



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 5128/5
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Silver Lake (Deflector) Pty Ltd

1.3. Property details

Property:
Mining Lease 59/49
Mining Lease 59/68
Mining Lease 59/356
Mining Lease 59/442
Mining Lease 59/507
Mining Lease 59/522
Miscellaneous Licence 59/49
Miscellaneous Licence 59/64
Miscellaneous Licence 59/71
Miscellaneous Licence 59/160
Miscellaneous Licence 59/175

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:
325		Mechanical Removal	Mineral Production and Associated Activities

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 19 May 2022

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 four Beard vegetation associations (GIS Database):

364: Shrublands; bowgada scrub with scattered eucalypts and cypress pine;

420: Shrublands; bowgada & jam scrub;

683: Succulent steppe with open scrub; scattered *Acacia sclerosperma* and snakewood over samphire;

2685: Shrublands; *Acacia quadrimarginea* and jam scrub on greenstone.

A level one flora and vegetation survey has been undertaken over the application area by Stantec (2017), which recorded five vegetation communities across the application area:

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.

AgArrAbTOS - *Acacia grasbyi*, *Acacia ramulosa* var. *ramulosa* and *Acacia burkittii* tall open shrubland over *Acacia tetragonophylla*, *Eremophila forrestii* subsp. *forrestii* and *Hakea recurva* subsp. *recurva* mid sparse to isolated shrubland over *Ptilotus obovatus*, *Eremophila cf. clarkei* and *Solanum lasiophyllum* low sparse to isolated shrubland; and

AtAvITMS - *Acacia tetragonophylla* and *Acacia victoriae* isolated tall to mid shrubs over *Maireana pyramidata* mid to low chenopod shrubland.

Clearing Description

Deflector Gold Mine Project.

Silver Lake (Deflector) Pty Ltd proposes to clear up to 325 hectares of native vegetation within a boundary of approximately 1,256.12 hectares, for the purpose of mineral production and associated activities. The project is located approximately 48 kilometres southwest of Yalgoo, within the Shire of 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

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.

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 permit holder name from Mutiny Gold Limited to Deflector Mining Limited (due to a company name change). The amount of clearing authorised remained unchanged.

CPS 5128/3 was granted on 20 September 2018, increasing the amount of clearing authorised from 95 hectares to 130 hectares, increasing the permit boundary from approximately 455 hectares to approximately 680 hectares, and extending the permit duration to 31 December 2023.

CPS 5128/4 was granted on 11 July 2019, increasing the amount of clearing authorised from 130 hectares to 295 hectares, increasing the permit boundary from 680 hectares to 1,187 hectares, and to include Miscellaneous Licence 59/160 on the permit.

On 22 August 2021, the Permit Holder applied to amend CPS 5128/4 to update the permit holder name, increase the amount of clearing authorised from 295 hectares to 325 hectares, increase the permit boundary from 1,187 hectares to 2,665 hectares, and to add additional tenure to the permit. Following discussions between DMIRS and the proponent, the proposed amendment was altered to increasing the amount of approved clearing from 295 hectares to 325 hectares, increasing the permit boundary from 1,187 hectares to 1,256.12 hectares, and to add miscellaneous licence 59/175 to the permit. The amendment is to allow for the reinstatement of an old airstrip.

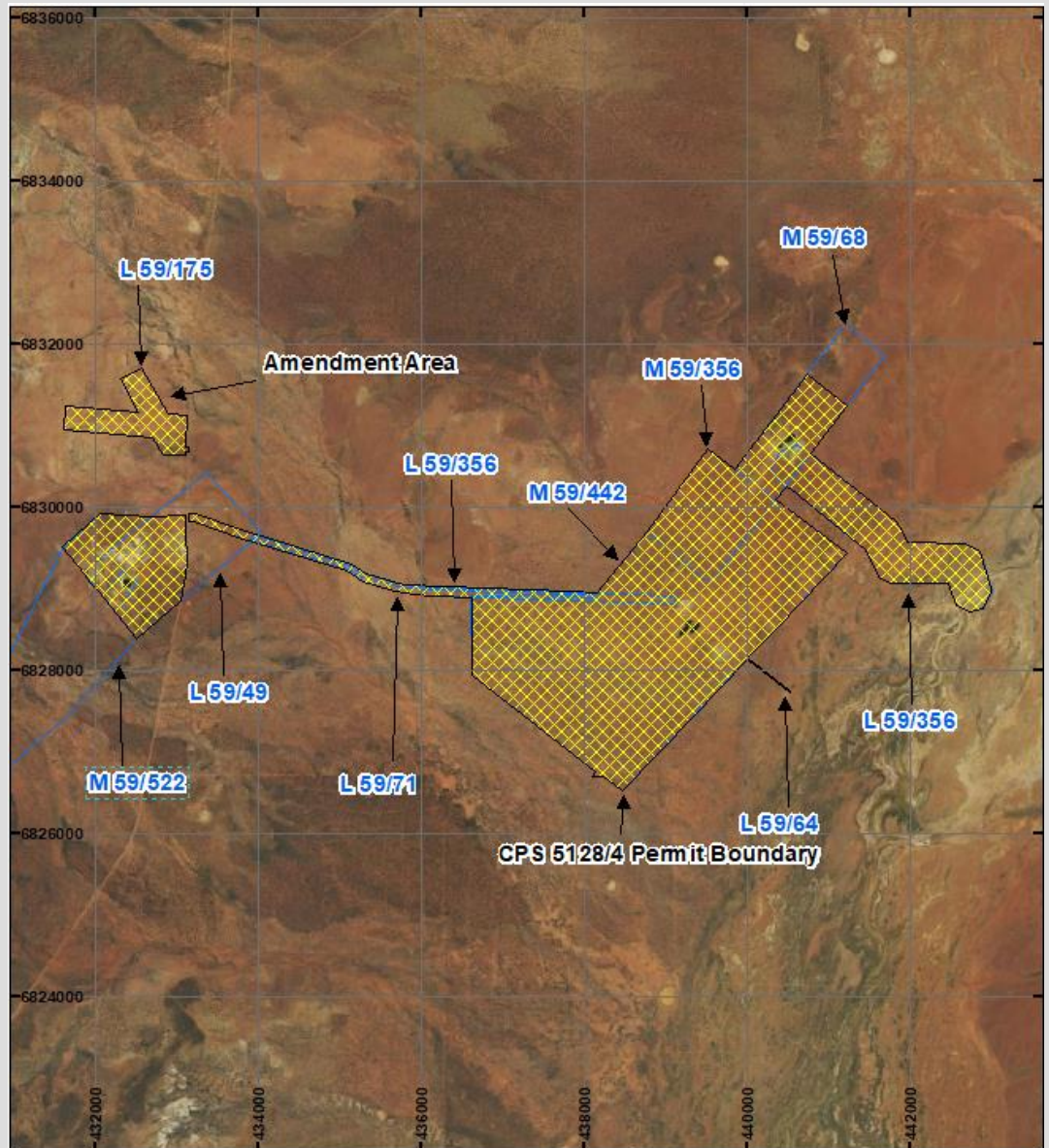


Figure 1: CPS 5128/4 clearing permit boundary and proposed amended permit boundary.

3. Assessment of application against Clearing Principles

Comments

Silver Lake (Deflector) Pty Ltd has applied to increase the area permitted to clear from 295 hectares to 325 hectares and increase the permit boundary by 69.12 hectares.

There was one new pre-European vegetation association identified within the amendment area (420: Shrublands; bowgada & jam scrub) (GIS Database). The vegetation condition was considered to be in a 'Good' condition (Keighery, 1994; Botanica, 2022).

No Threatened or Priority flora, Threatened or Priority Ecological Communities have been identified within the amended permit boundary (Botanica, 2022; GIS Database). Although no species were identified, the amendment boundary contains suitable habitat for the Priority flora species *Acacia subsessilis* (Priority 3). This taxon was recorded by Stantec (2017) adjacent to the amendment area.

One fauna habitat was identified within the amendment boundary; *Acacia* Shrubland (Botanica Consulting, 2020). 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 (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.

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

The proposed increase in clearing is unlikely to significantly impact surface water or groundwater. The application area is not located within a Public Drinking Water Source Area (GIS Database).

The amendment area is located within the Gransel and Violet land systems (GIS Database). Both of these land systems are generally not susceptible to erosion. The proposed increase in clearing by 30 hectares within an additional 69.2 hectares to the permit boundary is unlikely to result in appreciable land degradation.

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, 5128/2, 5128/3 and 5128/4.

Methodology Botanica Consulting (2020)
Botanica (2022)
Keighery (1994)
Stantec (2017)

GIS Database:

- DPaW Tenure
- Hydrography, Lakes
- Hydrography, Linear
- IBRA Australia
- Imagery
- Landsystem Rangelands
- Pre-European Vegetation
- Public Drinking Water Source Areas
- Soils, Statewide
- Threatened and Priority Ecological Communities boundaries
- Threatened and Priority Ecological Communities buffers
- Threatened and Priority Flora
- Threatened Fauna

Planning Instrument, Native Title, previous EPA decision or other matter.

Comments

There is one native title claim (WC2019/008) over the area under application (DPLH, 2022). This claim has 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 within the application area (DPLH, 2022). 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 5 November 2021 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 (2022)

4. References

- Botanica Consulting (2020) Deflector Project Reconnaissance Flora/Vegetation And Basic Fauna Survey. Unpublished report prepared for Silver Lake (Deflector) Pty Ltd by Botanica Consulting Pty Ltd, December 2020.
- Botanica (2022) Memorandum: Review of L59/175 Barnong airstrip tenement within the Deflector Project Reconnaissance Flora/ Vegetation and Basic Fauna Survey area. Memorandum prepared for Silver Lake (Deflector) Pty Ltd by Botanica Consulting Pty Ltd, April 2022.
- DPLH (2022) Aboriginal Heritage Inquiry System. Department of Planning, Lands and Heritage.
<http://maps.daa.wa.gov.au/AHIS/> (Accessed 10 May 2022).
- 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:

BC Act	<i>Biodiversity Conservation Act 2016</i> , Western Australia
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)
DAWE	Department of Agriculture, Water and the Environment, Australian Government
DBCA	Department of Biodiversity, Conservation and Attractions, Western Australia
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)
DoEE	Department of the Environment and Energy (now DAWE)
DoW	Department of Water, Western Australia (now DWER)
DPaW	Department of Parks and Wildlife, Western Australia (now DBCA)
DPIRD	Department of Primary Industries and Regional Development, Western Australia
DPLH	Department of Planning, Lands and Heritage, Western Australia
DRF	Declared Rare Flora (now known as Threatened Flora)
DWER	Department of Water and Environmental Regulation, Western Australia
EP Act	<i>Environmental Protection Act 1986</i> , Western Australia
EPA	Environmental Protection Authority, 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
TEC	Threatened Ecological Community

Definitions:

{DBCA (2019) Conservation Codes for Western Australian Flora and Fauna. Department of Biodiversity, Conservation and Attractions, Western Australia}:-

T Threatened species:

Listed by order of the Minister as Threatened in the category of critically endangered, endangered or vulnerable under section 19(1), or is a rediscovered species to be regarded as threatened species under section 26(2) of the *Biodiversity Conservation Act 2016* (BC Act).

Threatened fauna is that subset of 'Specially Protected Fauna' listed under schedules 1 to 3 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for Threatened Fauna.

Threatened flora is that subset of 'Rare Flora' listed under schedules 1 to 3 of the *Wildlife Conservation (Rare Flora) Notice 2018* for Threatened Flora.

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.

CR Critically endangered species

Threatened species considered to be “facing an extremely high risk of extinction in the wild in the immediate future, as determined in accordance with criteria set out in the ministerial guidelines”.

Listed as critically endangered under section 19(1)(a) of the BC Act in accordance with the criteria set out in section 20 and the ministerial guidelines. Published under schedule 1 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for critically endangered fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for critically endangered flora.

EN Endangered species

Threatened species considered to be “facing a very high risk of extinction in the wild in the near future, as determined in accordance with criteria set out in the ministerial guidelines”.

Listed as endangered under section 19(1)(b) of the BC Act in accordance with the criteria set out in section 21 and the ministerial guidelines. Published under schedule 2 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for endangered fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for endangered flora.

VU Vulnerable species
Threatened species considered to be “*facing a high risk of extinction in the wild in the medium-term future, as determined in accordance with criteria set out in the ministerial guidelines*”.

Listed as vulnerable under section 19(1)(c) of the BC Act in accordance with the criteria set out in section 22 and the ministerial guidelines. Published under schedule 3 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for vulnerable fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for vulnerable flora.

Extinct Species:

EX Extinct species
Species where “*there is no reasonable doubt that the last member of the species has died*”, and listing is otherwise in accordance with the ministerial guidelines (section 24 of the BC Act).

Published as presumed extinct under schedule 4 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for extinct fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for extinct flora.

EW Extinct in the wild species
Species that “*is known only to survive in cultivation, in captivity or as a naturalised population well outside its past range; and it has not been recorded in its known habitat or expected habitat, at appropriate seasons, anywhere in its past range, despite surveys over a time frame appropriate to its life cycle and form*”, and listing is otherwise in accordance with the ministerial guidelines (section 25 of the BC Act).

Currently there are no threatened fauna or threatened flora species listed as extinct in the wild. If listing of a species as extinct in the wild occurs, then a schedule will be added to the applicable notice.

Specially protected species:

Listed by order of the Minister as specially protected under section 13(1) of the BC Act. Meeting one or more of the following categories: species of special conservation interest; migratory species; cetaceans; species subject to international agreement; or species otherwise in need of special protection.

Species that are listed as threatened species (critically endangered, endangered or vulnerable) or extinct species under the BC Act cannot also be listed as Specially Protected species.

MI Migratory species
Fauna that periodically or occasionally visit Australia or an external Territory or the exclusive economic zone; or the species is subject of an international agreement that relates to the protection of migratory species and that binds the Commonwealth; and listing is otherwise in accordance with the ministerial guidelines (section 15 of the BC Act).

Includes 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 fauna subject to the *Convention on the Conservation of Migratory Species of Wild Animals* (Bonn Convention), an environmental treaty under the United Nations Environment Program. Migratory species listed under the BC Act are a subset of the migratory animals, that are known to visit Western Australia, protected under the international agreements or treaties, excluding species that are listed as Threatened species.

Published as migratory birds protected under an international agreement under schedule 5 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

CD Species of special conservation interest (conservation dependent fauna)
Fauna of special conservation need being species dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened, and listing is otherwise in accordance with the ministerial guidelines (section 14 of the BC Act).

Published as conservation dependent fauna under schedule 6 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

OS Other specially protected species
Fauna otherwise in need of special protection to ensure their conservation, and listing is otherwise in accordance with the ministerial guidelines (section 18 of the BC Act).

Published as other specially protected fauna under schedule 7 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

P Priority species:

Possibly threatened species that do not meet survey criteria, or are otherwise data deficient, are added to the Priority Fauna or Priority Flora Lists under Priorities 1, 2 or 3. These three categories are ranked in order of priority for survey and evaluation of conservation status so that consideration can be given to their declaration as threatened fauna or flora.

Species that are adequately known, are rare but not threatened, or meet criteria for near threatened, or that have been recently removed from the threatened species or other specially protected fauna lists for other than taxonomic reasons, are placed in Priority 4. These species 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.
- (c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened 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 the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.