Government of Western Australia
Department of Mines, Industry Regulation and Safety

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 7074/2
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: **Lake Austin Mining Pty Ltd**

1.3. Property details

Property: Mining Leases: 20/54, 20/108, 20/176, 20/247; Miscellaneous Licence 20/73
Local Government Area: Shire of Cue
Colloquial name: Tuckabianna - White Well Pipeline Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
20.29		Mechanical Removal	Water pipeline, access road, and associated activities

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 15 February 2018

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description

The clearing permit application area has been broadly mapped as the following Beard vegetation association:

18: Low woodland; mulga (*Acacia aneura*) (GIS Database).

A flora and vegetation survey was conducted over the majority of the original permit area in March 2012. The following six vegetation communities were mapped within the survey area (Botanica Consulting, 2012):

1. Low woodland of *Acacia aneura* over low scrub of *Eremophila forrestii* subsp. *forrestii* over open low grass of *Monachather paradoxus* / *Aristida contorta*.

2. Low woodland of *Acacia caesaneura* over low scrub of *Eremophila jucunda* subsp. *jucunda* over open low grass of *Eriachne flaccida* / *Aristida contorta*.

3. Open low woodland of *Acacia aneura* over open low scrub of *Thryptomene decussata* over open low grass of *Aristida contorta*.

4. Low woodland of *Acacia aneura* over open dwarf scrub of *Ptilotus obovatus* / *Maireana triptera* on rehabilitated waste landform.

5. Low woodland of *Acacia aneura* over scrub of *Acacia ramulosa* over low open grass *Monachather paradoxus*.

6. Forest of *Acacia aneura* over low scrub of *Acacia ramulosa* / *Eremophila forrestii* subsp. *forrestii* over open low grass of *Monachather paradoxus* / *Eragrostis eriopoda* in creekline.

A flora and vegetation survey conducted over the majority of the amendment area identified the following two vegetation associations occurring along the proposed new road and pipeline corridor (Coffey, 2013):

MW1: Low open woodland dominated by the *Acacia aneura* complex (*Acacia aptaneura, Acacia fuscaneura, Acacia incurvaneura, Acacia pteraneura*) over scattered tall shrubs of *Eremophila galeata* and *Acacia* spp. (*Acacia grasbyi, Acacia ramulosa* var. *ramulosa*) over open shrubland of *Eremophila* spp. over scattered low chenopod shrubs dominated by *Maireana* spp. and *Sclerolaena* spp. over grassland of *Aristida contorta* on red, silty, clay loam with a stony surface; and

MW5: Low woodland to low open woodland dominated by the *Acacia aneura* complex over tall shrubland dominated by *Thryptomene decussata* over scattered shrubs dominated by *Eremophila* spp. over grassland dominated by *Aristida contorta* on red, silty, loamy clay.

Clearing Description	Tuckabianna - White Well Pipeline corridor. Lake Austin Mining Pty Ltd (Lake Austin) proposes to clear up to 20.29 hectares of native vegetation within a boundary of approximately 160 hectares, for the purpose of construction of a water supply pipeline and associated access road between the White Well Goldmine site and the Tuckabianna Treatment Plant site. The project is located approximately 25 kilometres east of Cue, within the Shire of Cue.
Vegetation Condition	Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994); To Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).
Comment	The vegetation condition was derived from survey reports produced by Botanica Consulting (2012) and Coffey (2013). The majority of the survey area was considered to be in "good" condition. Clearing permit CPS 7074/1 was granted by the Department of Mines and Petroleum (now the Department of Mines, Industry Regulation and Safety) on 11 August 2016 and was valid from 3 September 2016 to 31 August 2021. The permit authorised the clearing of up to 11.8 hectares of native vegetation within a permit boundary of approximately 143 hectares, for the purposes of a water pipeline, access road, and associated activities. The Permit Holder has applied to amend CPS 7074/1 to increase the amount of clearing authorised to 20.29 hectares, and increase the permit boundary to approximately 160 hectares, to allow for greater flexibility in the final alignment of the proposed road and pipeline corridor.

3. Assessment of application against Clearing Principles

Comments

Lake Austin Mining Pty Ltd has applied to amend the permit to increase the amount of authorised clearing by 8.49 hectares, and to increase the permit boundary by approximately 17 hectares. The changes to the permit area are to accommodate a revised route for the proposed road and pipeline corridor within Miscellaneous Licence 20/73 and minor widening of the corridor within the other tenements (Lake Austin, 2017).

The permit area is located within the Eastern Murchison subregion of the Murchison Interim Biogeographic Regionalisation of Australia (IBRA) bioregion (GIS Database). The Eastern Murchison subregion is characterised by its internal drainage, salt lake systems, broad plains of red-brown soils, breakaway complexes and extensive red desert sandplains (CALM, 2002). Vegetation is dominated by Mulga woodlands, often rich in ephemerals; hummock grasslands, saltbush shrublands and *Halosarcia* shrublands (CALM, 2002).

The amendment areas are broadly mapped as Beard vegetation association 18, which is consistent with the original permit area (GIS Database). Approximately 99% of the pre-European extent of Beard vegetation association 18 remains uncleared at both the state and bioregional level (Government of Western Australia, 2016). Hence, the vegetation proposed to be cleared does not represent a significant remnant of native vegetation in an area that has been extensively cleared.

Coffey (2013) conducted a flora and vegetation survey and a targeted survey for flora and fauna of conservation significance over the majority of the amendment area during November 2013. No Threatened or Priority flora, Threatened Ecological Communities or Priority Ecological Communities have been recorded within the amendment area (GIS Database), and none were found during the flora and vegetation surveys (Coffey, 2013). Analysis of aerial imagery indicates that the vegetation associations and landform types occurring within the amendment area are similar to those occurring within the original permit boundary, and are well represented in the region (GIS Database). The amendment area is unlikely to represent an area of higher biodiversity than the original permit area or surrounding areas.

As the habitat types are similar, the fauna species occurring within the amendment areas are likely to be the same as those occurring within the original permit boundary. Several fauna species of conservation significance have the potential to occur within the application area, based on known distributions and available habitats (Coffey, 2013), however the majority of these species are highly mobile and the additional clearing is unlikely to impact the conservation status of any fauna species. Coffey (2013) report that there are no unique or restricted fauna habitats within the amendment area and the additional clearing is unlikely to impact on any significant fauna habitats.

There are no watercourses or wetlands within the amendment area (GIS Database). The linear nature of the proposed additional clearing for a road and pipeline corridor, is unlikely to result in appreciable land degradation, or have any significant impact on watercourses, surface or groundwater quality, or on the incidence or intensity of flooding.

The application area is not within or in close proximity to any conservation areas (GIS Database). The nearest DBCA managed land is the former Lakeside pastoral lease, located approximately 35 kilometres south-west of the application area, at its nearest point. The proposed additional clearing is unlikely to have any impact on this or any other conservation area.

Weeds have the potential to out-compete native vegetation and reduce biodiversity. Continued implementation of the existing weed management condition may minimise the risk of spread of weeds into the area.

The vegetation associations, habitat types and landforms found within the amendment area are similar to the original permit area, and are well represented in surrounding areas (Coffey, 2013; GIS Database). The additional 8.49 hectares of proposed clearing is unlikely to have any significant additional impacts.

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 7074/1.

Methodology

Coffey (2013)
CALM (2002)
Government of Western Australia (2016)

GIS Database:
- DPaW Tenure
- Hydrography, Lakes
- Hydrography, Linear
- IBRA Australia
- Imagery
- Landsystem Rangelands
- Pre-European Vegetation
- Public Drinking Water Source Areas
- Threatened and Priority Flora
- Threatened and Priority Ecological Communities boundaries
- Threatened and Priority Ecological Communities buffered
- Threatened Fauna

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

Comments

There are two native title claims (WC1999/010 and WC1999/046) over the area under application (DPLH, 2018). These claims have been registered with the National Native Title Tribunal on behalf of the claimant groups. 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, 2018). 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 25 December 2017 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 (2018)

4. References

Botanica Consulting (2012) Level 1 Flora and Vegetation Survey of White Well Mine. Report Prepared for Cobra Mining Ltd, by Botanica Consulting.

CALM (2002) A Biodiversity Audit of Western Australia's 53 Biogeographic Subregions in 2002. Department of Conservation and Land Management, Western Australia.

Coffey (2013) Targeted Conservation Significant Flora and Fauna Surveys. Murchison Operations – Tuckabianna Project. Report Prepared for Silver Lake Resources Ltd, by Coffey Environments Australia Pty Ltd, November 2013.

DPLH (2018) Aboriginal Heritage Enquiry System. Department of Planning, Lands and Heritage. http://maps.daa.wa.gov.au/AHIS/ (Accessed 6 February 2018).

Government of Western Australia (2016) 2016 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of June 2016. WA Department of Parks and Wildlife, Perth.

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:

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)
DEE	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 DEE)
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 DEE)
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:

{DPaW (2017) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia}:-

T **Threatened species:**
Published as Specially Protected under the *Wildlife Conservation Act 1950,* listed under Schedules 1 to 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora (which may also be referred to as Declared Rare Flora).

Threatened fauna is that subset of 'Specially Protected Fauna' declared to be 'likely to become extinct' pursuant to section 14(4) of the Wildlife Conservation Act.

Threatened flora is flora that has been declared to be 'likely to become extinct or is rare, or otherwise in need of special protection', pursuant to section 23F(2) of the Wildlife Conservation Act.

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. Published as Specially Protected under the *Wildlife Conservation Act 1950,* in Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.

EN **Endangered species**
Threatened species considered to be facing a very high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950,* in Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.

VU **Vulnerable species**
Threatened species considered to be facing a high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950,* in Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.

EX **Presumed extinct species**
Species which have been adequately searched for and there is no reasonable doubt that the last individual has died. Published as Specially Protected under the *Wildlife Conservation Act 1950,* in Schedule 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Presumed Extinct Fauna and Wildlife Conservation (Rare Flora) Notice for Presumed Extinct Flora.

IA **Migratory birds protected under an international agreement**
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 the Bonn Convention, relating to the protection of migratory birds. Published as Specially Protected under the *Wildlife Conservation Act 1950,* in Schedule 5 of the Wildlife Conservation (Specially Protected Fauna) Notice.

CD **Conservation dependent fauna**
Fauna of special conservation need being species dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened. Published as Specially Protected under the *Wildlife Conservation Act 1950,* in Schedule 6 of the Wildlife Conservation (Specially Protected Fauna) Notice.

OS **Other specially protected fauna**
Fauna otherwise in need of special protection to ensure their conservation. Published as Specially Protected under the *Wildlife Conservation Act 1950,* in Schedule 7 of the Wildlife Conservation (Specially Protected Fauna) Notice.

P **Priority species**
Species which are poorly known; or
Species that are adequately known, are rare but not threatened, and 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.