



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 4718/3
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Focus Minerals (Laverton) Limited

1.3. Property details

Property: Mining Lease 38/261
Local Government Area: Shire of Laverton
Colloquial name: Laverton Gold Mine

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: 24 January 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 application area (GIS Database):

18: Low woodland; mulga (*Acacia aneura*).

A Level 1 flora and vegetation assessment of the application area conducted by MBS Environmental (MBS) (2012) on 8 to 10 August 2012 identified the following six vegetation communities and disturbed area within the extended application area:

1. Mulga Wandarie Grassy Shrubland (MUWA): Vegetation was dominated by open scrub of *Acacia* species over scattered shrubs of *Acacia* species and *Scaevola spinescens* over scattered low shrubs of *Ptilotus obovatus*, *Eremophila* species, *Sclerolaena fusiformis* and *Solanum lasiophyllum* over scattered grasses of *Aristida contorta*.

2. Mulga Groves on Hardpan Plains (GRMU): Vegetation was dominated by open scrub of *Acacia ?incurvaneura* and *Acacia ?aneura* over scattered shrubs of *Acacia tetragonophylla* over scattered low shrubs of *Ptilotus obovatus*, *Eremophila* species, *Sclerolaena fusiformis* and *Solanum lasiophyllum* over scattered grasses of *Eremophila latrobei*, *Maireana carnososa* and *Eremophila homoplostica*.

3. Drainage Tract Mulga Shrubland (DRMS): Vegetation was dominated by open scrub of *Acacia incurvaneura* and *Acacia* species over scattered shrubs of *Acacia tetragonophylla* and *Rhagodia ?drummondii* over open dwarf shrubs of *Ptilotus obovatus* and *Eremophila* species over scattered grasses of *Eragrostis eriopoda*.

4. Upland Small Bluebush Species Shrubland (USBS): Open dwarf shrubs of *Ptilotus obovatus*, *Maireana* species, *Sclerolaena* species and *Atriplex quinnii* on red brown loam with quartz and ironstone pebbles and cobbles.

5. Open Drainage Line Shrubland (ODR): Vegetation in these areas is very similar in terms of species composition to that of the drainage mulga tract shrubland vegetation unit but has a less dense canopy cover. No quadrats were located within this community but this unit was mapped according to observations made on site, aerial photography and comparison with previous surveys.

6. Banded Ironstone Formation (BIF): Approximately 0.1% or 3.63 hectares of the survey area was representative of banded ironstone formation. No quadrats were located within this community but this unit was mapped according to observations made on site, aerial photography and comparison with previous surveys.

7. Disturbed (DIST): One area of completely disturbed land, approximately 10 hectares exists where a number of tracks intersect.

Clearing Description Focus Minerals (Laverton) Limited has applied to clear 300 hectares within an application area of approximately 543 hectares. The application area is located approximately 28 kilometres southeast of Laverton within the Laverton Gold Project area. The purpose of the application is to develop the Burtville Gold Mine including haul road

construction, excavation of open pits, waste landform construction and construction of associated mine infrastructure.

Vegetation Condition Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery 1994)

Comment Clearing Permit CPS 4718/2 was granted by the Department of Mines and Petroleum (DMP) on 25 October 2012 and authorised the clearing of up to 127 hectares of native vegetation within an area totalling approximately 543 hectares. On 7 December 2012 Focus Minerals (Laverton) Limited applied to increase the amount of clearing approved to 300 hectares to allow for additional borefield development and associated infrastructure.

3. Assessment of application against clearing principles

Comments

The proposed amendment is not likely to have any significant environmental impacts above those already assessed under Clearing Permit CPS 4718/2. According to MBS (2012), all six vegetation units identified are well represented in the region based on a review of previous vegetation surveys of the area. The application area is not located within an extensively cleared area and the vegetation types are not considered to be a significant remnant locally or regionally. Therefore, the assessment against the clearing principles has not changed and can be found in clearing permit decision report CPS 4718/2.

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

Comments There are no native title claims over the area under application (GIS Database). 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 application was advertised on 17 December 2012 by the Department of Mines and Petroleum inviting submissions from the public. No submissions were received in relation to the application.

Methodology MBS (2012)
GIS Database:
- Aboriginal Sites of Significance
- Native Title Claims - Determined by the Federal Court
- Native Title Claims - Registered with the NNTT

4. References

Focus Minerals (2012) Native Vegetation Clearing Permit Amendment Application: CPS 4718/1 Burtville Gold Mines Laverton Gold Project. Prepared by Focus Minerals Limited, 20 August 2012.
Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
MBS (2012) Level 1 Flora and Vegetation Assessment of the Burtville Project Area. Prepared for Focus Minerals (Laverton) Limited by MBS Environmental, October 2012.

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.