



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 5128/2
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Deflector Mining Limited

1.3. Property details

Property: Mining Leases: 59/49, 59/356, 59/442, 59/507, 59/522
Miscellaneous Licences: 59/49, 59/64, 59/71
Local Government Area: Shire of Yalgoo
Colloquial name: Deflector Gold Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
95		Mechanical Removal	Mineral production and associated activities

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 9 July 2015

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description The application area has been broadly mapped as the following three Beard vegetation associations (GIS Database):
364: Shrublands; bowgada scrub with scattered eucalypts and cypress pine;
2685: Shrublands; *Acacia quadrimarginea* and jam scrub on greenstone; and
683: Succulent steppe with open scrub; scattered *Acacia sclerosperma* and snakewood over samphire.
The majority of the original permit area, and all of the amendment application area is mapped as Beard vegetation association 364 (GIS Database).
A survey conducted by Mattiske Consulting Pty Ltd (Mattiske, 2012) identified two vegetation communities within the original permit area, and these are detailed in Decision Report CPS 5128/1.
Mattiske (2015) conducted a desktop review of previous flora and vegetation surveys over the project area, and has identified the following three vegetation communities within the proposed amendment area:
S1: Open Tall Shrubland of *Acacia burkittii*, *A. ramulosa* var. *linophylla* and *A. tetragonophylla* with occasional *A. grasbyi* and *A. aneura* over *Ptilotus obovatus* var. *obovatus* and *P. polystachyus* over *Aristida contorta* and mixed Asteraceae species on clay loam soils;
S3: Open low shrubland of Chenopodiaceae species and *Ptilotus obovatus* with localised patches of mixed *Acacia* species on clay loam soils; and.
S4: Tall Shrubland of mixed *Acacia* species over Chenopodiaceae species and various Asteraceae species on clay loam soils associated with intermittent flowlines.
Mattiske (2015) concluded that the plant communities within the amendment area are similar to those found within the original permit area and are well represented in surrounding areas.

Clearing Description Deflector Gold Mine project.
Deflector Mining Limited proposes to clear up to 95 hectares of native vegetation within a total boundary of approximately 455 hectares, for the purpose of an open pit gold mine and mining-related infrastructure. The project is located approximately 48 kilometres southwest of Yalgoo, in the Shire Yalgoo.

Vegetation Condition Pristine: No obvious signs of disturbance (Keighery, 1994);
To:
Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994).

Comment

Vegetation condition was assessed by Mattiske Consulting Pty Ltd (Mattiske, 2012).

The proposed clearing of native vegetation is for mine open pits and mining related infrastructure.

Clearing permit CPS 5128/1 was granted by the Department of Mines and Petroleum on 29 November 2012, and was valid from 22 December 2012 to 22 December 2017.

On 8 May 2015, the permit holder applied to amend CPS 5128/1 to increase the permit boundary from approximately 403 hectares to approximately 455 hectares, to extend the permit duration by one year to December 2018, and to change the name of the permit holder from Mutiny Gold Limited to Deflector Mining Limited (due to a company name change).

3. Assessment of application against clearing principles

Comments

Deflector Mining Limited has applied to increase the purpose permit boundary by 52 hectares to allow for the construction of a new processing plant and a new accommodation village, and to extend the permit duration by one year.

The vegetation associations, landforms, and fauna habitat types occurring within the additional area are similar to those occurring within the previously approved permit area, and are well represented in the region (GIS Database; Mattiske, 2012; Woolard, 2015). The extension of the permit boundary is unlikely to have a significant impact on fauna habitat availability at a local or regional scale.

No flora or fauna species of conservation significance, or Threatened or Priority Ecological Communities have been recorded within the amendment area (Woolard, 2015), and the area is not likely to represent an area of greater biodiversity than the original permit area or surrounding areas.

Surveys conducted over the original permit area identified suitable habitat for the Common Slender Blue-tongue Lizard (*Cyclodomorphus branchialis*) (EPBC Act – Vulnerable) and it was considered that this species may occur within the project area. A targeted survey of suitable habitat for *Cyclodomorphus branchialis* was conducted throughout the original permit area in September 2013 by Animal Plant Mineral (APM, 2013), and the species was not found. Although the amendment area was not included in this targeted survey, as the vegetation associations, landforms, and fauna habitat types occurring within the amendment area are similar to those within the original permit area, it is considered unlikely to occur.

The amendment area falls within the same land system as the majority of the original permit area, the Tindalarra land system (GIS Database). This land system is moderately susceptible to erosion (Payne *et al.*, 1998). The total area of clearing proposed under this permit has not changed, and the relocation of some of the proposed clearing for mining infrastructure is unlikely to result in appreciable land degradation.

There are no permanent watercourses or wetlands within the amendment application area. There are two minor ephemeral water courses within the amendment area (GIS Database; Woolard, 2015). These watercourses are dry for most of the year (Woolard, 2015), and are unlikely to be significantly impacted by the proposed clearing.

Approximately half of the original permit area and all of the amendment area falls within the former Barnong pastoral lease which is being managed by the Department of Parks and Wildlife for conservation purposes. The change to the permit boundary is unlikely to result in any significant additional impacts to the conservation values of the DPaW managed land.

The assessment of the proposed clearing against the clearing principles remains consistent with the assessment in decision report CPS 5128/1.

Methodology

APM (2013)
Mattiske (2012, 2015)
Payne *et al.* (1998)
Woolard (2015)
GIS Database:
- Geodata, Lakes
- Hydrography, linear
- Imagery
- Pre-European Vegetation
- Threatened Ecological Sites Buffered
- Topographic Contours, Statewide

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

Comments

There are three native title claims over the application area (WC1997/072, WC2004/002 and WC1999/093) (DAA, 2015). These claims have been registered with the National Native Title Tribunal on behalf of the claimant groups. However, the mining tenements have 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 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 Regulation, the Department of Parks and Wildlife, 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 amendment application was advertised on 25 May 2015 by the Department of Mines and Petroleum inviting submissions from the public. No submissions were received in relation to this application.

Methodology DAA (2015)
GIS Database:
- Aboriginal Sites Register System

4. References

- APM (2013) Mutiny Gold Deflector Project *Cyclodomorphus branchialis* Survey. Report prepared for Mutiny Gold Ltd, Animal Plant Mineral Pty Ltd, November 2013.
- DAA (2015) Aboriginal Heritage Enquiry System. Department of Aboriginal Affairs. <http://maps.dia.wa.gov.au/AHIS2/>
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Mattiske (2012) Flora and Vegetation Survey of the Gullewa Survey Area. Report prepared for Woolard Consulting on behalf of Mutiny Gold Ltd, Mattiske Consulting Pty Ltd, May 2012.
- Mattiske (2015) Doray Minerals Ltd – Deflector Mine Site – Review of Proposed Clearing Areas. Report prepared for Woolard Consulting on behalf of Doray Minerals Ltd, Mattiske Consulting Pty Ltd, April 2015.
- Payne, A.L., Van Vreeswyk, A.M.E., Pringle, H. J. R., Leighton, K.A. & Hennig, P. (1998) Technical bulletin no. 90: An inventory and condition survey of the Sandstone-Yalgoo-Paynes Find area, Western Australia. Department of Agriculture, Western Australia.
- Woolard (2015) Deflector Gold Project – Supporting documentation for amendment to CPS 5128/1. Report prepared for Doray Minerals Ltd, Woolard Consulting Pty Ltd, May 2015.

5. Glossary

Acronyms:

BoM	Bureau of Meteorology, Australian Government
DAA	Department of Aboriginal Affairs, Western Australia
DAFWA	Department of Agriculture and Food, Western Australia
DEC	Department of Environment and Conservation, Western Australia (now DPaW and DER)
DER	Department of Environment Regulation, Western Australia
DMP	Department of Mines and Petroleum, Western Australia
DRF	Declared Rare Flora
DotE	Department of the Environment, Australian Government
DoW	Department of Water, Western Australia
DPaW	Department of Parks and Wildlife, Western Australia
DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities (now DotE)
EPA	Environmental Protection Authority, Western Australia
EP Act	<i>Environmental Protection Act 1986</i> , Western Australia
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (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
PEC	Priority Ecological Community, Western Australia
RIWI Act	<i>Rights in Water and Irrigation Act 1914</i> , Western Australia
s.17	Section 17 of the <i>Environment Protection Act 1986</i> , Western Australia
TEC	Threatened Ecological Community

Definitions:

{DPaW (2013) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia}:-

- T** **Threatened species:**
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna or the Wildlife Conservation (Rare Flora) Notice for Threatened Flora (which may also be referred to as Declared Rare Flora).

Threatened Fauna and Flora are further recognised by the Department according to their level of threat using IUCN Red List criteria. For example Carnaby's Cockatoo *Calyptorhynchus latirostris* is specially protected under the *Wildlife Conservation Act 1950* as a threatened species with a ranking of Endangered.
- Rankings:**
CR: Critically Endangered - considered to be facing an extremely high risk of extinction in the wild.
EN: Endangered - considered to be facing a very high risk of extinction in the wild.
VU: Vulnerable - considered to be facing a high risk of extinction in the wild.
- X** **Presumed Extinct species:**
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Presumed Extinct Fauna and Wildlife Conservation (Rare Flora) Notice for Presumed Extinct Flora (which may also be referred to as Declared Rare Flora).
- IA** **Migratory birds protected under an international agreement:**
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice.
Birds that are subject to an agreement between governments of Australia and Japan, China and The Republic of Korea relating to the protection of migratory birds and birds in danger of extinction.
- S** **Other specially protected fauna:**
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 4 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- P1** **Priority One - Poorly-known species:**
Species that are known from one or a few collections or sight records (generally less than five), all on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, Shire, rail reserves and Main Roads WA road, gravel and soil reserves, and active mineral leases and under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes.
- P2** **Priority Two - Poorly-known species:**
Species that are known from one or a few collections or sight records, some of which are on lands not under imminent threat of habitat destruction or degradation, e.g. national parks, conservation parks, nature reserves, State forest, unallocated Crown land, water reserves, etc. Species may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes.
- P3** **Priority Three - Poorly-known species:**
Species that are known from collections or sight records from several localities not under imminent threat, or from few but widespread localities with either large population size or significant remaining areas of apparently suitable habitat, much of it not under imminent threat. Species may be included if they are comparatively well known from several localities but do not meet adequacy of survey requirements and known threatening processes exist that could affect them.
- P4** **Priority Four - Rare, Near Threatened and other species in need of monitoring:**
(a) Rare. Species that are considered to have been adequately surveyed, or for which sufficient knowledge is available, and that are considered not currently threatened or in need of special protection, but could be if present circumstances change. These species are usually represented on conservation lands.
(b) Near Threatened. Species that are considered to have been adequately surveyed and that do not qualify for Conservation Dependent, but that are close to qualifying for Vulnerable.
(c) Species that have been removed from the list of threatened species during the past five years for reasons other than taxonomy.
- P5** **Priority Five - Conservation Dependent species:**
Species that are not threatened but are subject to a specific conservation program, the cessation of which would result in the species becoming threatened within five 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.