



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 2986/2  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: Paddington Gold Pty Ltd

### 1.3. Property details

Property: Mining Lease 26/446  
Local Government Area: City of Kalgoorlie-Boulder  
Colloquial name: Janet Ivy Project

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
200		Mechanical Removal	Mineral Production

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 12 July 2012

## 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 in a regional context. The following Beard vegetation associations have been mapped within the application area (GIS Database):

9; Medium woodland; Coral gum (*Eucalyptus torquata*) and Goldfields blackbutt (*Eucalyptus lesouefii*);

468; Medium woodland; Salmon gum & Goldfields blackbutt.

During a flora survey in September 2005, Jims Seeds, Weeds & Trees identified five vegetation types. These are Jims Seeds, Weeds & Trees (2006):

(1) *Eucalyptus lesouefii* woodland with an understorey of *Ptilotus obovatus*, *Alyxia buxifolia* and *Olearia muelleri*, *Halgania andromedifolia*, *Senna artemisioides ssp artemisioides*, *Casuarina pauper*, *Atriplex codonocarpa*, *Maireana brevifolia*, *Cratystylis microphylla*, *Scaevola spinescens*, *Acacia hemiteles*, *Eremophila glabra ssp glabra*, *Pittosporum angustifolium*, *Melaleuca sheathiana*, *Exocarpos aphyllus* and *Alectryon oleifolius*;

(2) *Eucalyptus* woodland over spinifex, comprising dominant *Eucalyptus gracilis* and *E. oleosa* over *Triodia scariosa*;

(3) *Acacia acuminata* and *Allocasuarina helmsii* over spinifex (*Triodia scariosa*), *Alyxia buxifolia*, *Olearia muelleri*, *Senna artemisioides ssp filifolia*, *Maireana triptera*, *Scaevola spinescens*, *Acacia hemiteles*, *Eremophila glabra ssp glabra*, *E. oppositifolia ssp angustifolia*, *Grevillea nematophylla ssp nematophylla*, *Stenanthemum stipulosum* and *Exocarpos aphyllus*;

(4) *Acacia acuminata* plain comprising dominant *A. acuminata* with *Ptilotus obovatus*, *Marsdenia australis*, *Olearia muelleri*, *Halgania andromedifolia*, *Senna artemisioides ssp filifolia*, *Allocasuarina helmsii*, *Casuarina pauper*, *Maireana triptera*, *Rhagodia eremaea*, *Sclerostegia disarticulata*, *Scaevola spinescens*, *Codonocarpus contifolius*, *Prostanthera grylloana*, *Isotoma petraea*, *Eremophila oppositifolia ssp angustifolia*, *Eucalyptus griithsii*, *Dianella revoluta*, *Triodia scariosa*, *Grevillea nematophylla ssp nematophylla*, *Melaleuca hamata*, *Exocarpos aphyllus*, *Dodonaea lobulata*, *Solanum ferrocissimum* and *Brachychiton gregorii*; and,

(5) *Eucalyptus griithsii* woodland comprising dominant *E. griithsii* with understorey of *Ptilotus obovatus*, *Alyxia buxifolia*, *Olearia muelleri*, *Senna artemisioides ssp filifolia*, *Atriplex codonocarpa*, *A. vesicaria*, *Sclerolaena cuneata*, *Cratystylis conocephala*, *Scaevola spinescens*, *Westringia cephalantha*, *Prostanthera grylloana*, *Acacia tetragonophylla*, *A. hemiteles*, *Eremophila oppositifolia ssp angustifolia*, *E. parvifolia ssp auricampa*, *E. scoparia*, *Eucalyptus lesouefii*, *E. salubris*, *Triodia scariosa* and *Exocarpos aphyllus*.

<b>Clearing Description</b>	Paddington Gold Pty Ltd (Paddington Gold) have applied to clear up to 200 hectares within an application area of approximately 510 hectares for the purpose of mineral production, involving the excavation of an open pit and construction of waste dumps, roads and other mine infrastructure.
<b>Vegetation Condition</b>	Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).
<b>Comment</b>	<p>A site visit was conducted by an officer from the Department of Mines and Petroleum on 27 October 2006. Vegetation sampling points used by Jims Seeds, Weeds &amp; Trees were observed and vegetation type, representative species and vegetation condition were noted. The vegetation types identified by Jims Seeds, Weeds &amp; Trees are an accurate description of the vegetation types present both in species composition, vegetation condition and classification according to Muir. Vegetation condition overall can be described as 'Very Good' according to the Keighery scale (Keighery, 1994). Vegetation shows obvious signs of disturbance from recreational activities, historical mining, exploration and rubbish dumping.</p> <p>A purpose permit (CPS 1490/1) to clear native vegetation was originally granted over the current application area to Barrick Kanowna Pty Ltd on 29 December 2006. Barrick Kanowna Pty Ltd did not conduct any clearing under that permit. In August 2007, Paddington Gold purchased the mining Lease 26/446 from Barrick Kanowna Pty Ltd which related to this clearing permit (CPS 1490/1). As the permit which was granted to Barrick Kanowna Pty Ltd was a purpose permit in accordance with s51N of the <i>Environmental Protection Act 1986</i> the ownership of the clearing permit could not be transferred to Paddington Gold and therefore the clearing permit became void. Consequently, Paddington Gold applied for a new clearing permit over the same area as the original clearing permit was granted.</p> <p>Clearing permit CPS 2986/1 was granted by the Department of Mines and Petroleum on 7 May 2009 and was valid from 6 June 2009 to 31 July 2012. An application to amend this permit was received by the Department of Mines and Petroleum on 8 June 2012. The application requested an extension to the duration of the permit to 31 July 2017. The amount of native vegetation authorised to clear and the clearing permit boundary that was approved to clear under CPS 2986/1 will remain unchanged.</p>

### 3. Assessment of application against clearing principles

#### Comments

Paddington Gold has applied to extend the duration of the clearing permit by five years. There are no additional environmental impacts associated with this amendment. Therefore the assessment against the clearing principles is consistent with the assessment in Clearing Permit Decision Report CPS 2986/1.

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

#### Comments

There are two native title claims over the area under application (WC98/027 and WC98/029) (GIS Database). The native title claim WC98/27 was registered with the NNTT on 15 June 1998. The native title claim WC10/14 was filed at the Federal Court on 14 October 2010. 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*.

According to available databases, there are no known registered Aboriginal Site of Significance within the application area (GIS Database). 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 Environment and Conservation and the Department of Water 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

GIS Database:  
- Aboriginal Sites of Significance  
- Native Title claims – Registered with the NNTT  
- Native Title claims – Filed at the Federal Court

### 4. References

Jims Seeds, Weeds & Trees (2006) Vegetation Survey of the Janet Ivy Area (M26/447, M26/446, P26/2574, P26/2484, M26/629 & P26/2485), For Paddington Gold Pty Ltd (including addendum additions), October 2006. Prepared for Barrick Kanowna (formerly known as Paddington Gold Pty Ltd.  
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

<b>CALM</b>	Department of Conservation and Land Management (now DEC), Western Australia
<b>DAFWA</b>	Department of Agriculture and Food, Western Australia
<b>DEC</b>	Department of Environment and Conservation, Western Australia
<b>DEH</b>	Department of Environment and Heritage (federal based in Canberra) previously Environment Australia
<b>DEP</b>	Department of Environment Protection (now DEC), Western Australia
<b>DIA</b>	Department of Indigenous Affairs
<b>DLI</b>	Department of Land Information, Western Australia
<b>DMP</b>	Department of Mines and Petroleum, Western Australia
<b>DoE</b>	Department of Environment (now DEC), Western Australia
<b>DoIR</b>	Department of Industry and Resources (now DMP), Western Australia
<b>DOLA</b>	Department of Land Administration, Western Australia
<b>DoW</b>	Department of Water
<b>EP Act</b>	Environmental Protection Act 1986, Western Australia
<b>EPBC Act</b>	Environment Protection and Biodiversity Conservation Act 1999 (Federal Act)
<b>GIS</b>	Geographical Information System
<b>ha</b>	Hectare (10,000 square metres)
<b>IBRA</b>	Interim Biogeographic Regionalisation for Australia
<b>IUCN</b>	International Union for the Conservation of Nature and Natural Resources – commonly known as the World Conservation Union
<b>RIWI Act</b>	Rights in Water and Irrigation Act 1914, Western Australia
<b>s.17</b>	Section 17 of the Environment Protection Act 1986, Western Australia
<b>TEC</b>	Threatened Ecological Community

### Definitions:

{Atkins, K (2005). *Declared rare and priority flora list for Western Australia, 22 February 2005*. Department of Conservation and Land Management, Como, Western Australia} :-

- P1** **Priority One - Poorly Known taxa:** taxa which are known from one or a few (generally <5) populations which are under threat, either due to small population size, or being on lands under immediate threat, e.g. road verges, urban areas, farmland, active mineral leases, etc., or the plants are under threat, e.g. from disease, grazing by feral animals, etc. May include taxa with threatened populations on protected lands. Such taxa are under consideration for declaration as 'rare flora', but are in urgent need of further survey.
- P2** **Priority Two - Poorly Known taxa:** taxa which are known from one or a few (generally <5) populations, at least some of which are not believed to be under immediate threat (i.e. not currently endangered). Such taxa are under consideration for declaration as 'rare flora', but are in urgent need of further survey.
- P3** **Priority Three - Poorly Known taxa:** taxa which are known from several populations, at least some of which are not believed to be under immediate threat (i.e. not currently endangered). Such taxa are under consideration for declaration as 'rare flora', but are in need of further survey.
- P4** **Priority Four – Rare taxa:** taxa which are considered to have been adequately surveyed and which, whilst being rare (in Australia), are not currently threatened by any identifiable factors. These taxa require monitoring every 5–10 years.
- R** **Declared Rare Flora – Extant taxa (= Threatened Flora = Endangered + Vulnerable):** taxa which have been adequately searched for, and are deemed to be in the wild either rare, in danger of extinction, or otherwise in need of special protection, and have been gazetted as such, following approval by the Minister for the Environment, after recommendation by the State's Endangered Flora Consultative Committee.
- X** **Declared Rare Flora - Presumed Extinct taxa:** taxa which have not been collected, or otherwise verified, over the past 50 years despite thorough searching, or of which all known wild populations have been destroyed more recently, and have been gazetted as such, following approval by the Minister for the Environment, after recommendation by the State's Endangered Flora Consultative Committee.

{Wildlife Conservation (Specially Protected Fauna) Notice 2005} [Wildlife Conservation Act 1950] :-

- Schedule 1** **Schedule 1 – Fauna that is rare or likely to become extinct:** being fauna that is rare or likely to become extinct, are declared to be fauna that is need of special protection.
- Schedule 2** **Schedule 2 – Fauna that is presumed to be extinct:** being fauna that is presumed to be extinct, are declared to be fauna that is need of special protection.
- Schedule 3** **Schedule 3 – Birds protected under an international agreement:** being birds that are subject to an agreement between the governments of Australia and Japan relating to the protection of migratory birds and birds in danger of extinction, are declared to be fauna that is need of special protection.
- Schedule 4** **Schedule 4 – Other specially protected fauna:** being fauna that is declared to be fauna that is in need of special protection, otherwise than for the reasons mentioned in Schedules 1, 2 or 3.

{CALM (2005). *Priority Codes for Fauna*. Department of Conservation and Land Management, Como, Western Australia} :-

- P1** **Priority One: Taxa with few, poorly known populations on threatened lands:** Taxa which are known from few specimens or sight records from one or a few localities on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, active mineral leases. The taxon needs urgent survey and

evaluation of conservation status before consideration can be given to declaration as threatened fauna.

- P2 Priority Two: Taxa with few, poorly known populations on conservation lands:** Taxa which are known from few specimens or sight records from one or a few localities on lands not under immediate threat of habitat destruction or degradation, e.g. national parks, conservation parks, nature reserves, State forest, vacant Crown land, water reserves, etc. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P3 Priority Three: Taxa with several, poorly known populations, some on conservation lands:** Taxa which are known from few specimens or sight records from several localities, some of which are on lands not under immediate threat of habitat destruction or degradation. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P4 Priority Four: Taxa in need of monitoring:** Taxa which are considered to have been adequately surveyed, or for which sufficient knowledge is available, and which are considered not currently threatened or in need of special protection, but could be if present circumstances change. These taxa are usually represented on conservation lands.
- P5 Priority Five: Taxa in need of monitoring:** Taxa which are not considered threatened but are subject to a specific conservation program, the cessation of which would result in the species becoming threatened within five years.

#### **Categories of threatened species (*Environment Protection and Biodiversity Conservation Act 1999*)**

- EX Extinct:** A native species for which there is no reasonable doubt that the last member of the species has died.
- EX(W) Extinct in the wild:** A native species which:  
(a) is known only to survive in cultivation, in captivity or as a naturalised population well outside its past range; or  
(b) has not been recorded in its known and/or expected habitat, at appropriate seasons, anywhere in its past range, despite exhaustive surveys over a time frame appropriate to its life cycle and form.
- CR Critically Endangered:** A native species which is facing an extremely high risk of extinction in the wild in the immediate future, as determined in accordance with the prescribed criteria.
- EN Endangered:** A native species which:  
(a) is not critically endangered; and  
(b) is facing a very high risk of extinction in the wild in the near future, as determined in accordance with the prescribed criteria.
- VU Vulnerable:** A native species which:  
(a) is not critically endangered or endangered; and  
(b) is facing a high risk of extinction in the wild in the medium-term future, as determined in accordance with the prescribed criteria.
- CD Conservation Dependent:** A native species which is the focus of a specific conservation program, the cessation of which would result in the species becoming vulnerable, endangered or critically endangered within a period of 5 years.

#### **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.