



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 2866/3  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: Victor Michael Caruso

### 1.3. Property details

Property: Mining Lease 21/66  
Local Government Area: Shire of Cue  
Colloquial name: New Orient Gold Mine

### 1.4. Application

| Clearing Area (ha) | No. Trees | Method of Clearing | For the purpose of:                          |
|--------------------|-----------|--------------------|--|
| 10                 |           | Mechanical Removal | Mineral Production and associated activities |

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 29 March 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 and are useful to look at vegetation extent in a regional context. One Beard vegetation association is located within the application area (GIS Database):

1127: Mosaic: Saltbush and bluebush/samphire.

The Department of Agriculture has surveyed the Murchison pastoral region (Curry et al., 1994) and has mapped land systems and land units within this area. The application area occurs within the 'Saline Plains and Lake Margins' land unit within the Carnegie Land System (GIS Database). Curry et al., (1994) identified the following vegetation types that occur within this land unit:

**A. Frankenia Shrublands:** Common shrubs include *Frankenia aff. pauciflora*, *Ptilotus beardii*, *F. aff. magnifica*, *Cratystylis subspinescens*, *P. polakii*, *F. aff. setosa*, *Eremophila pterocarpa* and *Cassia desolata*;

**B. Samphire Shrublands:** Common shrubs include *Halosarcia indica*, *H. pergranulata*, *H. doleiformis*, *H. pruinosa* and *H. halocnemoides*. Where this vegetation type occurs on shallow soils of stony sites, *Atriplex* and *Maireana spp.* occur.

**Clearing Description** New Orient Gold Mine  
Victor Michael Caruso proposes to clear up to 10 hectares of native vegetation, within a total boundary of approximately 19.2 hectares, for the purpose of gold mining operations and associated activities. The project is located approximately 20 kilometres south of Cue, in the Shire of Cue.

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

**Comment** The vegetation condition was assessed using photographs supplied by the applicant and aerial imagery, which shows the application area to be highly degraded by past mining operations, which make up the majority of the dune on which the mining operation takes place. Vegetation appears to be made of saltbush and samphire fringing the lake as well as some larger shrubs higher on the dune, most likely *Acacia sp.*

Clearing Permit CPS 2866/1 was granted by the Department of Mines and Petroleum (now the Department of Mines, Industry Regulation and Safety) on 12 February 2009, and was valid from 14 March 2009 to 31 March 2014. The permit authorised the clearing of up to 10 hectares of native vegetation within a boundary of approximately 19.2 hectares, for the purpose of mineral production.

Amended permit CPS 2866/2 was granted on 21 March 2013, extending the permit duration to 31 March 2018.

The Permit Holder has applied to amend CPS 2866/2 to further extend the permit expiry date to 31 March 2020.

### 3. Assessment of application against Clearing Principles

#### Comments

The Permit Holder has applied to amend the clearing permit to extend the permit duration by two years to 31 March 2020. The size of the area approved to clear (10 hectares), and the permit boundaries remain unchanged. The amendment is unlikely to result in any significant change to the environmental impacts of the proposed clearing (GIS Database).

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 2866/1 and 2866/2.

#### Methodology

GIS Database:

- DPaW Tenure
- Hydrography, Lakes
- Hydrography, Linear
- Imagery
- Pre-European Vegetation
- Public Drinking Water Source Areas
- Threatened and Priority Flora
- Threatened and Priority Ecological Communities boundaries
- Threatened and Priority Flora
- Threatened Fauna

### Planning instrument, Native Title, Previous EPA decision or other matter.

#### Comments

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.

There are two registered Native Title claims (WC1999/010 and WC1999/046) over the area under application (DPLH, 2018). These claims have 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*.

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

Curry P.J., Payne A.L., Leighton K.A, Hennig P., Blood D.A. (1994). Technical Bulletin No. 84. An inventory and condition survey of the Murchison River catchment and surrounds, Western Australia. Department of Agriculture, Western Australia.

DPLH (2018) Aboriginal Heritage Enquiry System. Department of Planning, Lands and Heritage.  
<http://maps.daa.wa.gov.au/AHIS/> (Accessed 23 March 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.

### 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><b>Threatened species:</b><br/>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><b>Threatened fauna</b> 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><b>Threatened flora</b> 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><b>Critically endangered species</b><br/>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><b>Endangered species</b><br/>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><b>Vulnerable species</b><br/>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><b>Presumed extinct species</b><br/>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><b>Migratory birds protected under an international agreement</b><br/>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 <i>Wildlife Conservation Act 1950</i>, in Schedule 5 of the Wildlife Conservation (Specially Protected Fauna) Notice.</p>  |
| CD | <p><b>Conservation dependent fauna</b><br/>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 <i>Wildlife Conservation Act 1950</i>, in Schedule 6 of the Wildlife Conservation (Specially Protected Fauna) Notice.</p>   |

- 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.