Government of Western Australia
Department of Mines and Petroleum

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 5675/4
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: **Evolution Mining (Phoenix) Pty Ltd**

1.3. Property details

Property: Mining Lease 16/22
Mining Lease 16/24
Mining Lease 16/40
Mining Lease 16/140
Mining Lease 16/152
Mining Lease 16/179
Mining Lease 16/189
Mining Lease 16/195
Mining Lease 16/198
Mining Lease 16/526
Mining Lease 16/533
Mining Lease 16/537
Local Government Area: Shire of Coolgardie
Colloquial name: Castle Hill Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
390.1		Mechanical Removal	Mineral Production and Associated Infrastructure

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 13 September 2018

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. One Beard vegetation association is located within the application area (GIS Database):

Beard vegetation association 468: Medium woodland; salmon gum & goldfields blackbutt.

A flora and vegetation survey was undertaken over the majority of the application area by Botanica Consulting (Botanica) on 6 and 7 November 2012 (Botanica, 2013). A portion in the south of the application area (approximately 40 hectares) was not covered by Botanica but has been covered by a previous flora survey by Jims Seeds, Weeds and Trees in December 2004. Botanica identified the following eight vegetation communities within the application area:

1. Scrub of *Acacia* sp. narrow phyllode over low scrub of *Eremophila alternifolia*.

2. Low woodland of *E. campaspe* and *E. salmonophloia* over low scrub of *Atriplex nummularia, Eremophila dempsteri* and dwarf scrub of *Atriplex vesicaria*.

3. Open low woodland of *E. campaspe* over low scrub of *Eremophila dempsteri* and dwarf scrub of *Atriplex vesicaria*.

4. Low woodland of *E. clelandii* over scrub of *Acacia* sp. narrow phyllode and low scrub of *Acacia erinacea, Atriplex vesicaria* and *Eremophila pustulata*.

5. Low woodland of *E. campaspe* over low scrub of *Eremophila scoparia* and dwarf scrub of *Atriplex vesicaria*.

6. Very open shrub mallee of *E. griffithsii* over low scrub of *Dodonaea lobulata* and *Eremophila scoparia* over dwarf scrub of *Scaevola spinescens*.

7. Scrub of *Allocasuarina acutivalvis/Casuarina pauper* over low scrub of *Philotheca brucei* and dwarf scrub of *Prostanthera grylloana*.

8. Low woodland of *E. ravida* over low scrub of *Atriplex nummularia*/*Eremophila scoparia* over dwarf scrub of *Atriplex vesicaria*.

Jims Seeds, Weeds and Trees (2004) identified the following three vegetation communities in the portion of the application area not covered by Botanica (2013):

9. Granite Sand Flats: Granite sand flats consist of flat stretching plains of coarse red granite sand. The vegetation is mildly dense and consists of ground hugging shrubs as well as taxa exceeding 2 metres in height including *Acacia acuminata* and *Allocasuarina pauper*. *Acacia acuminata* was the dominant species. Understorey shrubs included: *Dodonaea lobulata*, *Eremophila willsii*, *Maireana sedifolia*, *M. triptera* and *Olearia muelleri*.

10. Basalt Hills: This vegetation unit comprised of hills, with an exposed surface of basalt rock, standing up to 30 metres in elevation with rock face inclines ranging from 5 degrees to 30 degrees. Many Eucalypt trees were dominant within this unit including *E. campaspe*, *E. celastroides*, *E. clelandii*, *E. oleosa*, *E. salmonophloia* and *E. transcontinentalis*. Saltbush and bluebush species including *Atriplex nummularia*, and *Maireana sedifolia*, were among the understorey taxa.

11. Salmon Gum Broad Valleys: The dominant species within this unit was *Eucalyptus salmonophloia*. Understorey plants included *Atriplex nummularia*, *Eremophila scoparia*, *Maireana sedifolia* and *Ptilotus obovatus*. Larger shrubs over two metres in height included *Acacia acuminata*, *A. tetragonophylla* and *Allocasuarina pauper*.

Clearing Description

Castle Hill Project
Evolution Mining (Phoenix) Pty Ltd proposes to clear up to 390.1 hectares of native vegetation within a total boundary of approximately 597 hectares, for the purpose of mineral production and associated infrastructure. The project is located approximately 35 kilometres north, north-west of Coolgardie within the Shire of Coolgardie.

Vegetation Condition

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

To

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

Comment

Clearing permit CPS 5675/1 was granted by the Department of Mines and Petroleum (DMP) (now the Department of Mines, Industry Regulation and Safety) to Phoenix Gold Limited on 22 August 2013, authorising the clearing of up to 379.5 hectares within a clearing permit boundary of approximately 586 hectares.

Amended clearing permit CPS 5675/2 was granted by DMP to Phoenix Gold Limited on 5 June 2014, increasing the clearing authorised from 379.5 to 390.1 hectares within a clearing permit boundary of approximately 597 hectares.

CPS 5675/2 was amended on 22 September 2016 to change the permit holder name from Phoenix Gold Limited to Evolution Mining (Phoenix) Pty Ltd.

Evolution Mining (Phoenix) Pty Ltd has applied to amend CPS 5675/3 to extend the duration of the permit to 14 September 2023.

The condition of the vegetation under application was determined from a flora and vegetation survey conducted over the application area by Botanica (2013) and from the analysis of aerial imagery for areas not covered by the survey.

3. Assessment of application against Clearing Principles

Comments

The amendment to extend the duration of the permit will not result in any additional environmental impacts. The size of the area approved to clear (390.1 hectares) and the permit boundary remain unchanged.

The assessment against the clearing principles remains consistent with the assessment contained in decision reports CPS 5675/1, CPS 5675/2 and CPS 5675/3.

Planning instrument, Native Title, RIWI Act Licence, EP Act Licence, Works Approval, Previous EPA decision or other matter.

Comments

There are two native title claims over the area under application (DPLH, 2018). These claims have been registered with the National Native Title Tribunal on behalf of the claimant groups. 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, 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.

Methodology

DPLH (2018)

4. References

DPLH (2018) Aboriginal Heritage Inquiry System, Department of Planning, Land and Heritage, Perth, Western Australia < https://maps.daa.wa.gov.au/AHIS/> (Accessed 11 September 2018).

Botanica (2013) Level 2 Flora & Vegetation Survey for the Castle Hill Project Tenement. Report prepared for Phoenix Gold Limited by Botanica Consulting, January 2013.

Jims Seeds, Weeds and Trees (2004) Flora Survey for Cazaly Resources of the Kunanalling Project. Report prepared for Cazaly Resources by Jims Seeds, Weeds and Trees Pty Ltd, December 2004.

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:

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	*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
PEC	Priority Ecological Community, Western Australia
RIWI Act	*Rights in Water and Irrigation Act 1914*, 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 **Threatened species:**
Published as Specially Protected under the *Wildlife Conservation Act 1950,* 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).

Threatened fauna is that subset of 'Specially Protected Fauna' declared to be 'likely to become extinct' pursuant to section 14(4) of the *Wildlife Conservation Act 1950*.

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 *Wildlife Conservation Act 1950*.

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. Published as Specially Protected under the *Wildlife Conservation Act 1950,* in Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.

EN **Endangered species**
Threatened species considered to be facing a very high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950,* in Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation

(Rare Flora) Notice for Threatened Flora.

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.