



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 5075/2  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: Cobra Mining Limited

### 1.3. Property details

Property: Mining Lease 20/54  
Local Government Area: Shire of Cue  
Colloquial name: White Well Gold Project

### 1.4. Application

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

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 27 June 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):

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

A flora and vegetation survey within the CPS 5075/1 permit area was undertaken by Botanica Consulting (Botanica) in March 2012. A flora and vegetation survey has not been undertaken over the additional permit boundary area. The following vegetation communities were identified within the CPS 5075/1 permit area (Botanica, 2012):

1. Low woodland of *Acacia aneura* over low scrub of *Eremophila forrestii* subsp. *forrestii* over open low grass of *Monachather paradoxus/Aristida contorta*.
2. Low woodland of *Acacia caesaneura* over low scrub of *Eremophila jucunda* subsp. *jucunda* over open low grass of *Eriachne flaccida/Aristida contorta*.
3. Open low woodland of *Acacia aneura* over open low scrub of *Thryptomene decussata* over open low grass of *Aristida contorta*.
4. Low woodland of *Acacia aneura* over open dwarf scrub of *Ptilotus obovatus/Maireana triptera* on rehabilitated waste landform.
5. Low woodland of *Acacia aneura* over scrub of *Acacia ramulosa* over low open grass *Monachather paradoxus*.
6. Forest of *Acacia aneura* over low scrub of *Acacia ramulosa/Eremophila forrestii* subsp. *forrestii* over open low grass of *Monachather paradoxus/Eragrostis eriopoda* in creekline.

A review of vegetation mapping by Botanica (2012) indicates most of these vegetation communities extend 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** Cobra Mining Limited (Cobra) has applied to clear 99 hectares within an application area of approximately 378 hectares (GIS Database). The application area is located approximately 30 kilometres east of Cue (GIS Database).

The purpose of the application is for the development of the existing White Well Project and will involve extension of the mine pit, construction of tailings and a processing facility, waste rock dump, roads, workshop, offices and camp (Cobra, 2013). Vegetation and topsoil will be stockpiled for later use in rehabilitation.

**Vegetation Condition** Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994);

To

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

**Comment**

The vegetation condition within the CPS 5075/1 permit area was assessed by Botanica (2012). Five of the six vegetation communities were rated as being in 'good' condition. The vegetation community located on a rehabilitated waste rock landform was not assigned a condition rating (Botanica, 2012).

The vegetation condition in the additional permit boundary area has been inferred from orthophotos (GIS Database) and the Botanica (2012) flora and vegetation survey.

Clearing permit CPS 5075/1 was granted by the Department of Mines and Petroleum (DMP) on 19 July 2012 and allowed for the clearing of 50 hectares of native vegetation within a 167 hectare permit boundary. An application to amend this permit was received by DMP on 3 May 2013. The application requested an increase to the amount of clearing authorised from 50 hectares to 99 hectares (i.e. an increase of 49 hectares) and an increase in the permit boundary from 167 hectares to 378 hectares (i.e. an increase of 211 hectares).

### 3. Assessment of application against clearing principles

**Comments**

Cobra Mining Limited (Cobra) has applied to increase the amount of clearing authorised to 99 hectares and to increase the permit boundary to 378 hectares.

Flora and fauna surveys have not been conducted over the additional permit boundary area. Aerial imagery and topography indicates vegetation and landforms in the additional permit boundary area are similar to the those within the CPS 5075/1 permit area (GIS Database). 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). No Threatened or Priority Flora species were recorded within the CPS 5075/1 permit area during the flora and vegetation survey undertaken by Botanica (2012). According to Botanica (2012), one Priority 3 Flora species, *Drummondita miniata*, has the potential to occur within the survey area. The closest record of this species is approximately eight kilometres east of the application area (DEC, 2013). The proposed clearing is not expected to have a significant impact on this species. Based on the above, the assessment of Clearing Principles (a), (c) and (d) is considered consistent with the initial assessment that the proposed clearing is not likely to be at variance to Principles (a), (c) and (d).

The Level 1 fauna survey conducted within the CPS 5075/1 permit area considered the fauna habitats present as being common and widespread in the general area and the potential faunal assemblage unlikely to be different to that found in similar habitats located elsewhere in the region (Harewood, 2012). Aerial imagery of the additional permit boundary area indicates vegetation may be less disturbed than in the fauna survey area (GIS Database).

No evidence of conservation significant species were identified during the fauna survey undertaken by Harewood (2012). Based on habitat preferences, previous detailed survey results and current distributions it was considered unlikely that conservation significant fauna species utilise the application area except as transient individuals or vagrants (Harewood, 2012). One of these species is the Malleefowl (*Leipoa ocellata*) (Vulnerable; Schedule 1). A search of the Department of Environment and Conservation's (DEC's) online website Naturemap shows a record for Malleefowl approximately 12 kilometres south west of the application area (DEC, 2013). Given vegetation within the additional permit boundary area appears to be less disturbed 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. Based on the above, the proposed clearing may be at variance to Principle (b).

Current environmental information has been reviewed and the assessment of clearing principles (e), (f), (g), (h), (i) and (j) is consistent with the assessment in Clearing Permit Decision Report CPS 5075/1 (GIS Database).

**Methodology**

Botanica (2012)  
DEC (2013)  
Department of Natural Resources and Environment (2002)  
Government of Western Australia (2013)  
Harewood (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  
- Reedy 50cm Orthomosaic - Landgate 2005  
- Threatened Ecological Sites Buffered  
- Threatened and Priority Flora

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

### Comments

There are two Native Title Claims (WC99/10 and WC99/46) over the area under application (GIS Database). 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*.

There are no registered Aboriginal Sites of Significance in the vicinity of 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 20 May 2013 by the Department of Mines and Petroleum inviting submissions from the public. No submissions were received.

### Methodology

GIS Database:

- Aboriginal Sites of Significance
- Native Title Claims - Registered with the NNTT

## 4. References

- Botanica (2012) Level 1 Flora and Vegetation Survey of White Well Mine. Report prepared by Botanica Consulting for Cobra Mining Ltd.
- Cobra (2013) Purpose Permit for Clearing of Vegetation Supporting Documentation White Well Gold Project Cobra Mining Ltd February 2013 Tenement: M20/54. Unpublished report prepared by Calytrix Environmental Pty Ltd dated February 2013.
- DEC (2013) NatureMap: Mapping Western Australia's Biodiversity. Department of Environment and Conservation. <http://naturemap.dec.wa.gov.au/default.aspx> (Accessed 12 June 2013).
- Department of Natural Resources and Environment (2002) Biodiversity Action Planning. Action planning for native biodiversity at multiple scales; catchment bioregional, landscape, local. Department of Natural Resources and Environment, Victoria.
- 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.
- Harewood (2012) Terrestrial Fauna Survey (Level 1) of the White Well Project. Report prepared by G. Harewood for Cobra Resources Limited dated April 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.

## 5. Glossary

### Acronyms:

<b>BoM</b>	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>	Environmental 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

**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.