



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 3527/2
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Focus Minerals Limited

1.3. Property details

Property: Mining Lease 15/411
Mining Lease 15/412
Mining Lease 15/646
Mining Lease 15/660
Mining Lease 15/958
Mining Lease 15/1114
Mining Lease 15/1262
Mining Lease 15/1293
Mining Lease 15/1294

Local Government Area: Shire of Coolgardie
Colloquial name: Open Pits Project

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 30 May 2013

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 Association is located within the proposed clearing area (GIS Database):

9: Medium woodland; coral gum (*Eucalyptus torquata*) & Goldfields blackbutt (*Eucalyptus leseouefii*).

A flora and vegetation survey within the CPS 3527/1 application area was undertaken by van Etten in October 2009. A flora and vegetation survey has not been undertaken over the additional permit boundary area. The following vegetation communities were identified within the CPS 3527/1 application area (van Etten, 2009):

- Woodland of Silver Gimlet (*Eucalyptus campaspe*) – Mirret (*Eucalyptus celastroides*) on undulating Greenstone rises and slopes (A);

- Open Woodland of Salmon Gum (*Eucalyptus salmonophloia*) on broad valley system (B);

- Woodland of *Eucalyptus griffithsii* on Greenstone hilltops (C);

- Woodland of Cleland's blackbutt (*Eucalyptus clelandii*) on Greenstone rises with quartz and calcareous soils (D); and

- Mine site disturbance and rehabilitation (E).

A review of vegetation mapping by van Etten (2009) indicates all but vegetation community D extends outside the application area into the additional permit boundary area. Aerial imagery and topography also indicates vegetation in the additional permit boundary area is likely to be similar to the abovementioned vegetation communities (GIS Database).

Clearing Description Focus Minerals Limited (Focus) has applied to clear 300 hectares within an application area of approximately 1,101 hectares (GIS Database). The application area is located approximately two kilometres south east of Coolgardie (GIS Database).

The purpose of the application is to further develop various pits and infrastructure in the application area (Focus, 2013). Clearing will be by mechanical means.

Vegetation Condition	Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994); To Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).
Comment	The vegetation condition within the CPS 3527/1 application area was assessed by van Etten (2009). The vegetation condition was described using a scale adapted from Keighery (1994) and has been converted to the corresponding conditions from the Keighery (1994) scale. The vegetation condition in the additional permit boundary area has been inferred from orthophotos (GIS Database) and the van Etten (2009) flora and vegetation survey. Clearing permit CPS 3527/1 was granted by the Department of Mines and Petroleum (DMP) on 11 February 2010 and allowed for the clearing of 40 hectares of native vegetation within a 651.2 hectare permit boundary. An application to amend this permit was received by DMP on 26 March 2013. The application requested an increase to the amount of clearing authorised from 40 hectares to 300 hectares (i.e. an increase of 260 hectares) and an increase in the permit boundary from 651.2 hectares to 1,101 hectares (i.e. an increase of 449.8 hectares). The increase in permit boundary includes the addition of Mining Leases 15/411, 15/412 and 15/1262 to the land on which clearing is to be done.

3. Assessment of application against clearing principles

Comments

Focus Minerals Limited (Focus) has applied to increase the amount of clearing authorised to 300 hectares and to increase the permit boundary to 1,101 hectares.

Flora and fauna surveys have not been conducted over the additional permit boundary area. Available databases show no Threatened or Priority Flora or Threatened or Priority Ecological Communities have been recorded within the additional permit boundary area (GIS Database). A Priority 1 flora species, *Acacia websteri*, has been recorded approximately 650 metres north west of the application area (GIS Database; DEC, 2013). This species occurs on red sand, clay or loam on low-lying areas and flats (Western Australian Herbarium, 2013). A search of the Department of Environment and Conservation's (DEC's) online website Naturemap shows that several other conservation significant flora species have also been recorded within a ten kilometre radius of the application area. Conservation significant flora may therefore occur within the additional permit boundary area. Potential impacts to conservation significant flora as a result of the proposed clearing may be minimised by the implementation of a flora management condition. Based on the above, the proposed clearing may be at variance to Principles (a) and (c), is not likely to be at variance to Principle (d) and is not at variance to Principle (e).

The Level 1 fauna survey conducted within the CPS 3527/1 application area found the majority of the survey area to be 'highly degraded' with only small sections in the southern section that could be classified as 'good' fauna habitat (Terrestrial Ecosystems, 2009). Aerial imagery of the additional permit boundary area indicates vegetation is less disturbed and in better condition than the majority of the CPS 3527/1 application area (GIS Database). Terrestrial Ecosystems (2009) considered the original fauna habitat of the survey area as abundant within the goldfields and in areas adjacent to the project area.

Several conservation significant fauna species have been observed during fauna surveys of adjacent areas. These include the Malleefowl (*Leipoa ocellata*) (Vulnerable; Schedule 1), Western Rosella (*Platycercus icterotus xanthogenys*) (Priority 4), Shy Heathwren (*Hylacola cauta whitlocki*) (Priority 4), Crested Bellbird (*Oreoica gutturalis gutturalis*) (Priority 4) and White Browed Babbler (*Pomatostomus superciliosus ashbyi*) (Priority 4) (Terrestrial Ecosystems, 2009). No evidence of Malleefowl was found during the fauna survey. However, as vegetation within the additional permit boundary area appears to be in better condition there may be potentially suitable habitat for the Malleefowl within this area. Potential impacts to the Malleefowl as a result of the proposed clearing may be minimised by the implementation of a fauna management condition. The application area is not likely to represent significant habitat for the other birds listed above, and these birds will most likely move to adjacent areas once clearing commences (Terrestrial Ecosystems, 2009). Based on the above, the proposed clearing may be at variance to Principle (b).

The majority of the CPS 3527/1 application area has soils that are deep calcareous earths, with other areas being mainly shallow skeletal and rocky soils (van Etten, 2009). Calcareous earths are moderately susceptible to wind sheeting and erosion by water (White, 2005). It is likely that similar soils occur in the additional permit boundary area. Based on this and the large amount of clearing proposed (300 hectares) there is a potential for land degradation to occur. Potential impacts from erosion as a result of the proposed clearing may be minimised by the implementation of a staged clearing condition. Based on the above, the proposed clearing may be at variance to Principle (g).

Current environmental information has been reviewed and the assessment of clearing principles (f), (h), (i) and (j) is consistent with the assessment in Clearing Permit Decision Report CPS 3527/1 (GIS Database).

Methodology	DEC (2013) Government of Western Australia (2013)
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Terrestrial Ecosystems (2009)
van Etten (2009)
Western Australian Herbarium (2013)
White (2005)
GIS Database:
- DEC Tenure
- Evaporation Isoleths
- Groundwater Salinity, Statewide
- Hydrography, linear
- IBRA WA (Regions - Sub Regions)
- Kalgoorlie 50cm Orthomosaic – Langate 2006
- Pre-European Vegetation
- Public Drinking Water Source Areas (PDWSAs)
- Rainfall, mean annual
- Threatened Ecological Sites Buffered
- Threatened and Priority Flora

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

Comments

There is one native title claim over the area under application: WC10/14 (GIS Database). This claim has been filed at the Federal Court. 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 three registered Aboriginal Sites 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.

The clearing permit amendment application was advertised on 22 April 2013 by the Department of Mines and Petroleum (DMP) inviting submissions from the public. One submission was received. This was addressed to Focus Minerals Limited (Focus) and requested that DMP provide the correspondence to Focus. DMP forwarded the correspondence to Focus.

Methodology

GIS Database:
- Aboriginal Sites of Significance
- Native Title Claims - Filed at the Federal Court

4. References

- DEC (2013) NatureMap: Mapping Western Australia's Biodiversity. Department of Environment and Conservation. <http://naturemap.dec.wa.gov.au/default.aspx> (Accessed 8 May 2013).
- Focus (2013) Native Vegetation Clearing Permit Amendment Application: CPS 3527/1 Open Pits Project Coolgardie Gold Project. Unpublished report prepared by Focus Minerals Limited dated 25 March 2013.
- Government of Western Australia (2013) 2012 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of October 2012. WA Department of Environment and Conservation, Perth.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Terrestrial Ecosystems (2009) Level 1 Fauna Risk Assessment for Focus Minerals Coolgardie Gold Project Area. Unpublished report for Focus Minerals Limited, October 2009.
- van Etten (2009) Flora and Vegetation of Focus Minerals Limited's Open Pits Project Area, Coolgardie, Western Australia. Unpublished report for Focus Minerals Limited, November 2009.
- Western Australian Herbarium (2013) Florabase - The Western Australian Flora. Department of Environment and Conservation. Available online at <http://florabase.dec.wa.gov.au/>, viewed 8 May 2013.
- White, A. (2005) The Geology and Soils of the Southern Alice Springs District. Agnote 316. Department of Primary Industries, Northern Territory.

5. Glossary

Acronyms:

BoM	Bureau of Meteorology, Australian Government
CALM	Department of Conservation and Land Management (now DEC), Western Australia
DAFWA	Department of Agriculture and Food, Western Australia
DEC	Department of Environment and Conservation, Western Australia
DEH	Department of Environment and Heritage (federal based in Canberra) previously Environment Australia

DEP	Department of Environment Protection (now DEC), Western Australia
DIA	Department of Indigenous Affairs
DLI	Department of Land Information, Western Australia
DMP	Department of Mines and Petroleum, Western Australia
DoE	Department of Environment (now DEC), Western Australia
DoIR	Department of Industry and Resources (now DMP), Western Australia
DOLA	Department of Land Administration, Western Australia
DoW	Department of Water
EP Act	Environmental Protection Act 1986, 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
RIWI Act	Rights in Water and Irrigation Act 1914, Western Australia
s.17	Section 17 of the Environment Protection Act 1986, Western Australia
TEC	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.