



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 7429/2
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Silver Lake Resources Ltd

1.3. Property details

Property: Mining Lease 28/43
Mining Lease 28/171
Mining Lease 28/208
Mining Lease 28/289
Local Government Area: City of Kalgoorlie-Boulder
Colloquial name: French Kiss Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
295		Mechanical Removal	Mineral Production

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 1 August 2019

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description The vegetation of the application area is broadly mapped as the following Beard vegetation associations:
481: Mosaic: Medium woodland; salmon gum and red mallee / Hummock grasslands, mallee steppe; red mallee over spinifex *Triodia scariosa*;
506: Succulent steppe with woodland; salmon gum and bluebush;
676: Succulent steppe; samphire; and
936: Medium woodland; salmon gum.

A flora and vegetation survey was conducted over the application area by Botanica Consulting between October and November 2016. The following vegetation associations were recorded within the application area (Botanica, 2016):

Eucalypt Woodlands

CLP-EW1: Open low woodland of *Eucalyptus lesouefii* over low scrub of *Eremophila* spp. and low heath of *Maireana sedifolia* / *Cratystylis conocephala* on clay-loam plain;

CLP-EW2: Low woodland of *Eucalyptus salmonophloia* over low scrub of *Eremophila scoparia* / *Senna artemisioides* and low heath of *Maireana sedifolia* on clay-loam plain;

CLP-EW3: Low woodland of *Eucalyptus salubris* over low scrub of *Eremophila scoparia* / *Senna artemisioides* and dwarf scrub of mixed Chenopods on clay-loam plain;

CLP-EW4: Open low woodland of *Eucalyptus salubris* over low scrub of *Eremophila scoparia* and dense dwarf scrub of *Tecticornia disarticulata* on clay-loam plain;

Mallee Woodlands and Shrublands

CLP-MWS1: Tree mallee of *Eucalyptus oleosa* over low scrub of *Eremophila* spp. and dwarf scrub of *Westringia rigida* on clay-loam plain;

Chenopod Shrublands, Samphire Shrublands and Forblands

CD-CSSSF1: Dense dwarf scrub of *Tecticornia indica* subsp. *bidenis* in closed depression;

Mallee Woodlands and Shrublands

CD-MWS1: Very open tree mallee of *Eucalyptus oleosa* over open low scrub of *Eremophila scoparia* and low heath of *Cratystylis conocephala* / *C. subspinescens* in closed depression;

Mallee Woodlands and Shrublands

D-MWS1: Open tree mallee of *Eucalyptus oleosa* over low scrub of *Cratystylis conocephala* and open dwarf scrub of *Atriplex vesicaria* on dune;

D-MWS2: Open tree mallee of *Eucalyptus platycorys* over low scrub of *Cratystylis conocephala* / *Scaevola spinescens* and open dwarf scrub of *Atriplex vesicaria* on dune;

Acacia Shrublands

RP-AS1: Tall open shrubland of *Acacia collegialis* / *Myoporum platycarpum* over low scrub of *Dodonaea lobulata* / *Senna artemisioides* and dwarf scrub of *Atriplex vesicaria* / *Ptilotus obovatus* on rocky plain; and

Mallee Woodlands and Shrublands

S-MWS1: Tree mallee of *Eucalyptus oleosa* over mixed low scrub and mid-dense hummock grass of *Triodia scariosa* on sandplain.

Clearing Description	French Kiss Project. Silver Lake Resources Ltd Permit proposes to clear up to 295 hectares of native vegetation within a boundary of approximately 2097 hectares, for the purpose of mineral production. The project is located approximately 112 kilometres south-east of Kalgoorlie-Boulder, within the Shire of Kalgoorlie-Boulder.
Vegetation Condition	Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).
Comment	<p>The vegetation condition was described in the vegetation survey conducted by Botanica Consulting using a scale adapted from the Keighery scale and the Trudgen scale (Botanica, 2016; Keighery, 1994; Trudgen, 1991), and has been converted to the Keighery scale (Keighery, 1994).</p> <p>Clearing permit CPS 7429/1 was granted by the Department of Mines and Petroleum (now the Department of Mines, Industry Regulation and Safety) on 9 February 2017 and was valid from 4 March 2017 to 30 June 2022. The permit authorised the clearing of up to 150 hectares of native vegetation within a boundary of approximately 2097 hectares, for the purpose of mineral production.</p> <p>On 5 June 2019, the Permit Holder applied to amend CPS 7429/1 to increase the amount of clearing authorised to 295 hectares; there is no increase to the permit boundary.</p>

3. Assessment of application against Clearing Principles

Comments	<p>Silver Lake Resources Ltd has applied to amend the permit to increase the authorised clearing by 145 hectares. The increased clearing will allow for the expansion of mining activities.</p> <p>The permit area is located in the Eastern Goldfield subregion of the Coolgardie Interim Biogeographic Regionalisation of Australia (IBRA) bioregion (GIS Database). The Eastern Goldfield subregion is characterised by gently undulating plains interrupted in the west with low hills and ridges and ridges of Archean greenstone in the east. A series of large playa lakes in the western half are the remnants of an ancient drainage system. The vegetation is of Mallees, Acacia thickets and shrub heaths on sandplains (CALM, 2002).</p> <p>The permit areas are broadly mapped as Beard vegetation associations 481, 506, 676, and 936 (GIS Database). Approximately 95-99 % of the pre-European extent of these Beard vegetation associations remains uncleared at both a State and Bioregional level (Government of Western Australia, 2019). Therefore, the vegetation proposed to be cleared does not represent a significant remnant in an area that has been extensively cleared.</p> <p>Botanica (2016) conducted a flora survey. No Threatened (rare) or Priority flora, Threatened Ecological Communities or Priority Ecological Communities are known to be recorded within the permit area and none were found during the survey (Botanica, 2016).</p> <p>Fauna of conservation significance with the potential to occur in the area were not recorded in the targeted fauna survey (Botanica, 2016). Fauna species that are highly mobile may utilise the area (Botanica, 2019). However, the additional clearing is unlikely to significantly impact habitat of conservation significant fauna species or fauna habitat availability (Botanica, 2016).</p> <p>There are seasonal salt lakes within the permit area (GIS Database). While salt lakes / playas support dwarf samphire shrubland (CALM, 2002), these playas are mostly void of vegetation (Botanica, 2016; GIS Database). Potential impacts to vegetation growing in association with the lakes may be minimised by the continued implementation of a watercourse management condition.</p> <p>The application area is not within close proximity to any conservation area (GIS Database). The nearest DBCA (formerly DPaW) managed land is the former Cowarna Downs Pastoral Lease which is located approximately six kilometres north east of the application area (GIS Database). The proposed additional clearing is unlikely to impact on the environmental values of any conservation area.</p>
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Clearing activities may spread or introduce weeds, which have the potential to out-compete native flora and reduce the biodiversity of an area. Potential impacts to biodiversity as a result of the additional clearing may be minimised by the continued implementation of a weed management condition (Botanica, 2016).

The vegetation associations, habitat types and landforms found within the permit area, are well represented in the surrounding areas (Botanica, 2016; GIS Database). The proposed additional 145 hectares of clearing is unlikely to have any significant additional environmental 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 7429/1.

Methodology Botanica (2016)
CALM (2002)
Government of Western Australia (2019)

GIS Database:

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

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

Comments

There is one native title claim (WC1999/002) over the area under application (DPLH, 2019). 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 is one registered Aboriginal Sites of Significance within the application area (DPLH, 2019). 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 17 June 2019 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 (2019)

4. References

- Botanica (2016) Flora and Fauna Assessment, French Kiss Mining Project and Haul Road for Harrys Hill. Report prepared for Silver Lake Resources Ltd, by Botanica Consulting, December 2016.
- CALM (2002) A Biodiversity Audit of Western Australia's 53 Biogeographic Subregions in 2002. Department of Conservation and Land Management, Western Australia.
- DPLH (2019) Aboriginal Heritage Enquiry System. Department of Planning, Lands and Heritage.
<http://maps.daa.wa.gov.au/AHIS/> (Accessed 27 July 2019).
- Government of Western Australia (2019) 2018 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of March 2019. WA Department of Biodiversity, Conservation and Attractions, 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	<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.