



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 6337/2  
Permit type: Area

### 1.2. Proponent details

Proponent's name: Avoca Mining Pty Ltd

### 1.3. Property details

Property: Mining Lease 15/1132  
Local Government Area: Shire of Coolgardie  
Colloquial name: Napoleon Gold Project

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
23.64		Mechanical removal	Mineral Production and Associated Activities

### 1.5. Decision on application

Decision on Permit Application: Granted  
Decision Date: 22 October 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):

9.0: Medium woodland; coral gum (*Eucalyptus torquate*) & goldfields blackbutt (*E. lesouffii*), (also some e10, 11)

A vegetation survey was undertaken by Botanica Consulting (2014). The following description was provided:

*Eucalyptus salmonophloia*, *E salubris* woodland over *Melaleuca sheathiana* tall sparse shrub land over *Cratystylis conocephala*, *Eremophila scoparia*, *Maireana sedifolia*, *Olearia muelleri* open/low open shrub land on loamy plains and valley (Botanica Consulting, 2014).

**Clearing Description** Napoleon Project.  
Avoca Mining Pty Ltd proposes to clear up to 23.64 hectares of native vegetation within a total boundary of the same size, for the purpose of Mineral Production and Associated Activities. The project is located approximately 54.5 kilometres south-southeast of Kambalda, in the Shire of Coolgardie.

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

To:

Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).

**Comment** Vegetation condition was not formally assessed by the proponent and was inferred by the assessing officer based on information provided by the proponent.

CPS 6337/1 was granted on 18 December 2014, under HBJ Minerals Pty Ltd

### 3. Assessment of application against clearing principles

**Comments** Avoca Mining Pty Ltd has applied to amend CPS 6337/1 for the purpose of transferring the permit holder from HBJ Minerals Pty Ltd to Avoca Mining Pty Ltd.

On 3 July 2015, the Department of Mines and Petroleum approved the transfer of Mining Lease 15/1132 from HBJ Minerals to Avoca Mining Pty Ltd.

The size of the area approved to clear (23.64 hectares) and the permit boundary remains unchanged.

The proposed amendment is unlikely to result in any significant additional environmental impacts. The assessment of the proposed clearing against the clearing principles remains consistent with the assessment in Decision Report CPS 6337/1.

### Planning instrument, Native Title, Previous EPA decision or other matter.

**Comments:**

There is a Native Title Claim (WC1999/002) over the area under application (DAA 2015). This claim has been registered with the National Native Title Tribunal on behalf of the claimant group. However, the 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 sites of Aboriginal heritage significance in the vicinity of the application area. It is the proponents responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no sites of Aboriginal Heritage Significance are damaged through the clearing process.

It is the proponent's responsibility to liaise with the Department of Environment Regulation, the Department of Parks and Wildlife and the Department of Water, 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:** DAA (2015)

### 4. References

Botanica Consulting (2014) Targeted search for flora of conservation significance and for presence of Malleefowl Habitat - Napoleon Project. Prepared for Metals X Limited.

DAA (2015) Aboriginal Heritage Inquiry System, Department of Aboriginal Affairs, Perth, viewed 6 March 2015 < <http://maps.dia.wa.gov.au/AHIS2/>>.

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:**

<b>BoM</b>	Bureau of Meteorology, Australian Government
<b>DAA</b>	Department of Aboriginal Affairs, Western Australia
<b>DAFWA</b>	Department of Agriculture and Food, Western Australia
<b>DEC</b>	Department of Environment and Conservation, Western Australia (now DPaW and DER)
<b>DER</b>	Department of Environment Regulation, Western Australia
<b>DMP</b>	Department of Mines and Petroleum, Western Australia
<b>DRF</b>	Declared Rare Flora
<b>DotE</b>	Department of the Environment, Australian Government
<b>DoW</b>	Department of Water, Western Australia
<b>DPaW</b>	Department of Parks and Wildlife, Western Australia
<b>DSEWPaC</b>	Department of Sustainability, Environment, Water, Population and Communities (now DotE)
<b>EPA</b>	Environmental Protection Authority, Western Australia
<b>EP Act</b>	<i>Environmental Protection Act 1986</i> , Western Australia
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Federal Act)
<b>GIS</b>	Geographical Information System
<b>ha</b>	Hectare (10,000 square metres)
<b>IBRA</b>	Interim Biogeographic Regionalisation for Australia
<b>IUCN</b>	International Union for the Conservation of Nature and Natural Resources – commonly known as the World Conservation Union
<b>PEC</b>	Priority Ecological Community, Western Australia
<b>RIWI Act</b>	<i>Rights in Water and Irrigation Act 1914</i> , Western Australia
<b>s.17</b>	Section 17 of the <i>Environment Protection Act 1986</i> , Western Australia

**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.