



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 6232/2
Permit type: Purpose

1.2. Proponent details

Proponent's name: Evolution Mining Limited

1.3. Property details

Property: General Purpose Lease 77/122
Mining Lease 77/88
Mining Lease 77/110
Mining Lease 77/124
Local Government Area: Shire of Westonia
Colloquial name: Edna May Operations

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
6.62		Mechanical removal	Mineral production

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 15 January 2015

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. The following Beard vegetation associations are located within the application area (GIS Database):

536: Medium woodland; morrell & rough fruited mallee (*Eucalyptus corrugata*); and
1057: Shrublands; Medium woodland; Salmon gum & gimlet / York gum & *Eucalyptus sheathiana* mallee scrub.

A Level 2 flora and vegetation assessment was conducted by Outback Ecology over the Edna May Operations (EMO), including the application area, in 2013 (Outback Ecology, 2014). The flora and vegetation assessment identified one vegetation unit within the application area:

Gimlet Woodland: Low Woodland of *Eucalyptus salubris* (with patches of *E. salmonophloia*) over patches of Tall Open Shrubland of *Melaleuca sheathiana* or *Melaleuca pauperiflora* subsp. *fastigiata* over an Open Shrubland of *Exocarpos aphyllus*, *Templetonia ceracea*, *Acacia merrallii*, *Acacia erinacea* and *Maireana* spp. over Very Open Tussock Grassland of *Austrostipa eremophila* on red loam plains.

Clearing Description Edna May Operations.
Evolution Mining Ltd (Evolution Mining) proposes to clear 6.62 hectares of native vegetation within a total boundary of approximately 97.59 hectares for the purpose of mining infrastructure. The project is located approximately 1.7 kilometres north of Westonia, in the Shire of Westonia.

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 Vegetation condition was assessed by botanists from Outback Ecology.

The application area covers two very distinctive land use areas. Approximately 2.62 hectares of the application area covers Crown Reserve 14983, commonly referred to as the Westonia Town Common Reserve, or the Reserve. The Reserve contains native vegetation in "good" condition, which represents Beard vegetation association 536 (Outback Ecology, 2014). Evolution Mining proposes to construct two diversion levees and a diversion drain in this area (Outback Ecology, 2014).

The remaining 94.97 hectares of the application area covers previously cleared agricultural land, which is adjacent

to existing EMO infrastructure (GIS Database). Evolution Mining proposes to clear four hectares of native vegetation within this area for the purpose of a waste rock landform (Outback Ecology, 2014). Native vegetation within this area, which represents Beard vegetation association 1057, has been assessed as 'degraded' (Outback Ecology, 2014).

A flora and fauna survey was undertaken over the Westonia Town Common Reserve by World Wildlife Fund on 15 and 16 September 2007. This survey is referred to as the Westonia BioBlitz (McLellan, 2008).

Clearing permit CPS 6232/1 was granted by the Department of Mines and Petroleum on 9 October 2014 and authorised the clearing of up to 5.1 of native vegetation within an area totalling 84.2 hectares.

3. Assessment of application against clearing principles

Comments

Evolution Mining has applied to amend clearing permit CPS 6232/1 for the purposes of increasing the area authorised to be cleared from 5.1 hectares to 6.62 hectares and increasing the permit boundary from 84.2 hectares to 97.59. The amendment is to accommodate a design revision of the waste rock landform diversion drain and levee (Outback Ecology, 2014).

A vegetation and flora survey has been undertaken over the entire Edna May project area, which includes the amended application area (Outback Ecology, 2014). The amended application area consists of the same vegetation types as recorded in the permit boundary for CPS 6232/1 (Outback Ecology, 2014).

There are no Threatened or Priority flora or Threatened Ecological Communities located within the amended application area (Outback Ecology, 2014). The amended application area covers an area of Gimlet Eucalypt woodland, which Outback Ecology advises may represent a Priority Ecological Community (Outback Ecology, 2014). Gimlet Eucalypt woodland has been identified as occurring throughout the Reserve (McLellan, 2008) and represents approximately 2.62 hectares of the amended application area. However, given the size of the Reserve, the proposed amendment to increase the clearing area by 1.52 hectares is not likely to have a significant impact on the Gimlet Eucalypt woodland.

The fauna habitats recorded in the amended application area are consistent with the fauna habitats identified in the assessment of CPS 6232/1 (Outback Ecology, 2014). The conservation significant species Chuditch, Carpet Python and Red-tailed Phascogale may potentially occur within the amended application area, however similar habitat is available in the adjoining bushland and the clearing of an additional 1.52 hectares is not likely to have a significantly greater impact on fauna habitats than what was approved under clearing permit CPS 6232/1.

The amended application area covers Beard vegetation associations 536 and 1057 (GIS Database). Beard vegetation association 1057 retains approximately 12% of its pre-European extent at the state and bioregion level (Government of Western Australia, 2012). This is below the 30% threshold level recommended in the National Objectives Targets for Biodiversity Conservation below which species loss appears to accelerate exponentially at an ecosystem level (EPA, 2000). Evolution Mining advise that the additional 1.52 hectares of clearing will only be occurring within the Reserve (Outback Ecology, 2014), which is mapped as Beard vegetation association 536 (GIS Database). Therefore additional impacts to Beard vegetation association 1057 as a result of the proposed amendment are not anticipated.

The proposed amendment may potentially impact on one small ephemeral drainage line located within the Reserve (Outback Ecology, 2014). Flows in this drainage line are intermittent and very infrequent (Outback Ecology, 2014). This drainage line has been previously modified as part of the Edna May Operations (Outback Ecology, 2014). Vegetation within the application area has not been identified as riparian or growing in association with a watercourse (Outback Ecology, 2014).

The proposed amendment is not expected to impact on any conservation areas (GIS Database).

The proposed increase in clearing is not likely to have a greater impact on surface or groundwater, nor increase the incidence of flooding.

The assessment against the clearing principles is consistent with the assessment contained in decision report CPS 6232/1.

Methodology	EPA (2000) Government of Western Australia (2013) McLellan (2008) Outback Ecology (2014) GIS Database: <ul style="list-style-type: none">- DEC Tenure- IBRA WA (regions - Sub Regions)- Pre-European Vegetation- Soils, Statewide- Threatened and Priority Flora- Threatened Ecological Sites
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Planning instrument, Native Title, Previous EPA decision or other matter.

Comments

There is one Native Title Claim (WC2013/009) over the area under application (GIS Database). This claim has been filed at the Federal Court of Australia. 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 proponent's responsibility to liaise with the Department of Environment Regulation, the Department of Water, and the Department of Parks and Wildlife, 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 17 November 2014 by the Department of Mines and Petroleum inviting submissions from the public. No submissions have been received in relation to the application.

Methodology GIS Database:

- Aboriginal Sites of Significance
- Native Title Claims - Registered with the NNTT

4. References

- EPA (2000) Environmental Protection of Native Vegetation in Western Australia. Clearing of Native Vegetation, with Particular Reference to the Agricultural Area. Position Statement No. 2. December 2000. Environmental Protection Authority, Western Australia.
- McLellan (2008) Westonia BioBlitz Report 2007. Unpublished report by Richard McLellan for Worldwide Fund Australia dated May 2008.
- Outback Ecology (2014) Corsini WRL and Associated Works Amendment to CPS 6323/1 on M77/110, M77/124, M77/88 and G77/122. Unpublish report prepared for Evolution Mining Ltd.
- 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
DAFWA	Department of Agriculture and Food, Western Australia
DEC	Department of Environment and Conservation, Western Australia (now DPaW and DER)
DER	Department of Environment Regulation, Western Australia
DMP	Department of Mines and Petroleum, Western Australia
DRF	Declared Rare Flora
DotE	Department of the Environment, Australian Government
DoW	Department of Water, Western Australia
DPaW	Department of Parks and Wildlife, Western Australia
DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities (now DotE)
EPA	Environmental Protection Authority, Western Australia
EP Act	<i>Environmental Protection Act 1986</i> , 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
s.17	Section 17 of the <i>Environment Protection Act 1986</i> , Western Australia
TEC	Threatened Ecological Community

Definitions:

{DPaW (2013) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia}:-

- T** **Threatened species:**
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna or the Wildlife Conservation (Rare Flora) Notice for Threatened Flora (which may also be referred to as Declared Rare Flora).

Threatened Fauna and Flora are further recognised by DPaW according to their level of threat using IUCN Red List criteria. For example Carnaby's Cockatoo *Calyptorhynchus latirostris* is specially protected under the *Wildlife Conservation Act 1950* as a threatened species with a ranking of Endangered.

Rankings:
CR: Critically Endangered - considered to be facing an extremely high risk of extinction in the wild.
EN: Endangered - considered to be facing a very high risk of extinction in the wild.
VU: Vulnerable - considered to be facing a high risk of extinction in the wild.
- X** **Presumed Extinct species:**
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Presumed Extinct Fauna and Wildlife Conservation (Rare Flora) Notice for Presumed Extinct Flora (which may also be referred to as Declared Rare Flora).
- IA** **Migratory birds protected under an international agreement:**
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice.
Birds that are subject to an agreement between governments of Australia and Japan, China and The Republic of Korea relating to the protection of migratory birds and birds in danger of extinction.
- S** **Other specially protected fauna:**
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 4 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- P1** **Priority One - Poorly-known species:**
Species that are known from one or a few collections or sight records (generally less than five), all on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, Shire, rail reserves and Main Roads WA road, gravel and soil reserves, and active mineral leases and under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes.
- P2** **Priority Two - Poorly-known species:**
Species that are known from one or a few collections or sight records, some of which are on lands not under imminent threat of habitat destruction or degradation, e.g. national parks, conservation parks, nature reserves, State forest, unallocated Crown land, water reserves, etc. Species may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes.
- P3** **Priority Three - Poorly-known species:**
Species that are known from collections or sight records from several localities not under imminent threat, or from few but widespread localities 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 localities but do not meet adequacy of survey requirements and known threatening processes exist that could affect them.
- 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 do not qualify for Conservation Dependent, but that are close to qualifying for Vulnerable.
(c) Species that have been removed from the list of threatened species during the past five years for reasons other than taxonomy.
- P5** **Priority Five - Conservation Dependent species:**
Species that are not threatened but are subject to a specific conservation program, the cessation of which would result in the species becoming threatened within five 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.