

Clearing Permit Decision Report

1. Application details and outcomes

1.1. Permit application details

Permit number:	6329/3
Permit type:	Purpose Permit
Applicant name:	Silver Lake (Integra) Pty Ltd
Application received:	5 May 2023
Application area:	125 hectares
Purpose of clearing:	Mineral Production and Associated Activities
Method of clearing:	Mechanical Removal
Tenure:	Mining Lease 25/125 Mining Lease 25/133
Location (LGA area/s):	City of Kalgoorlie-Boulder
Colloquial name:	Randalls Gold Project

1.2. Description of clearing activities

Silver Lake (Integra) Pty Ltd proposes to clear up to 125 hectares of native vegetation within a boundary of approximately 260 hectares, for the purpose of mining related infrastructure (Silver Lake, 2023). The project is located approximately 51 kilometres east of Kambalda, in the City of Kalgoorlie-Boulder (GIS Database).

The application is to accommodate for the pit, waste rock dump and any associated infrastructure (Silver Lake, 2023).

Clearing permit CPS 6329/1 was granted by the Department of Mines and Petroleum (now the Department of Mines, Industry Regulation and Safety (DMIRS)) on 11 December 2014 and was valid from 3 January 2015 to 27 January 2020. The permit authorised the clearing of up to 25 hectares of native vegetation within a boundary of approximately 68 hectares, for the purpose of mineral production and associated activities (Silver Lake, 2023).

Clearing permit CPS 6329/2 was granted by the Department of Mines and Petroleum (now the Department of Mines, Industry Regulation and Safety (DMIRS)) on 14 November 2019 amending the permit expiry date to 30 April 2025. The permit authorised the clearing of up to 25 hectares of native vegetation within a boundary of approximately 68 hectares, for the purpose of mineral production and associated activities.

On 5 May 2023, the Permit Holder applied to amend CPS 6329/2 to increase the permit boundary from 68 hectares to 260 hectares, to increase the area permitted to clear from 25 hectares to 125 hectares and to extend the permit duration from 30 April 2025 to 30 April 2030 (Silver Lake, 2023).

1.3. Decision on application and key considerations

Decision:	Refuse
Decision date:	27 July 2023
Decision area:	125 hectares of native vegetation

1.4. Reasons for decision

This clearing permit application was made in accordance with section 51K(c) of the *Environmental Protection Act 1986* (the EP Act), and was received by the Department of Mines, Industry Regulation and Safety (DMIRS) on 5 May 2023. DMIRS advertised the application for a public comment for a period of 7 days, and no submissions were received.

In making a decision on an amendment to a clearing permit, the CEO shall have regard any planning instrument or other matter that the CEO considers relevant, under section 51O of the EP Act.

The proposed clearing amendment does not align with the *Draft Policy: Applications for amendments to clearing permits*. Under section 51K of the EP Act, the amendments that the CEO may make include minor and administrative amendments.

The proposed clearing may result in:

- change in environmental impact which is different to what was assessed under the original application;
- extensive clearing being undertaken prior to any appeals being determined.

It is considered that the proposed amendment should be refused and a new clearing permit application should be submitted to allow for the expansion of the project footprint and the subsequent significant increase in clearing.

2. Legislative context

The clearing of native vegetation in Western Australia is regulated under the EP Act and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (Clearing Regulations).

In addition to the matters considered in accordance with section 51O of the EP Act (see Section 1.4), the Delegated Officer has also had regard to the objects and principles under section 4A of the EP Act, particularly:

- the precautionary principle
- the principle of intergenerational equity
- the principle of the conservation of biological diversity and ecological integrity

The key guidance documents which inform this assessment are:

- *A guide to the assessment of applications to clear native vegetation* (DER, December 2014)
- *Procedure: Native vegetation clearing permits* (DWER, October 2021b)
- *Policy: Applications for amendments to clearing permits. Draft for public consultation* (DWER, 2021a)

2.1. Relevant planning instruments and other matters

The clearing permit amendment application was advertised on 14 July 2023 by the Department of Mines, Industry Regulation and Safety inviting submissions from the public. No submissions were received in relation to this application.

Other relevant authorisations required for the proposed land use include:

- A Mining Proposal / Mine Closure Plan approved under the *Mining Act 1978*.

In considering whether to grant an amendment to redescribe the boundaries of an area, the CEO shall have regard to whether the change relates to the original area, and whether the impacts would have an environmental impact which is different from what was assessed under the original application. As such, the Delegated Officer determined that increasing the proposed amendment to increase the permit boundary from 68 hectares to 260 hectares (almost four times the size of the original assessment area) and to increase the area permitted to clear from 25 hectares to 125 hectares (five times the size of the original clearing area) would change the environmental impact assessment initially undertaken during the previous application.

In addition, if the CEO decides to amend a clearing permit, third parties are able to appeal the amendment pursuant to section 101A of the EP Act. Where a third party lodges an appeal against an amendment of a clearing permit, the amendment continues to have effect until the appeal is determined. This means a permit holder may legally undertake any additional clearing that has been granted under the amendment until the appeal is determined. This amendment application has been considered under these other matters and the Delegated Officer has determined that the interests of third parties will be significantly impacted by the proposed amendment.

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.

End

Appendix A. Sources of information

A.1. GIS databases

Publicly available GIS Databases used (sourced from www.data.wa.gov.au):

- WA Now Aerial Imagery

A.2. References

Department of Environment Regulation (DER) (2014) *A guide to the assessment of applications to clear native vegetation*. Perth. Available from: https://www.der.wa.gov.au/images/documents/your-environment/native-vegetation/Guidelines/Guide2_assessment_native_veg.pdf

Department of Primary Industries and Regional Development (DPIRD) (2023) NRInfo Digital Mapping. Department of Primary Industries and Regional Development. Government of Western Australia. URL: <https://dpiird.maps.arcgis.com/apps/webappviewer/index.html?id=662e8cbf2def492381fc915aaf3c6a0f> (Accessed 24 July 2023).

Department of Water and Environmental Regulation (DWER) (2021a) Draft Policy: Applications for amendments to clearing permits. Draft for public consultation. Joondalup. Available from: [Draft Policy: Applications for amendments to clearing permits - Department of Water and Environmental Regulation - Citizen Space \(dwer.wa.gov.au\)](http://www.dwer.wa.gov.au/CitizenSpace/Default.aspx?Page=DraftPolicyApplicationsforAmendmentsToClearingPermits)

Department of Water and Environmental Regulation (DWER) (2021b) Procedure: Native vegetation clearing permits. Joondalup. Available from: https://dwer.wa.gov.au/sites/default/files/Procedure_Native_vegetation_clearing_permits_v1.pdf

Silver Lake (2023) Clearing permit application form, CPS 6329/3. Prepared by Silverlake (Integra) Pty Ltd. Received 5 May 2023.

3. Glossary

Acronyms:

BC Act	<i>Biodiversity Conservation Act 2016</i> , Western Australia
DBCA	Department of Biodiversity, Conservation and Attractions, Western Australia
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
DWER	Department of Water and Environmental Regulation, Western Australia
EP Act	<i>Environmental Protection Act 1986</i> , Western Australia
EPA	Environmental Protection Authority, 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)