



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 6726/2
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: GWR Group Limited

1.3. Property details

Mining Lease 53/1016
Mining Lease 53/1017
Mining Lease 53/1018
Mining Lease 53/1078
Mining Lease 53/1087
Miscellaneous Licence 53/148

Local Government Area: Shire of Wiluna
Colloquial name: Wiluna West Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
1,290		Mechanical Removal	Mineral Production and Associated Activities

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 30 July 2020

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 (GIS Database):

Beard vegetation association 18: Low woodland; mulga (*Acacia aneura*); and
Beard vegetation association 202: Shrublands; mulga & *Acacia quadrimarginea* scrub.

Several flora and vegetation studies have been undertaken over the application area (Clark Lindbeck and Associates, 2015).

A vegetation survey over L53/148 (proposed access road) was undertaken by Jim's Seeds, Weeds and Trees (JSWT) in September 2005 (Clark Lindbeck and Associates, 2015). The survey recorded three broad vegetation types:

- Mulga woodland;
- Mulga creekline;
- Rocky Breakaway.

Botanica Consulting (2006) undertook a study of the flora and vegetation communities over a section of the application area between June and July in 2006. The survey recorded four broad vegetation types:

- Mulga low woodlands;
- Hummock grassland (mulga and *Eucalyptus kingsmillii* over hard Spinifex);
- *Aluta maisonneuvei* ssp *auriculata* Shrubland;
- Mulga with *Acacia burkitti* Shrubland.

Recon Environmental (2010) undertook a study of the flora and vegetation communities over the majority of the application area in March 2009. The survey recorded 29 broad vegetation types:

- SIMS-B: Stony Ironstone Mulga Shrublands on rocky slopes and crests, frequently on BIF;
- ASET: Acacia shrubland over Eremophila and Triodia;
- LOMS: Low Open Mrytaceae Shrubland;
- SIMS-C: Stony Ironstone Mulga Shrublands on rocky slopes and crests;
- UAET: Undulating lateritic slopes of Acacia over low Eremophila and Triodia;
- SUAE: Stony undulating slopes *Acacia rhodophloia* over Eremophila and low shrubs;
- SAEC: Stony *Acacia rhodophloia* and *Eremophila congesta* (P1) Shrubland occurring on crests;
- OALS: Open Acacia Shrubland on ironstone or laterite over low scattered shrubs;
- OALS-S: Open Acacia Shrubland on ironstone or laterite over low scattered shrubs - southern C Ridge
- AXSI: Acacia Mixed Shrubland on Stony Ironstone Slopes;

- SXSS: Scattered Mixed Shrubland on Low Stony Rises;
- SAES: Stony Acacia Eremophila Shrubland;
- DRAS: Drainage Tract Acacia Shrubland;
- USCS: Upland Small Chenopod Species Shrubland;
- SIME: Stony Ironstone Mulga with *Eremophila forrestii* Shrubland;
- SMEC: Stony Slopes Mulga *Eremophila congesta* (P1) Shrubland;
- MSET: Mulga Shrubland over *Eremophila forrestii* and *Triodia*;
- SIMS-M: Stony Ironstone Mid-slope Mulga Shrubland;
- BCLS: Breakaway Foothlope Chenopod Low Shrubland;
- BRXS: Breakaway Mixed Shrublands;
- CBKW: Creek Bank Woodland or Shrubland;
- MUWA: Mulga Wanderrie Grassy Shrubland;
- HPMD: Hardpan Plain Mulga Woodland – Drainage;
- HPMS: Hardpan Plain Mulga Shrubland;
- MUBW: Hardpan Plain Mulga & Bowgada Shrubland;
- GRMU: Hardpan Plain Mulga Grove;
- SAMA: Sandplain Mallee Spinifex Hummock Grasslands;
- SAMU: Sandplain Mulga Spinifex Hummock Grassland; and
- SASP: Sandplain Spinifex Hummock Grassland.

Clearing Description	Wiluna West Project GWR Group Limited proposes to clear up to 1,290 hectares of native vegetation within a total boundary area of approximately 2,528 hectares for the purpose of mineral production and associated activities. The proposal is located approximately 25 kilometres west of Wiluna, in the Shire of Wiluna.
Vegetation Condition	Pristine: No obvious signs of disturbance (Keighery, 1994). To Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994).
Comment	The vegetation condition was assessed by botanists from Recon Environmental (2010). Clearing permit CPS 6726/1 was granted by the Department of Mines and Petroleum (now the Department of Mines, Industry Regulation and Safety) on 21 January 2016 and was valid from 13 February 2016 to 31 August 2026. The permit authorised the clearing of up to 1,220 hectares of native vegetation within a boundary of approximately 2,216 hectares, for the purpose of mineral production and associated activities. On 20 May 2020, the Permit Holder applied to amend CPS 6726/1 to increase the amount of approved clearing by 70 hectares, and to increase the permit boundary to 2,528 hectares.

3. Assessment of application against Clearing Principles

Comments

The permit holder has applied to increase the amount of clearing authorised by 70 hectares and increase the permit boundary by approximately 313 hectares, to allow for the development of the Eagle and Emu gold deposits (GWR, 2020).

The amendment application areas are located within the East Murchison sub-region of the Murchison Interim Biogeographic Regionalisation for Australia (IBRA) bioregion (GIS Database). The East Murchison subregion is characterised by its internal drainage, and extensive areas of elevated red desert sandplains with minimal dune development. Vegetation is dominated by Mulga Woodlands often rich in ephemerals; hummock grasslands, saltbush Shrublands and Halosarcia Shrublands (Cowan, 2001).

A large number (15) of flora surveys have been undertaken in the area between September 2005 and January 2020 (GWR, 2020). A total of 279 native taxa from 120 genera and 41 families have been recorded in the overall Project area (GWR, 2020). No Threatened Ecological Communities or Threatened flora have been identified within the amendment areas (GWR, 2020; GIS Database). Four Priority flora species have been identified within the amendment areas:

- *Ptilotus chrysocomus* (Priority 1) (Three individuals to be impacted out of 73 recorded within the project area, with a regional population over 1000);
- *Eremophila arachnoides subsp. arachnoides* (Priority 3) (150 individuals to be impacted out of 202 recorded within the project area, with a regional population over 5000);
- *Homalocalyx echinulatus* (Priority 3) (Zero individuals to be impacted out of 30 recorded within the project area, with a regional population over 1000); and
- *Maireana prosthochaeta* (Priority 3) (Three individuals to be impacted out of 73 recorded within the project area, with a regional population over 1000).

Each of these species are well represented in the local area and region (GWR, 2020). There is also the potential for *Sida picklesiana* (Priority 3) to be within the amendment areas, however this is believed to be a misidentification (GWR, 2020).

The amendment areas are located within the Priority 1 Priority Ecological Community (PEC) Wiluna West Banded Ironstone Formation (BIF). The Wiluna West BIF is approximately 7,456 hectares, with the total application boundary covering approximately 24% of this (GIS Database). BIF ranges of the Yilgarn generally support vegetation units that vary in composition, even over short geographical distances. Some of these vegetation units have very restricted distributions within individual BIF ranges, especially on the ridges, and occur as islands that differ structurally and compositionally from the surrounding vegetation matrix (DPaW, 2015). Gibson et al (2012) (cited in DPaW, 2015) noted that diversity between habitats was high across the BIF ranges in the Yilgarn including in more arid areas, such as Wiluna (DPaW, 2015). The areas of additional clearing proposed in the amendment area are located in between the BIF ridges and are therefore unlikely to have any direct additional impacts to the PEC (GWR, 2020). Potential impacts to the PEC may be minimised by maintaining the restricted clearing condition.

A targeted Malleefowl fauna survey to complement the previous survey work was completed over the amendment area by Western Ecological, GWR and senior Martu Women (six to eight individuals), on 20-24 September 2019 (GWR, 2020). No sighting of Malleefowl were recorded by the field team while walking on transects or captured on camera traps. Five Malleefowl mounds were recorded during the targeted survey, with four being considered near extinct/extinct, and one being inactive. The inactive mound recorded is not located within the amendment area (GWR, 2020). It has also been identified that there have been number of attempts by Malleefowl to construct mounds at four separate locations in the survey area. It was noted during the survey that habitat was considered suboptimal for Malleefowl breeding, due to low shrub diversity, below average rainfall and higher abundance of rocky material (GWR, 2020).

No Night Parrot calls were recorded on acoustic recording units during fauna surveys (GWR, 2020). As there is no suitable habitat in the form of large spinifex hummocks in the amendment areas, the species is considered highly unlikely to occur.

The amendment areas are not suitable for the Brush-tailed Mulgara, as they do not comprise suitable habitat comprising spinifex sandplain, and no evidence of this species was recorded during the survey (GWR, 2020).

The long-tailed dunnart has previously been recorded in the survey area (GWR, 2020), and there is some suitable habitat in the project area (rocky outcrops), though population densities may be low due to limited food resources (GWR, 2020). No evidence of the occurrence of Long-tailed Dunnarts were recorded on camera traps during the survey, and no signs (burrows, tracks or scats) were observed during a targeted survey (GWR, 2020).

There are several ephemeral and ill-defined watercourses within the amendment areas (GIS Database). These watercourses only flow following periods of heavy rain (Clark Lindbeck and Associates, 2015).

The amendment areas are located almost entirely within the Gabanintha land system which is described as 'Ridges, hills and footslopes of various metamorphosed volcanic rocks (Greenstones),' with the very western edge of the amendment area being located within the Fisher land system which is described as 'Undulating terrain with low ridges and crests, shallow valleys and alluvial fans supporting mulga shrublands with spinifex and groved mulga and other acacia shrublands' (GIS Database). These land systems are generally not susceptible to erosion.

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 6726/1.

Methodology Clark Lindbeck and Associates (2015)
Cowan (2001)
DPaW (2015)
GWR (2020)

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, 2020). This claim has been registered with the National 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 several registered Aboriginal Sites of Significance within the application area (DPLH, 2020). 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 1 June 2020 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 (2020)

4. References

- Clark Lindbeck and Associates (2015) GWR Group limited Wiluna West Iron Ore Project Bowerbird, C3 and C4 Deposits. Supporting Documentation for Clearing Permit Application CPS 6726/1. Unpublished report prepared for GWR Group Limited by Clark Lindbeck and Associate, 13 August 2015.
- Cowan, M (2001) Murchison 1 (MUR1 - East Murchison subregion) Subregional description and biodiversity values, dated August 2001. In: "A biodiversity Audit of Western Australia's 53 Biogeographical Subregions in 2002". Report published by the Department of Conservation and Land Management, Perth, Western Australia. Available online at: http://www.dpaw.wa.gov.au/images/documents/about/science/projects/waaudit/murchison01_p466-479.pdf Accessed on 30 November 2015.
- DPaW (2015) Priority Ecological Community advice to Assessing Officer from Species and Communities Branch for CPS 6726/1, Department of Parks and Wildlife. Received 21 October 2015.
- DPLH (2020) Aboriginal Heritage Inquiry System. Department of Planning, Lands and Heritage. <http://maps.daa.wa.gov.au/AHIS/> (Accessed 14 July 2020).
- GWR (2020) GWR Group Limited, Wiluna West Project, Supporting Document for Clearing Permit (CPS 6726/1) Amendment Application. Unpublished report prepared for GWR Group Limited by Clark Lindbeck and Associate, May 2020.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Recon Environmental (2010) Joyner's Find Hills Regional Vegetation Survey. Unpublished report for Golden West Resources, dated March 2010.

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	<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
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.