

Clearing Permit Decision Report

1. Application details

Permit application details

Permit application No.: 6253/2

Permit type: Purpose Permit

Proponent details

Proponent's name: Independence Nova Pty Ltd

1.3. Property details

Mining Lease 28/376 Property: **Local Government Area:** Shire of Dundas Colloquial name: Nova Nickel Project

Application

Clearing Area (ha) No. Trees Method of Clearing For the purpose of:

460 Mechanical Removal Mineral Production and Associated Activities

Decision on application **Decision on Permit Application:**

Decision Date: 10 October 2019

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. Three Beard vegetation associations have been mapped within the application area (GIS Database):

487: Medium woodland; redwood & red mallee (Eucalyptus oleosa);

488: Mosaic: Medium woodland: gimlet / Shrublands: mallee scrub, Eucalyptus eremophila scrub; and 489: Mosaic: Medium woodland: goldfields blackbutt & Dundas blackbutt / Shrublands: dodonaea scrub (GIS Database).

A flora and vegetation survey conducted by Mattiske Consulting Pty Ltd (Mattiske) identified 18 vegetation communities within the application area, categorised as three broad vegetation types: Eucalyptus Woodlands; Mixed Shrublands and Scrubs; and Hummock Grasslands (MBS, 2014). Woodland communities dominated the application area. The following vegetation communities were identified within the application area:

Eucalyptus Woodlands

W1: Woodland of mixed Eucalypts including Eucalyptus salubris, Eucalyptus celastroides, Eucalyptus calycogona subsp. calycogona, Eucalyptus oleosa subsp. oleosa and Eucalyptus lesouefii over Cratystylis conocephala, Exocarpos aphyllus, Diocirea ternata, Eremophila alternifolia, Eremophila interstans, Eremophila ionantha, Eremophila scoparia and Geijera linearifolia over Olearia muelleri, Atriplex vesicaria and Scaevola spinescens over mixed shrubs, herbs and grasses on orange-brown sandy clay-loams on flats.

W2: Woodland of Eucalyptus salubris and Eucalyptus oleosa subsp. oleosa with patches of mixed Eucalyptus species over Melaleuca quadrifaria, Acacia hemiteles, Cratystylis conocephala over Diocirea ternata, Eremophila ionantha, Atriplex vesicaria, Eremophila decipiens subsp. decipiens, Eremophila scoparia, Geijera linearifolia, Senna artemisioides subsp. filifolia and Exocarpos aphyllus over Vittadinia dissecta var. hirta, Olearia muelleri, Sclerolaena diacantha, Ptilotus holosericeus and Zygophyllum ovatum over herbs and grasses on red-orange clayloams on flats and lower slopes.

W3: Woodland of Eucalyptus oleosa subsp. oleosa and Eucalyptus lesouefii with occasional Eucalyptus celastroides and Eucalyptus salubris over Cratystylis conocephala over Olearia muelleri, Atriplex vesicaria and Santalum acuminatum over Rhagodia crassifolia, Zygophyllum apiculatum and Sclerolaena diacantha over other mixed shrubs and herbs on orange-brown clay-loams on flats and slopes.

W4: Woodland to open woodland of mixed Eucalyptus species over Eremophila scoparia, Cratystylis conocephala and Atriplex vesicaria over Sclerolaena diacantha, Olearia muelleri, Zygophyllum species and Rhagodia crassifolia over herbs on orange clay-loams and sandy-loams on flats.

W5: Woodland of Eucalyptus clelandii, Eucalyptus urna, Eucalyptus oleosa subsp. oleosa and Eucalyptus lesouefii over Melaleuca sheathiana over Olearia muelleri, Eremophila scoparia and Alyxia buxifolia over Zygophyllum glaucum and Maireana species on orange-brown sandy-loams on flats and lower slopes.

W6: Open woodland of mixed *Eucalyptus* species over *Eremophila dempsteri*, *Melaleuca halmaturorum* and *Melaleuca sheathiana* over *Cratystylis conocephala* and *Eremophila scoparia* over *Olearia muelleri* and mixed shrubs and herbs on orange clay-loams on flats and slopes.

W7: Open woodland of Eucalyptus incrassata, Eucalyptus rigidula and Eucalyptus oleosa subsp. oleosa over Westringia rigida, Daviesia benthamii subsp. acanthoclona, Acacia erinacea, Santalum acuminatum, Eremophila scoparia and Acacia merrallii over Triodia scariosa and herbs on orange-red clay-loams and sandy-loams on flats and lower slopes.

W8: Low open woodland of *Eucalyptus oleosa* subsp. *oleosa*, *Eucalyptus spreta* and *Eucalyptus lesouefii* over *Melaleuca sheathiana*, *Eremophila ionantha*, *Acacia hemiteles*, *Eremophila scoparia*, *Cratystylis conocephala* and *Melaleuca halmaturorum* over mixed shrubs and herbs on orange-brown clay-loams and sandy-loams on lower to mid slopes.

W9: Low open woodland of Eucalyptus gracilis and Eucalyptus salubris over Eremophila scoparia, Eremophila ionantha, Melaleuca halmaturorum, Diocirea ternata, Cratystylis conocephala, Olearia muelleri, Melaleuca sheathiana and Dodonaea stenozyga over low shrubs and herbs on red-brown sandy-loams and clay-loams on flats.

W10: Open woodland of *Eucalyptus oleosa* subsp. *oleosa* over *Melaleuca halmaturorum* over *Acacia hemiteles* and *Eremophila alternifolia* over *Olearia muelleri* and *Zygophyllum glaucum* on pale orange clay-loams and sandy-loam gravels on flats.

W11: Open woodland of *Eucalyptus salubris, Eucalyptus fraseri* subsp. *fraseri, Eucalyptus celastroides* and *Eucalyptus prolixa* over *Diocirea ternata, Eremophila ionantha, Eremophila scoparia* and *Olearia muelleri* over mixed low Chenopods on orange to red clay-loams on flats.

W14: Open woodland of Eucalyptus salubris, Eucalyptus calycogona subsp. calycogona and Eucalyptus spreta over Melaleuca halmaturorum, Diocirea ternata, Eremophila decipiens subsp. decipiens, Eremophila scoparia, Atriplex vesicaria and Olearia muelleri over herbs and grasses on cracking clays on flats.

W20: Open woodland of *Eucalyptus salubris* with local patches of *Eucalyptus calycogona* subsp. *calycogona*, *Eucalyptus spreta*, *Eucalyptus fraseri* subsp. *fraseri* and *Eucalyptus oleosa* subsp. *oleosa* over *Melaleuca* sheathiana, *Acacia hemiteles*, *Cratystylis conocephala*, *Eremophila scoparia* and *Olearia muelleri* over localized patches of *Triodia irritans* on orange to red-brown clay-loams and sandy-loams on flats and lower slopes.

Mixed Shrublands and Scrubs

- **S1:** Open scrub of *Melaleuca halmaturorum, Atriplex vesicaria, Cratystylis conocephala* and *Eremophila scoparia* with occasional *Eucalyptus lesouefii* and *Eucalyptus salubris* over *Zygophyllum ovatum, Scaevola spinescens, Olearia muelleri* and *Sclerolaena diacantha* over other low shrubs and herbs on orange clay-loams on flats and slopes.
- **S2:** Open scrub of *Logania* sp. and *Eremophila ionantha* with occasional emergent *Eucalyptus salubris* and *Eucalyptus spreta* over *Atriplex species*, *Ptilotus holosericeus*, *Vittadinia dissecta* var. *hirta* and *Chenopod* species on orange cracking clays on flats and low lying areas.
- **S3:** Low open shrubland of *Acacia acuminata* (narrow phyllode variant) over *Eremophila decipiens* subsp. decipiens, *Dodonaea lobulata*, *Olearia pimeleoides* and *Eremophila deserti* over *Rhagodia ulicina*, *Enchylaena tomentosa* var. *tomentosa* and *Sclerolaena diacantha* and other mixed shrubs on red-brown clays on flats.
- **S4:** Open scrub of *Allocasuarina helmsii* and *Melaleuca uncinata* with occasional *Eucalyptus rigidula* and *Eucalyptus salubris* over *Acacia hemiteles, Alyxia buxifolia, Dodonaea microzyga* var. *acrolobata, Grevillea acuaria, Scaevola spinescens* and *Olearia mueller*i over patches of *Triodia*? *scariosa* and herbs on orange to red clay loam and clays on flats and slopes.

Hummock Grasslands

G1: Open hummock grassland of mixed *Triodia* sp. with emergent *Eucalyptus griffithsii*, *Eucalyptus oleosa* subsp. *oleosa*, *Eucalyptus rigidula* and *Eucalyptus ?kumarlensis* over *Acacia erinacea*, *Acacia burkittii* and *Acacia hemiteles* over *Cryptandra aridicola*, *Westringia rigida*, *Senna artemisioides* subsp. *filifolia*, *Eremophila decipiens* subsp. *decipiens*, *Alyxia buxifolia* and *Grevillea acuaria* over herbs on orange-red clay-loams and sandy-loams on flats and slopes.

Clearing Description

Nova Nickel Project.

Independence Nova Pty Ltd proposes to clear up to 460 hectares of native vegetation within a boundary of approximately 4,666 hectares, for the purpose of mineral production and associated activities. The project is located approximately 120 kilometres east of Norseman, within the Shire of Dundas.

Vegetation Condition

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

Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994).

Comment

The vegetation condition was derived from a vegetation survey conducted by Mattiske Consulting (Mattiske, 2014)

The proposal is for a new minesite development, to mine nickel and copper. Vegetation clearing will be required for the purpose of a boxcut mine, a processing plant, tailings storage facility, accommodation camp, airstrip,

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access roads, and other mining-related infrastructure (MBS, 2014).

Clearing permit CPS 6253/1 was granted by the Department of Mines and Petroleum (now the Department of Mines, Industry Regulation and Safety) on 31 December 2014 and was valid from 23 January 2015 to 31 January 2020. The permit authorised the clearing of up to 460 hectares of native vegetation within a boundary of approximately 4,666 hectares, for the purpose of mineral production and associated activities.

On 2 August 2019, the Permit Holder applied to amend CPS 6253/1 to extend the duration of the permit by five years and change the Permit Holder company name from Sirius Gold Pty Ltd to Independence Nova Pty Ltd.

3. Assessment of application against Clearing Principles

Comments

The Permit Holder has applied to amend the clearing permit to extend the permit duration by five years to 31 January 2025. Sirius Gold Pty Ltd underwent a name change to Independence Nova Pty Ltd, therefore the Permit Holder name will be updated to reflect the change. The size of the area approved to clear (460 hectares), and the permit boundaries remain unchanged. The amendment is unlikely to result in any significant change to the environmental impacts of the proposed clearing (GIS Database).

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 report CPS 6253/1.

Methodology

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 over the area under application (DPLH, 2019). This claim has been registered with the 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, 2019). 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 Nova Nickel Project was referred to the Environmental Protection Authority (EPA) by the proponent in June 2014. On 18 August 2014, the EPA determined that the proposal did not warrant assessment under Part IV of the *Environmental Protection Act 1986* (EP Act), and that potential environmental impacts could be adequately regulated under the *Mining Act 1978* and Part V of the EP Act.

It is noted that the proposed clearing may impact on a protected matter under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). The proponent may be required to refer the project to the (Federal) Department of the Environment and Energy for environmental impact assessment under the EPBC Act. The proponent is advised to contact the Department of the Environment and Energy for further information regarding notification and referral responsibilities under the EPBC Act.

The amendment application was advertised on 9 September 2019 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 (2019)

4. References

DPLH (2019) Aboriginal Heritage Inquiry System. Department of Planning, Lands and Heritage. http://maps.daa.wa.gov.au/AHIS/ (Accessed 1 October 2019).

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

Mattiske (2014) Flora and Vegetation Survey of the Nova Project, Fraser Range. Report prepared for Sirius Gold Pty Ltd, by Mattiske Consulting Pty Ltd, May 2014.

MBS (2014) Purpose Permit Application, Nova Nickel Project, Assessment of Clearing Principles. Prepared for Sirius Gold Pty Ltd, by Martinick Bosch Sell Pty Ltd (MBS Environmental), August 2014.

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)

DoEE 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 DoEE)

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 DoEE)

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:

{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
- (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.