



GOVERNMENT OF  
WESTERN AUSTRALIA

## CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

<b>Purpose Permit number:</b>	6152/1
<b>Duration of Permit:</b>	From 30 August 2014 to 30 August 2019
<b>Permit Holder:</b>	Phoenix Gold Limited

The Permit Holder is authorised to clear native vegetation subject to the following conditions of this Permit.

### PART I - CLEARING AUTHORISED

**1. Land on which clearing is to be done**

Mining Lease 16/199

Mining Lease 16/200

Mining Lease 16/527

**2. Purpose for which clearing may be done**

Clearing for the purposes of mineral production.

**3. Area of Clearing**

The Permit Holder must not clear more than 160 hectares of native vegetation. All clearing must be within the area cross-hatched yellow on attached Plan 6152/1.

**4. Type of Clearing Authorised**

The Permit Holder shall not clear native vegetation unless the purpose for which the clearing is authorised is enacted within three months of the authorised clearing being undertaken.

**5. Application**

This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

### PART II - MANAGEMENT CONDITIONS

**6. Weed Control**

When undertaking any clearing or other activity authorised under this Permit, the Permit Holder must take the following steps to minimise the risk of the introduction and spread of *weeds*:

- (i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (ii) ensure that no *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
- (iii) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

**7. Watercourse Management**

- (a) Where practicable the Permit Holder shall avoid clearing *riparian vegetation*; and
- (b) Where a *watercourse* is to be impacted by clearing, the Permit Holder shall maintain the existing surface flow.

## 8. Fauna Management

- (a) Prior to undertaking any clearing authorised under this Permit, the Permit Holder shall engage a *fauna specialist* to conduct a *fauna survey* within the Permit Area to identify *Leipoa ocellata* (Malleefowl) mounds and *Leipoa ocellata* (Malleefowl) *critical habitat*.
- (b) Prior to undertaking any clearing authorised under this Permit, the Permit Holder shall provide the results of the *fauna survey* in a report to the *CEO*.
- (c) The *fauna survey* report must include:
  - (i) the location of each *Leipoa ocellata* (Malleefowl) mound, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
  - (ii) the location of the *Leipoa ocellata* (Malleefowl) *critical habitat*, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
  - (iii) the methodology used to survey the Permit Area and to establish the *Leipoa ocellata* (Malleefowl) *critical habitat* and identify the mound/s;
  - (iv) the extent of the *critical habitat* of the *Leipoa ocellata* (Malleefowl) shown on a map; and
  - (v) a description of the *critical habitat* found.
- (d) Where *Leipoa ocellata* (Malleefowl) mounds are identified under Condition 8(a) of this Permit, the Permit Holder shall ensure that no clearing of *critical habitat* of the identified *Leipoa ocellata* (Malleefowl) mounds occurs, unless first approved by the *CEO*.

## 9. Flora Management

- (a) Prior to undertaking any clearing authorised under this Permit, the Permit Holder shall engage a *botanist* to conduct a *targeted flora survey* of the Permit Area for the presence of rare flora listed in the *Wildlife Conservation (Rare Flora) Notice* and *priority flora*.
- (b) Where rare or *priority flora* are identified under Condition 9(a) of this Permit, the Permit Holder shall engage a *botanist* to map the *critical habitat* of the identified rare or *priority flora* within the Permit Area.
- (c) Prior to undertaking any clearing authorised under this Permit, the Permit Holder shall provide the results of the *targeted flora survey* in a report to the *CEO*.
- (d) If rare or *priority flora* are identified within the Permit Area, the *targeted flora survey* report must include the following;
  - (i) the location of each rare or *priority flora*, either as the location of individual plants, or where this is not practical, the areal extent of the population and an estimate of the number of plants, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees; and
  - (ii) the species name of each rare or *priority flora* identified; and
  - (iii) the methodology, used to survey the Permit Area and to establish the *critical habitat* of flora; and
  - (iv) the extent of the *critical habitat* of the identified rare or *priority flora* shown on a map; and
  - (v) a site description of the *critical habitat* of rare or *priority flora* found.
- (e) Where rare or *priority flora* are identified under condition 9(a) of this Permit, the Permit Holder shall ensure that no clearing of *critical habitat* of the identified rare or *priority flora* occurs, unless first approved by the *CEO*.

### **PART III - RECORD KEEPING AND REPORTING**

#### **10. Records to be kept**

The Permit Holder must maintain the following records for activities done pursuant to this Permit:

In relation to the clearing of native vegetation authorised under this Permit,

- (i) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
- (ii) the date that the area was cleared;
- (iii) the size of the area cleared (in hectares); and
- (iv) purpose for which clearing was undertaken.

#### **11. Reporting**

- (a) The Permit Holder shall provide a report to the Director Operations, Environment, Department of Mines and Petroleum by 31 July each year for the life of this permit, demonstrating adherence to all conditions of this permit, and setting out the records required under Condition 10 of this permit in relation to clearing carried out between 1 July and 30 June of the previous financial year.
- (b) Prior to 30 August 2019, the Permit Holder must provide to the Director Operations, Environment, Department of Mines and Petroleum a written report of records required under Condition 10 of this Permit where these records have not already been provided under Condition 11(a) of this Permit.

### **DEFINITIONS**

The following meanings are given to terms used in this Permit:

*botanist* means a person who holds a tertiary qualification in environmental science or equivalent, and has a minimum of 2 years work experience in identification and surveys of flora native to the bioregion being inspected or surveyed, or who is approved by the *CEO* as a suitable botanist for the bioregion;

*CEO* means the Chief Executive Officer of the Department of Environment Regulation or an Officer with delegated authority under Section 20 of the *Environmental Protection Act 1986*;

*critical habitat* means any part of the Permit Area comprising of the habitat of flora or fauna species and its population, that is critical for the health and long term survival of the flora or fauna species and its population;

*fauna specialist* means a person who holds a tertiary qualification specialising in environmental science or equivalent, and has a minimum of 2 years work experience in fauna identification and surveys of fauna native to the region being inspected or surveyed, or who is approved by the *CEO* as a suitable fauna specialist for the bioregion, and who holds a valid fauna licence issued under the *Wildlife Conservation Act 1950*;

*fauna survey* means a field-based investigation, including a review of established literature, of the biodiversity of fauna and/or fauna habitat of the Permit Area. Where conservation significant fauna are identified in the Permit Area, the survey should also include sufficient surrounding areas to place the Permit Area into local context;

*fill* means material used to increase the ground level, or fill a hollow;

*mulch* means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation;

*priority flora* means those plant taxa described as priority flora classes 1, 2, 3, 4 or 5 in the *Department of Parks and Wildlife's Threatened and Priority Flora List for Western Australia* (as amended);

*riparian vegetation* has the meaning given to it in Regulation 3 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*;

*targeted flora survey* means a field-based investigation, including a review of established literature, of the biodiversity of flora and vegetation of the Permit Area, focusing on habitat suitable for flora species that are being targeted and carried out during the optimal time to identify those species. Where target flora are identified in the Permit Area, the survey should also include sufficient surrounding areas to place the Permit Area into local context;

*watercourse* has the meaning given to it in section 3 of the *Rights in Water and Irrigation Act 1914*;

*weed/s* means any plant –

- (a) that is a declared pest under section 22 of the *Biosecurity and Agriculture Management Act 2007*; or;
- (b) published in a Department of Parks and Wildlife Regional Weed Summary, regardless of ranking; or
- (c) not indigenous to the area concerned.

*Wildlife Conservation (Rare Flora) Notice* means those plant taxa gazetted as rare flora pursuant to section 23F(2) of the *Wildlife Conservation Act 1950* (as amended).



Steve Tantala  
DIRECTOR OPERATIONS  
ENVIRONMENT  
DEPARTMENT OF MINES AND PETROLEUM

Officer with delegated authority under Section 20  
of the Environmental Protection Act 1986

7 August 2014