

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 6657/10
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Regis Resources Limited

1.3. Property details

Property: Mining Leases 38/114, 38/237, 38/250, 38/283, 38/292, 38/302, 38/303, 38/316, 38/317, 38/319, 38/343, 38/344, 38/352, 38/354, 38/407, 38/498, 38/499, 38/500, 38/589, 38/630, 38/802, 38/939, 38/940, 38/943, 38/1091, 38/1092, 38/1247, 38/1249, 38/1250, 38/1251, 38/1257, 38/1258, 38/1259, 38/1260, 38/1261, 38/1262, 38/1263, 38/1264, 38/1268, 38/1269, 38/1270, 38/1277;
Miscellaneous Licences 38/29, 38/133, 38/182, 38/202, 38/216; 38/226, 38/234, 38/238, 38/239, 38/242, 38/315

Local Government Area: Shire of Laverton
Colloquial name: Duketon, Gloster and Banyego Gold Projects

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
5,148		Mechanical Removal	Mineral Production and Associated Infrastructure

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 2 July 2021

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. Two Beard vegetation associations have been mapped within the application area.

Beard vegetation association 18: Low woodland; mulga (*Acacia aneura*);
Beard vegetation association 39: Shrublands; mulga scrub (GIS Database).

The vegetation associations and types found within the previously approved areas are described in the relevant decision reports. The vegetation types mapped within the amendment area are described below:

A total of 13 vegetation communities were identified within the amendment area during a Level 2 flora and vegetation assessment (Regis Resources, 2021).

A1: Low open woodland of *Acacia caesaneura*, *Acacia craspedocarpa* and *Acacia incurvaneura* over *Acacia ramulosa* var. *linophylla*, *Eremophila punctata* and *Eremophila latrobei* subsp. *latrobei* over mixed grasses on red-orange sandy loams on flats and slopes.

A2: Low open woodland of *Acacia incurvaneura* over *Acacia tetragonophylla* and mixed *Eremophila* spp. over *Eragrostis eriopoda* and *Eriachne mucronata* on orange sandy/clay-loams on flats.

A3: Low open woodland of *Acacia aneura* and occasional *Eucalyptus horistes* over *Acacia burkittii*, *Acacia oswaldii*, *Acacia victoriae* and *Senna artemisioides* subsp. *filifolia* over *Ptilotus obovatus*, *Triodia scariosa* and *Enneapogon caeruleus* on red-orange sandy-loams with calcrete and quartz pebbles on flats.

A6: Low open woodland of *Acacia aneura* with *Acacia incurvaneura*, *Acacia mulganeura* and *Grevillea berryana* over *Eremophila forrestii* subsp. *forrestii* and *Eremophila latrobei* subsp. *latrobei* over *Eragrostis eriopoda*, *Eriachne mucronata* and *Triodia* species on orange sandy-loams with numerous chert outcropping on slopes and ridges.

A7: Low open woodland of *Acacia* sect. *Juliflorae* (*A. aneura*, *A. incurvaneura* and *A. pteraneura*) over *Acacia craspedocarpa*, *Acacia tetragonophylla*, *Santalum spicatum*, *Eremophila georgei* and *Senna artemisioides* subsp. *filifolia* over *Sida calyxhymenia*, *Ptilotus obovatus* and *Eriachne mucronata* on orange sandy-loams in minor drainage lines.

A8: Low open woodland to open shrubland of *Acacia incurvaneura*, *Psyrax latifolia* and *Acacia quadrimarginea* over *Acacia tetragonophylla* over *Eremophila galeata* and *Eremophila latrobei* subs. *latrobei* over *Ptilotus schwartzii* var. *georgi*, *Solanum lasiophyllum*, *Eriachne mucronata* and *Eragrostis eriopoda* on orange sandy-loams on flats;

A12: Open shrubland of *Acacia aneura*, *Acacia incurvaneura*, *Acacia ?pteraneura* over *Acacia tetragonophylla* and *Eremophila latrobei* subsp. *latrobei* over *Ptilotus obovatus* var. *obovatus*, *Ptilotus schwartzii* var. *georgei* and *Solanum lasiophyllum* over mixed grasses on flats to lower slopes with red gravely clay soil and quartz pebbles.

A20: Open to semi-open shrubland of *Acacia caesaneura*, *Acacia craspedocarpa* and *Acacia pteraneura* over *Ptilotus obovatus* var. *obovatus*, *Scaevola spinescens* and *Senna artemisioides* subsp. *filifolia* over mixed grasses and chenopods on red clay loams with numerous granitic outcropping on slopes and ridges.

A22: Scrub of *Acacia* sect. *Juliflorae* (*Acacia incurvaneura*, *Acacia mulganeura*, *Acacia pteraneura*) with *Acacia burkittii* and *Acacia tetragonophylla* over open low shrubland of *Eremophila* species over *Eragrostis setifolia* and *Eriachne mucronata* tussock grassland, on hard, red clay loam, flats.

A23: Low open woodland of *Acacia aneura* and *Acacia incurvaneura* over *Eremophila latrobei* subsp. *latrobei* over *Sida* sp., *Ptilotus obovatus* var. *obovatus* and *Eragrostis eriopoda* on orange sandy-loams in minor drainage lines.

C1: Low open Chenopod shrubland of *Maireana pyramidata* and *Cratystylis subspinescens* with emergent *Acacia* sect. *Juliflora* (*A. aneura*, *A. incurvaneura* and *A. pteraneura*) and *Hakea preissii* over *Frankenia setosa*, *Maireana georgei*, *Maireana planifolia*, *Maireana tomentosa* and *Sclerolaena ericantha* on orange clay-loams on flats.

H4: Open shrubland of *Acacia aneura* var. *aneura* and *Acacia aneura* var. *intermedia* with *Acacia craspedocarpa*, *Acacia ramulosa* var. *linophylla* and *Acacia quadrimarginea* over *Eremophila latrobei* subsp. *latrobei*, *Eremophila punctata* and *Senna* sp. Meekatharra (E. Bailey 1-26) and *Hysterobaeckea oclusa* over *Eriachne mucronata* on ironstone gravel (and granite in some areas) on plains and low hills. Note *Hysterobaeckea oclusa* was formerly known as *Baeckea* sp. Melita Station (H. Pringle) (Western Australian Herbarium, 2021.)

P11: Open shrubland of *Acacia aneura* var. *aneura* and *Acacia aneura* var. *argentea* over *Ptilotus obovatus* over *Scaevola spinescens*, *Senna artemisioides* subsp. *artemisioides*, *Eremophila spectabilis* subsp. *brevis* over *Eragrostis eriopoda* and *Aristida contorta* on ironstone and quartz gravel on plains and low hills.

Clearing Description

Gloster Gold Mine Project, Greater Duketon Gold Project and Banyego Gold Mine Project
Regis Resources Limited proposes to clear up to 5,148 hectares of native vegetation within a total boundary of approximately 15,217 hectares, for the purpose of mineral production and associated infrastructure. The project is located approximately 140 kilometres north of Laverton in the Shire of Laverton.

Vegetation Condition

Pristine: No obvious signs of disturbance (Keighery, 1994).

To

Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994).

Comment

Clearing Permit CPS 6657/1 was granted by the Department of Mines and Petroleum (DMP) (now the Department of Mines, Industry Regulation and Safety (DMIRS)) on 15 October 2015 and authorised the clearing of up to 1,450 hectares of native vegetation within a clearing permit boundary of approximately 7,862 hectares. The clearing was authorised for the purpose of mineral production and associated infrastructure. CPS 6657/1 consolidated five existing permits into one new permit and resulted in an increase in the total amount of clearing by 95 hectares.

Clearing permit CPS 6657/2 was granted by DMP on 11 February 2016 and authorised the clearing of up to 1,900 hectares within a clearing permit boundary of approximately 8,767 hectares. This amendment was required in order to allow for the development of the Gloster Gold Mine Project.

Clearing permit CPS 6657/3 was granted by DMP on 21 April 2016 and authorised the clearing of up to 2,250 hectares within a clearing permit boundary of approximately 9,744 hectares. This amendment was required in order to allow for the construction a haul road connecting the Gloster Gold Mine area to the Greater Duketon Gold Project area.

Clearing permit CPS 6657/4 was granted by DMP on 27 October 2016 and authorised the clearing of up to 2,759 hectares within a clearing permit boundary of approximately 11,447 hectares. This amendment was required in order to allow for the recommencement and expansion of mining at the Banyego Gold Mine area.

Clearing permit CPS 6657/5 was granted by DMIRS on 28 September 2017 and authorised the clearing of up to 3,767 hectares within a clearing permit boundary of approximately 13,702 hectares. This amendment was required in order to allow for the development of the Anchor, Dogbolter-Coopers and Tooheys Well satellite open pit mines and the Banyego to Rosemont haul road to the existing Duketon Gold Project.

Clearing permit CPS 6657/6 was granted by DMIRS on 26 April 2018 and authorised the clearing of up to 4,167 hectares within a clearing permit boundary of approximately 14,003 hectares. This amendment was required in order to allow for an alternative location for the Garden Well TSF.

Clearing permit CPS 6657/7 was granted on 28 February 2019 and authorised the clearing of up to 4,946 hectares within a clearing permit boundary of approximately 14,743 hectares. The amendment was required to allow further development of the Petra Gold Deposit within the Duketon Gold Project area.

Clearing permit CPS 6657/8 was granted on 23 April 2020 and authorised the clearing of up to 5,098 hectares within a clearing permit boundary of approximately 15,167 hectares. The amendment was required to allow development of the Russell's Find Gold Deposit within the Duketon Gold Project area.

Clearing permit CPS 6657/9 was granted on 23 December 2020, and authorised the clearing of up to 5,098 hectares within a clearing permit boundary of approximately 15,167 hectares. The amendment was for the purpose of extending the permit duration by five years. The permit boundary and amount of approved clearing remained the same.

On 15 January 2021, Regis Resources Limited applied to amend CPS 6657/9 for the purpose of increasing the permit boundary, increasing the amount of approved clearing and to include additional tenure.

3. Assessment of application against Clearing Principles

Comments

The permit holder has applied to amend CPS 6657/9 for the purpose of increasing the permit boundary, increasing the amount of approved clearing by 50 hectares and to include additional tenure. The additional amendment application areas, entail areas that have been previously cleared lawfully under Regulation 5, Item 20 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, or old historical (legacy) clearing prior to Regis Resources (2021) having tenure.

Regis Resources Limited has recently conducted a reconciliation of disturbance approvals for its Duketon Gold Project, identifying minor gaps outside the extent of clearing permit CPS 6657/9. Regis Resources Limited are proposing to include these existing disturbance areas in the permit to allow for better oversight and ongoing management of the Duketon, Gloster and Banyego Gold Projects. The amendment areas have previously been cleared for the Garden Well village expansion, the Garden Well Water supply bore service and maintenance track, and the Moolart Well to Garden Well Road. There is limited vegetation remaining within these areas, and the environmental values within the amendment areas have likely already been impacted by the surrounding disturbance. Inclusion of these areas within the clearing permit will allow for future maintenance clearing, if required.

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 previous decision reports.

Methodology Regis Resources (2021)

Planning Instrument, Native Title, previous EPA decision or other matter.

Comments

There are no native title claims over the area under application (DPLH, 2021). 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, 2021). 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 amendment application was advertised on 19 April 2021 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 (2021)

4. References

- DPLH (2021) Aboriginal Heritage Inquiry System. Department of Planning, Lands and Heritage.
<https://espatial.dplh.wa.gov.au/AHIS/index.html?viewer=AHIS> (Accessed 24 May 2021).
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Regis Resources (2021) Application to Amend Purpose Permit 6657/9 Duketon Gold Project. Native Vegetation Clearing Permit Application Supporting Document. Regis Resources Ltd, Western Australia, December, 2021.

5. Glossary

Acronyms:

BC Act	<i>Biodiversity Conservation Act 2016</i> , Western Australia
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)
DAWE	Department of Agriculture, Water and the Environment, Australian Government
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)
DoEE	Department of the Environment and Energy (now DAWE)
DoW	Department of Water, Western Australia (now DWER)
DPaW	Department of Parks and Wildlife, Western Australia (now DBCA)
DPIRD	Department of Primary Industries and Regional Development, Western Australia
DPLH	Department of Planning, Lands and Heritage, Western Australia
DRF	Declared Rare Flora (now known as Threatened Flora)
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)
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
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 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.