



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 5220/2
 Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: **Mt Magnet Gold Pty Ltd**

1.3. Property details

Property: Mining Lease 59/45
 Mining Lease 59/208
 Miscellaneous Licence 59/40
 Local Government Area: Shire of Yalgoo
 Colloquial name: Western Queen South Project

1.4. Application

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

1.5. Decision on application

Decision on Permit Application:
 Decision Date:

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description	Clearing Description	Vegetation Condition	Comment
<p>Beard vegetation associations have been mapped for the whole of Western Australia. Two Beard vegetation associations have been mapped within the application area (GIS Database):</p> <p>18: Low woodland; mulga (<i>Acacia aneura</i>); and</p> <p>39: Shrublands; mulga scrub.</p> <p>A flora and vegetation survey of the application area was conducted by Outback Ecology (2012a) in April 2012.</p> <p>This survey identified the following two vegetation communities within the application area (Outback Ecology, 2012a):</p> <ul style="list-style-type: none"> - <i>Acacia aneura</i> and <i>Acacia ramulosa</i> var. <i>linophylla</i> low woodland over <i>Eremophila fraseri</i> or <i>Eremophila exilifolia</i> open shrubland over <i>Aristida contorta</i> tussock grassland; and - <i>Acacia aneura</i>, <i>Acacia grasbyi</i> and <i>Acacia tetragonophylla</i> low woodland to low open woodland over <i>Eremophila fraseri</i> and <i>Eremophila forrestii</i> subsp. <i>forrestii</i> low open shrubland over <i>Aristida contorta</i> tussock grassland. 	<p>Mt Magnet Gold Pty Ltd (Mt Magnet) has applied to clear up to 45 hectares of native vegetation for the purpose of mineral production.</p>	<p>Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994);</p> <p>To</p> <p>Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).</p>	<p>The application area is located within the Murchison region of Western Australia and is situated approximately 75 kilometres west of Cue.</p> <p>The vegetation condition was derived from a survey conducted by Outback Ecology (2012a).</p> <p>Mt Magnet applied to the Department of Mines and Petroleum on 30 October 2012 to amend CPS 5220/1 to increase the amount proposed to be cleared and the clearing boundary.</p>

3. Assessment of application against clearing principles

Comments

Mt Magnet Gold Pty Ltd (Mt Magnet) have applied to increase the amount of clearing authorised from 25 hectares to 45 hectares (i.e. an increase of 20 hectares) and to increase the permit boundary from 120 hectares to 309 hectares (i.e. an increase of 189 hectares). The additional 20 hectares of proposed clearing is for an additional turkey's nest, relocation of the workshop and camp. The increase in the permit boundary area is to provide greater flexibility during operations.

A flora and vegetation survey was undertaken in June 2012 covering both the original and proposed amended application areas (Outback Ecology, 2012a). One additional vegetation unit was recorded (Outback Ecology, 2012b), which represents a slight increase in diversity. This vegetation unit is located in the south-west corner of the application area and has been degraded from grazing and drought (Outback Ecology, 2012a). All vegetation associations found within the application area are well represented in the region (Government of Western Australia, 2011).

Priority 4 flora species *Dodonaea amplisema* was recorded in the extended application area. According to Outback Ecology (2012b), some individuals are likely to be impacted by an access road and topsoil pile. Larger populations of *Dodonaea amplisema* were found in areas of rocky hills outside of the application area (Outback Ecology, 2012a). This type of habitat is not present within the application area (Outback Ecology, 2012a); therefore it is considered unlikely that *Dodonaea amplisema* would not occur elsewhere in the extended permit boundary. Outback Ecology (2012b) have advised that Western Queen South Project staff will be made aware of the appearance and location of this species and plants situated near a disturbed area will be marked. Based on this, the proposed clearing is unlikely to have a significant impact to this species.

No additional weed species were recorded in the extended application area.

The terrestrial fauna desktop study undertaken for the original application also covered both the original and amended areas. One additional broad fauna habitat, identified as Stony Rise, was recorded in the extended permit boundary. The shelter and microclimate it creates means it has the potential to support short range endemic species (Outback Ecology, 2012c). Although Stony Rise habitat has the potential to support a higher level of faunal diversity (Outback Ecology, 2012c), it comprises a very small part of the application area and is widely represented throughout the region (Outback Ecology, 2012b). Two other broad habitat types were identified within the extended permit boundary, which were described in the decision report for CPS 5220/1.

No Threatened or Priority Ecological Communities or Declared Rare Flora were recorded in the extended permit boundary (Outback Ecology, 2012a; GIS Database).

Therefore the proposed clearing is not likely to be at variance to Principles (a), (b), (c) and (d) and not at variance to Principle (e).

There are a number of non-perennial watercourses present within the extended permit boundary (GIS Database). A flora and vegetation survey conducted by Outback Ecology (2012a) identified one vegetation community associated with non-perennial drainage lines. Outback Ecology (2012a) advise that the Project has been positioned so that clearing will take place on previously disturbed areas wherever possible.

Current environmental information and information provided by the proponent (Newlands Environmental, 2011; GIS Database) has been reviewed and the assessment of Clearing Principles (g), (h), (i) and (j) is consistent with the assessment in Clearing Permit Decision Report CPS 3745/1.

Methodology

- GIS Database
- DEC Tenure
- Public Drinking Water Source Areas (PDWSAs)
- Threatened Ecological Sites
- Threatened Fauna
- Threatened and Priority Flora

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

Comments

There is one native title claim (WC04/10) over the application area (GIS Database). This claim has been registered within 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 (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 proponents' 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 19 November 2012 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 NNTT

4. References

CALM (2002) Biodiversity Audit of Western Australia's 53 Biogeographical Subregions (Ancient Drainage subregion).

DEC (2008) Resource Condition Report for a Significant Western Australian Wetland: Lake Goorly. Department of Conservation and Land Management, Western Australia.

Fordyce, I. (2010) Flora and vegetation survey of a gypsum deposit in Lake Goorly, Dalwallinu Shire, M70/1118, M70/1191, M70/1256. Unpublished report. Yarra Yarra Catchment Management Group, Western Australia.

Government of Western Australia (2011) 2011 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). WA Department of Environment and Conservation, Perth.

Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.

Newlands Environmental (2011), *Mining Proposal for the Continuation of Gypsum Mining at Lake Goorly on M70/1118, M70/1191, M70/1256 and L70/72*, Unpublished Report prepared on behalf of Bywaters Gypsum Supplies August 2011, Western Australia.

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.