



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 4718/4
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: **Focus Minerals (Laverton) Limited**

1.3. Property details

Property: General Purpose Lease 38/33
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:
315.31		Mechanical Removal	Mineral Production

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 2 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 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) between 8 and 10 August 2012 identified the following vegetation communities and disturbed area within the extended application area:

1. Upland Small Bluebush Species Shrubland (USBS): Open dwarf shrubs of *Ptilotus obovatus*, *Maireana* species, *Sclerolaena* species and *Atriplex quinonii* on red brown loam with quartz and ironstone pebbles and cobbles.
2. Stony Ironstone Mulga Shrublands (SIMS): This vegetation unit is quite varied but is typically described as mulga open scrub over *Eremophila* species on dusky-red sandy loam with abundant sub rounded ironstone pebbles at the surface.
3. Disturbed (DIST): existing waste rock landform with some minor regeneration of *Acacia* scrub present.

Clearing Description Focus Minerals (Laverton) Limited has applied to clear 315.31 hectares within an application area of approximately 558.31 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 4718/3 was granted by the Department of Mines and Petroleum (DMP) on 24 January 2013 and authorised the clearing of up to 300 hectares of native vegetation within an area totalling approximately 543 hectares. On 6 March 2013 Focus Minerals (Laverton) Limited applied to increase the amount of clearing approved to 321.15 hectares to allow for the expansion of the western waste dump. This application crossed a public road and a public submission was received requesting that the area crossing the public road not be approved for clearing until an alternative road is constructed. Focus Minerals (Laverton) Limited has since reduced the amount of clearing requested to 315.31 hectares and removed the public road from the requested permit boundary.

3. Assessment of application against clearing principles

Comments

A flora and fauna survey of the additional application area was conducted by MBS (2012). This survey did not identify any Threatened or Priority Flora species within the application area (MBS, 2012). Additionally, no additional conservation significant fauna species were identified as potentially occurring within the application area (MBS, 2012).

Current environmental information has been reviewed and the assessment of all clearing principles is consistent with the assessment in clearing permit decision report CPS 4718/3.

Methodology

MBS (2012)
GIS Database:
- DEC Tenure
- Hydrographic Catchments - Catchments
- Hydrography, linear
- IBRA WA (Regions - Sub Regions)
- Pre-European Vegetation
- Public Drinking Water Source Areas (PDWSAs)
- Rangeland Land System Mapping
- Threatened Ecological Sites Buffered
- Threatened and Priority Flora

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 18 March 2013 by the Department of Mines and Petroleum inviting submissions from the public. One submission was received regarding concern over the application area crossing a public road. Focus Minerals (Laverton) Limited subsequently amended the application to exclude the road and therefore reduced the application area by 5.84 hectares.

Methodology

GIS Database:
- Aboriginal Sites of Significance

4. References

- Focus Minerals (2013) Native Vegetation Clearing Permit Amendment Application: CPS 4718/3 Burtville Gold Mine Laverton Gold Project. Unpublished report dated 1 March 2013.
- 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) Desktop Flora and Fauna Assessment for the Realignment of Merolia Road and Waste Rock Landform Extension, Burtville. Unpublished report prepared for Focus Minerals (Laverton) Limited dated 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.