



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 5128/3
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Deflector Mining Limited

1.3. Property details

Property: Mining Leases: 59/49, 59/68, 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:
130		Mechanical Removal	Mineral Production and Associated Activities

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 20 September 2018

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 amendment application will expand the permit boundary in several areas, and the amendment areas occur partly within all three Beard vegetation associations (GIS Database).

Several flora and vegetation surveys have been conducted over the project area. Vegetation communities recorded within the previous permit area are detailed in Decision Reports CPS 5128/1 and CPS 5128/2.

Stantec (2017) conducted a flora and vegetation survey over the majority of the proposed amendment area, and identified the following vegetation communities within the amendment areas:

AaApAcLOS*W*: *Acacia aneura*, *Acacia pteraneura* and *Acacia caesaneura* (narrow phyllode variant) low open to sparse woodland over *Acacia tetragonophylla* and *Acacia burkittii* tall to mid isolated shrubs over *Ptilotus obovatus*, *Sida ectogama* and *Enchylaena tomentosa* low sparse shrubland;

AgAbArrTOS: *Acacia grasbyi*, *Acacia burkittii* and *Acacia ramulosa* var. *ramulosa* tall open shrubland over *Ptilotus obovatus*, *Solanum lasiophyllum* and *Maireana georgei* low isolated shrubs;

AqAtITMS: *Acacia quadrimarginea* and *Acacia tetragonophylla* isolated tall to mid shrubs over *Solanum lasiophyllum* and *Ptilotus obovatus* isolated to sparse low shrubs;

ArrAbTOS: *Acacia ramulosa* var. *ramulosa* and *Acacia burkittii* tall open shrubland over *Acacia tetragonophylla* and *Hakea recurva* subsp. *recurva* mid isolated shrubs over *Senna charlesiana*, *Ptilotus obovatus* and *Solanum lasiophyllum* low sparse to isolated shrubs; and

AspMgSLCS: *Atriplex* sp. and *Maireana georgei* sparse low chenopod shrubland;

Stantec (2017) concluded that the plant communities within the amendment area are similar to those found within the previous permit area and are well represented in surrounding areas.

Clearing Description

Deflector Gold Mine Project.
Deflector Mining Limited proposes to clear up to 130 hectares of native vegetation within a total boundary of approximately 680 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 of Yalgoo.

Vegetation Condition	<p>Pristine: No obvious signs of disturbance (Keighery, 1994);</p> <p>To</p> <p>Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994).</p>
Comment	<p>The proposed clearing of native vegetation is for open pit mining and mining related infrastructure.</p> <p>Clearing permit CPS 5128/1 was granted to Mutiny Gold Limited by the Department of Mines and Petroleum (now the Department of Mines, Industry Regulation and Safety) on 29 November 2012, and was valid from 22 December 2012 to 22 December 2017. The permit authorised the clearing of up to 95 hectares of native vegetation within a boundary of approximately 403 hectares, for the purpose of mineral production and associated activities.</p> <p>CPS 5128/2 was granted on 9 July 2015, increasing the permit boundary from approximately 403 hectares to approximately 455 hectares, extending the permit duration by one year to 31 December 2018, and changing the name of the permit holder from Mutiny Gold Limited to Deflector Mining Limited (due to a company name change). The amount of clearing authorised remained unchanged.</p> <p>On 13 July 2018, the permit holder applied to amend CPS 5128/2 to increase the amount of clearing authorised from 95 hectares to 130 hectares, increase the permit boundary from approximately 455 hectares to approximately 680 hectares, and extend the permit duration to 31 December 2023.</p>

3. Assessment of application against Clearing Principles

Comments

Deflector Mining Limited has applied to increase the amount of clearing authorised by 35 hectares, increase the permit boundary by approximately 225 hectares, and extend the permit duration by five years. The additional clearing will allow for construction and maintenance of mining related infrastructure, including a tailings storage facility lift, expansion of the waste water treatment plant irrigation spray-field, and roads.

The amendment application areas fill in gaps within the previously approved permit area and extend the permit outer boundary in several locations. The amendment areas fall mostly within the tenements listed on the previous version of the permit (CPS 5128/2), but also extend into one additional tenement, Mining Lease 59/68.

The application area occurs within the Talling subregion of the Yalgoo Interim Biogeographic Regionalisation of Australia (IBRA) bioregion (GIS Database). The amendment areas are broadly mapped as Beard vegetation associations 364, 683 and 2685, which is consistent with the previous permit area (GIS Database). Approximately 98 - 99% of the pre-European extent of these Beard vegetation associations remains uncleared within the state, with approximately 99% of each vegetation association remaining uncleared within the Yalgoo bioregion (Government of Western Australia, 2018). Hence, the vegetation proposed to be cleared does not represent a significant remnant of native vegetation in an area that has been extensively cleared.

The region has a long history of mining, and the amendment areas include some areas of historical minesite disturbance and some areas of relatively undisturbed native vegetation (Doray, 2018). Stantec (2017) conducted a flora and vegetation survey over the majority of the amendment area during September 2017. The vegetation condition was described as ranging from Very Good to Completely Degraded, with the majority of the vegetation considered to be in Very Good condition (Stantac, 2017).

No flora or fauna species of conservation significance, or Threatened or Priority Ecological Communities have been recorded within the amendment areas (Doray, 2018; Stantec, 2017; GIS Database), and the amendment areas are not likely to represent areas of greater biodiversity than the previous permit area or surrounding areas.

The vegetation associations, landforms, and fauna habitat types occurring within the amendment areas are similar to those occurring within the previously approved permit area, and are well represented in the region (Doray, 2018; Stantec, 2017; GIS Database). The additional clearing and extension of the permit boundary is unlikely to have a significant impact on fauna habitat availability at a local or regional scale.

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 areas were not included in this targeted survey, as the vegetation associations, landforms, and fauna habitat types occurring within the amendment areas are similar to those within the original permit area, it is considered unlikely to occur.

The amendment areas fall within the Violet, Gabanintha and Tindalarra land systems, all of which also occur within the previous permit area (GIS Database). These land systems are considered to be mildly to moderately susceptible to erosion (Payne et al., 1998). The proposed increase in clearing by 35 hectares within an additional 225 hectares is unlikely to result in appreciable land degradation.

There are no permanent watercourses or wetlands within the amendment application area. A few minor ephemeral water courses intersect the amendment areas (Doray, 2018; Stantec, 2017; GIS Database). These watercourses are dry for most of the year (Doray, 2018), and are unlikely to be significantly impacted by the proposed clearing. The additional clearing is unlikely to have any significant additional impact on surface or groundwater quality, or on the incidence or intensity of flooding.

Approximately half of the previous permit area and some of the amendment areas fall within the former Barnong pastoral lease which is being managed by the Department of Biodiversity Conservation and Attractions (DBCA) for conservation purposes. The proposed additional clearing, located immediately adjacent to areas of existing and historical minesite disturbance, is unlikely to result in any significant additional impacts to the conservation values of the DBCA managed land.

The amendment application has been assessed against the clearing principles, planning instruments and other matters in accordance with s.51O of the *Environmental Protection Act 1986*. Environmental information has been reviewed, and the assessment of the proposed clearing against the clearing principles remains consistent with the assessment contained in decision reports CPS 5128/1 and 5128/2.

Methodology APM (2013)
Doray (2018)
Government of Western Australia (2018)
Payne et al. (1998)
Stantec (2017)

GIS Database:
- DPaW Tenure
- Hydrography, Lakes
- Hydrography, Linear
- IBRA Australia
- Imagery
- Pre-European Vegetation
- Threatened and Priority Ecological Communities boundaries
- Threatened and Priority Flora
- Threatened Fauna

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

Comments

There is one native title claim over the application area (WC2017/002) (DPLH, 2018). This claim has been registered with the National Native Title Tribunal on behalf of the claimant group. 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 (DPLH, 2018). 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 Water and Environmental Regulation and the Department of Biodiversity Conservation and Attractions, 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 6 August 2018 by the Department of Mines, Industry Regulation and Safety inviting submissions from the public. No submissions were received in relation to this application.

Methodology DPLH (2018)

4. References

- APM (2013) Mutiny Gold Deflector Project *Cyclodomorphus branchialis* Survey. Report prepared for Mutiny Gold Ltd, Animal Plant Mineral Pty Ltd, November 2013.
- Doray (2018) Deflector Gold Copper Project Supporting Documentation for Amendment to CPS 5128/2. Doray Minerals Limited, July 2018.
- DPLH (2018) Aboriginal Heritage Enquiry System. Department of Planning, Lands and Heritage. <http://maps.daa.wa.gov.au/AHIS/> (Accessed 13 September 2018).
- Government of Western Australia (2018) 2017 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of December 2017. WA Department of Biodiversity, Conservation and Attractions.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.

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.

Stantec (2017) Deflector Gold Mine Level 1 Flora, Vegetation and Fauna survey. Report prepared for Doray Minerals Limited, by Stantec Australia Pty Ltd, October 2017.

5. Glossary

Acronyms:

BoM	Bureau of Meteorology, Australian Government
DAA	Department of Aboriginal Affairs, Western Australia (now DPLH)
DAFWA	Department of Agriculture and Food, Western Australia (now DPIRD)
DBCA	Department of Biodiversity Conservation and Attractions, Western Australia
DEC	Department of Environment and Conservation, Western Australia (now DBCA and DWER)
DEE	Department of the Environment and Energy, Australian Government
DER	Department of Environment Regulation, Western Australia (now DWER)
DMIRS	Department of Mines, Industry Regulation and Safety, Western Australia
DMP	Department of Mines and Petroleum, Western Australia (now DMIRS)
DPIRD	Department of Primary Industries and Regional Development, Western Australia
DPLH	Department of Planning, Lands and Heritage, Western Australia
DRF	Declared Rare Flora
DoE	Department of the Environment, Australian Government (now DEE)
DoW	Department of Water, Western Australia (now DWER)
DPaW	Department of Parks and Wildlife, Western Australia (now DBCA)
DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities (now DEE)
DWER	Department of Water and Environmental Regulation, Western Australia
EPA	Environmental Protection Authority, Western Australia
EP Act	<i>Environmental Protection Act 1986</i> , Western Australia
EPBC Act	<i>Environmental 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
TEC	Threatened Ecological Community

Definitions:

{DPaW (2017) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia}:-

T	<p>Threatened species: Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, listed under Schedules 1 to 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora (which may also be referred to as Declared Rare Flora).</p> <p>Threatened fauna is that subset of ‘Specially Protected Fauna’ declared to be ‘likely to become extinct’ pursuant to section 14(4) of the <i>Wildlife Conservation Act 1950</i>.</p> <p>Threatened flora is flora that has been declared to be ‘likely to become extinct or is rare, or otherwise in need of special protection’, pursuant to section 23F(2) of the <i>Wildlife Conservation Act 1950</i>.</p> <p>The assessment of the conservation status of these species is based on their national extent and ranked according to their level of threat using IUCN Red List categories and criteria as detailed below.</p>
CR	<p>Critically endangered species Threatened species considered to be facing an extremely high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.</p>
EN	<p>Endangered species Threatened species considered to be facing a very high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.</p>

- VU Vulnerable species**
Threatened species considered to be facing a high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.
- EX Presumed extinct species**
Species which have been adequately searched for and there is no reasonable doubt that the last individual has died. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Presumed Extinct Fauna and Wildlife Conservation (Rare Flora) Notice for Presumed Extinct Flora.
- IA Migratory birds protected under an international agreement**
Birds that are subject to an agreement between the government of Australia and the governments of Japan (JAMBA), China (CAMBA) and The Republic of Korea (ROKAMBA), and the Bonn Convention, relating to the protection of migratory birds. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 5 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- CD Conservation dependent fauna**
Fauna of special conservation need being species dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 6 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- OS Other specially protected fauna**
Fauna otherwise in need of special protection to ensure their conservation. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 7 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- P Priority species**
Species which are poorly known; or
Species that are adequately known, are rare but not threatened, and require regular monitoring. Assessment of Priority codes is based on the Western Australian distribution of the species, unless the distribution in WA is part of a contiguous population extending into adjacent States, as defined by the known spread of locations.
- P1 Priority One - Poorly-known species:**
Species that are known from one or a few locations (generally five or less) which are potentially at risk. All occurrences are either: very small; or on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, road and rail reserves, gravel reserves and active mineral leases; or otherwise under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes. Such species are in urgent need of further survey.
- P2 Priority Two - Poorly-known species:**
Species that are known from one or a few locations (generally five or less), some of which are on lands managed primarily for nature conservation, e.g. national parks, conservation parks, nature reserves and other lands with secure tenure being managed for conservation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes. Such species are in urgent need of further survey.
- P3 Priority Three - Poorly-known species:**
Species that are known from several locations, and the species does not appear to be under imminent threat, or from few but widespread locations 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 locations but do not meet adequacy of survey requirements and known threatening processes exist that could affect them. Such species are in need of further survey.
- 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 are close to qualifying for Vulnerable, but are not listed as Conservation Dependent.
(c) Species that have been removed from the list of threatened species during the past five years for reasons other than taxonomy.

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.