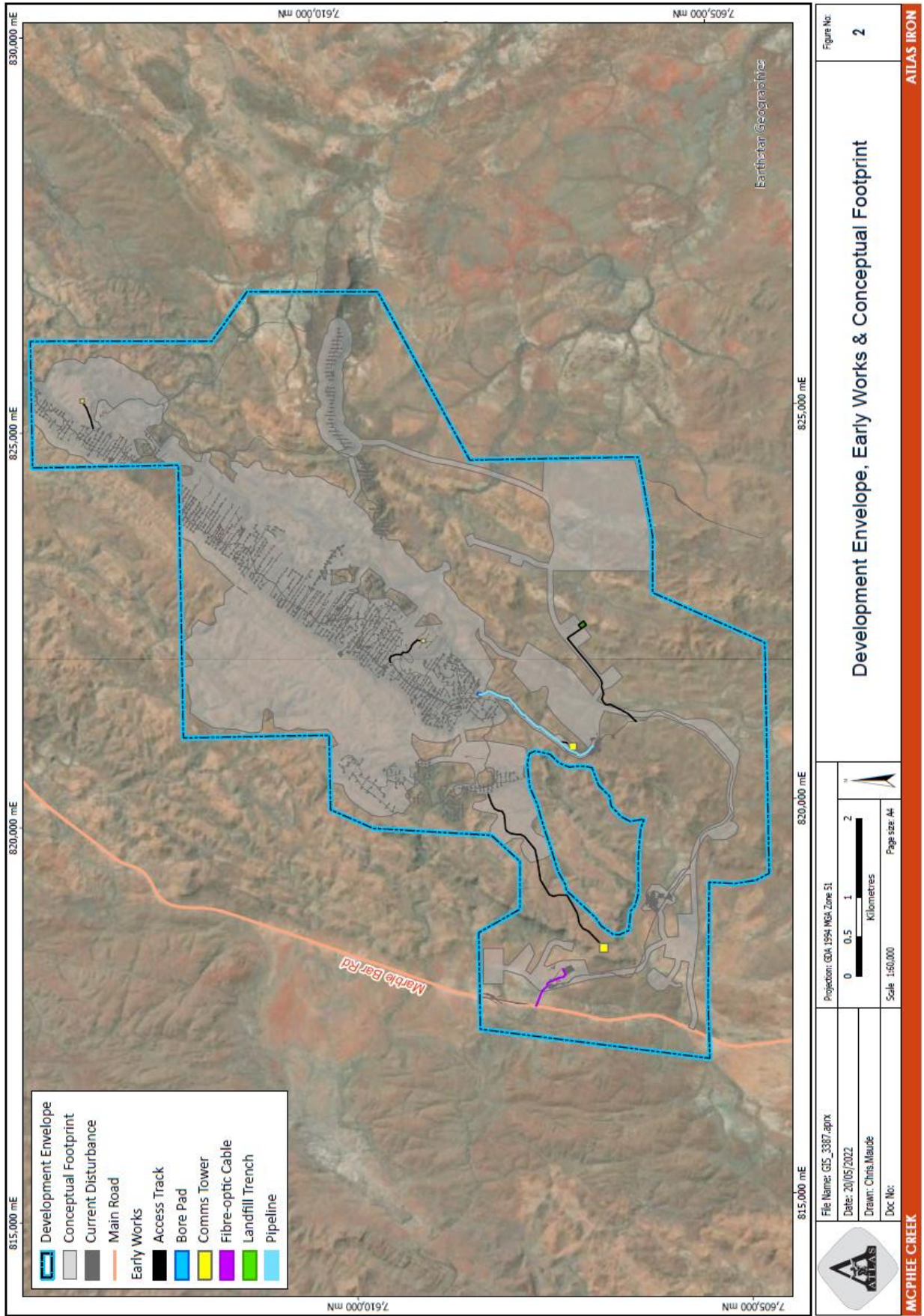


Figure 1: Minor and Preliminary Works (Early Works) and Development Envelope