



Clearing Permit Decision Report

1. Application details and outcome

1.1. Permit application details

Permit number:	7440/4
Permit type:	Purpose Permit
Applicant name:	Beatons Creek Gold Pty Ltd
Application received:	22 December 2021
Application area:	270 hectares
Purpose of clearing:	Mineral Production and Associated Activities
Method of clearing:	Mechanical Removal
Tenure:	Mining Leases 46/9, 46/10, 46/11, 46/532
Location (LGA area/s):	Shire of East Pilbara
Colloquial name:	Paleoplacer Gold Project

1.2. Description of clearing activities

Beatons Creek Gold Pty Ltd proposes to clear up to 270 hectares of native vegetation within a boundary of approximately 558 hectares, for the purpose of mineral production and associated activities. The project is located approximately 83.5 kilometres north-northwest from Marble Bar, within the Shire of East Pilbara.

Clearing permit CPS 7440/1 was granted by the Department of Mines and Petroleum (now the Department of Mines, Industry Regulation and Safety) on 9 March 2017 and was valid from 1 April 2017 to 1 April 2022. The permit authorised the clearing of up to 100 hectares of native vegetation within a boundary of approximately 389.5 hectares, for the purpose of mineral production.

CPS 7440/2 was granted on 24 May 2018, amending the permit to increase the amount of clearing authorised to 195 hectares, to increase the permit boundary to approximately 483 hectares and to add Prospecting Licence 46/1806 to the tenure.

CPS 7440/3 was granted on 23 January 2020, amending the permit to increase the permit boundary to approximately 558 hectares and the amount of clearing authorised to 270 hectares.

On 22 December 2021, the Permit Holder applied to amend CPS 7440/3 to extend the permit duration by five years. The existing permit is due to expire on 1 April 2022, however clearing under this permit is required for future mining activities.

1.3. Decision on application and key considerations

Decision:	Grant
Decision date:	24 March 2022
Decision area:	270 hectares of native vegetation

1.4. Reasons for decision

This clearing permit application was made in accordance with section 51KA(1) of the *Environmental Protection Act 1986* (EP Act) and was received by the Department of Mines, Industry Regulation and Safety (DMIRS) on 22 December 2021. DMIRS advertised the application for public comment for a period of 7 days, and no submissions were received.

The Delegated Officer took into consideration that the proposed amendment relates to extending the permit duration, with no change to the permit boundary or amount of clearing authorised. The amendment is unlikely to result in any significant change to the environmental impacts of the project. The assessment against the ten clearing principles set out in Schedule 5 of the EP Act remains consistent with the previous assessments.

After consideration of the available information, the Delegated Officer determined that the proposed clearing is not likely to lead to an unacceptable risk to the environment. The Delegated Officer decided to grant a clearing permit subject to conditions to:

- avoid, minimise to reduce the impacts and extent of clearing;
- take hygiene steps to minimise the risk of the introduction and spread of weeds; and
- avoid clearing riparian vegetation where practicable and maintain, or reinstate downstream existing surface flow.

2. Assessment of application

2.1. Avoidance and mitigation measures

The applicant adequately demonstrated that all reasonable efforts had been taken to avoid and minimise potential impacts of the clearing on environmental values. The applicant maintains a weed register documenting the location of weed populations observed and implement control methods. Pre-existing clearing has been utilised where practicable to avoid unnecessary clearing of vegetation.

2.2. Assessment of impacts on environmental values

The Permit Holder has applied to extend the permit duration to 1 April 2027.

Based on information provided by the Permit Holder, a total of 50.97 hectares have been cleared under this permit to date, with 47.75 hectares of previously disturbed areas being utilised for mining activity.

A review of available information identified that the proposed amendment intersects the Priority 3 Ecological Community (PEC) "Stony Saline Plains of the Mosquito Land System" (360 Environmental, 2019; MMWC Environmental, 2015; GIS Database). The majority of the amendment area that intersects this PEC has been previously cleared, with some clearing done under different versions of this permit (360 Environmental, 2019). Based on this, further impacts are considered to be minimal and unlikely to significantly impact the PEC.

There are no Threatened flora species known to occur within the permit area and none were recorded during field surveys of the area (360 Environmental, 2019; MMWC Environmental, 2015; GIS Database). A number of Priority flora have previously been recorded within the project and surrounding areas (360 Environmental, 2019; MMWC Environmental, 2015). *Acacia aphanoclada* (P1), *Acacia cyperophylla* var. *omearana* (P1) and *Ptilotus wilsonii* (P1) have previously been recorded within the amendment area and surrounds (360 Environmental, 2019; MMWC Environmental, 2015). The preferred habitat and vegetation types for these species are limited within the amendment area and the proposed clearing is unlikely to have a significant impact on conservation significant flora species (360 Environmental, 2019; MMWC Environmental, 2015). The vegetation communities mapped extend beyond the application area and are not locally restricted.

Five fauna species of conservation significance have been recorded within the amendment area or surrounding areas, including: Black-lined Ctenotus (*Ctenotus Nigrilineatus*, P1), western pebble-mound mouse (*Pseudomys chapmani*, P4), Pilbara leaf-nosed bat (*Rhinoicteris aurantia*, VU), and northern quoll (*Dasyurus hallucatus*, EN) (360 Environmental, 2015). Habitat for these species is either marginal within the amendment area or extends into the surrounding areas (360 Environmental, 2015). The proposed amendment is unlikely to significantly impact available fauna habitats.

The proposed amendment falls within the Nullagine Water Reserve, which is listed as a Priority 1 Public Drinking Water Source Area (GIS Database). Hydrogeological investigation indicates that there is little to no connectivity between the groundwater system at the amendment area and the Nullagine water supply bores (SRK Consulting, 2018). DWER (2018) advise that activities associated with the proposed clearing including infrastructure, laydown areas, refuelling, and topsoil storage should be compatible with the DWER's Land Use Compatibility Tables. Mining activities should also adhere to DWER's Water Quality Protection Guidelines and Notes (DWER, 2018).

There are no permanent watercourses or wetlands within the amendment area, however a number of seasonal drainage lines intersect the area (GIS Database). Drainage lines in the region only flow briefly following significant rainfall events (Van Vreeswyk et al., 2004). Potential impacts to drainage lines and their associated vegetation may be minimised through the existing watercourse management condition. This condition requires the permit holder to avoid impacts to riparian vegetation where practicable, and ensure surface water flows are maintained or reinstated where drainage lines are impacted.

There are no conservation areas or DBCA (formerly DPaW) managed land in the vicinity of the application area (GIS Database).

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 versions of the decision report.

2.3. Relevant planning instruments and other matters

The clearing permit amendment application was advertised on 14 January 2022 by the Department of Mines, Industry Regulation and Safety inviting submissions from the public. No submissions were received in relation to this application.

There are two native title claims (WC1999/016; WC1999/008) over the area under application (DPLH, 2022). 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 two registered Aboriginal Sites of Significance within the application area (DPLH, 2022). 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.

Other relevant authorisations that may be required for the proposed land use include:

- A Programme of Work issued under *Mining Act 1978*.
- A Mining Proposal / Mine Closure Plan issued under *Mining Act 1978*.
- Works approval / licence issued under Part V Division 3 of the EP Act.
- Licence to abstract water under the *Rights in Water and Irrigation Act 1914*.
- Permit to interfere with bed and banks under the *Rights in Water and Irrigation Act 1914*.

Appendix A - References and databases

1. GIS datasets

Publicly available GIS Databases used (sourced from www.data.wa.gov.au):

- Aboriginal Heritage Places (DPLH-001)
- Cadastre Address (LGATE-002)
- DBCA – Lands of Interest (DBCA-012)
- DBCA Legislated Lands and Waters (DBCA-011)
- Directory of Important Wetlands in Australia – Western Australia (DBCA-045)
- Environmentally Sensitive Areas (DWER-046)
- IBRA Vegetation Statistics
- Regional Parks (DBCA-026)

Restricted GIS Databases used:

- Threatened Flora (TPFL)
- Threatened Flora (WAHerb)
- Threatened Fauna
- Threatened Ecological Communities and Priority Ecological Communities
- Threatened Ecological Communities and Priority Ecological Communities (Buffers)

2. References

360 Environmental (2015) Beatons Creek Baseline Vertebrate Fauna Survey. Report prepared for Novo Resources by 360 Environmental Pty Ltd, March 2015.

- 360 Environmental (2019) Beatons Creek Paleoplacer Gold Project; M46/9, M46/10 and M46/11 and M46/532 - Application for a Native Vegetation Clearing Permit Amendment - Purpose Permit (CPS 7440/2). Report prepared for Beatons Creek Gold Pty Ltd by 360 Environmental Pty Ltd, November 2019.
- Department of Planning, Lands and Heritage (DPLH) (2022) Aboriginal Heritage Inquiry System. Department of Planning, Lands and Heritage. <https://espatial.dplh.wa.gov.au/AHIS/index.html?viewer=AHIS> (Accessed 2 March 2022).
- DWER (2018) Advice received in relation to Clearing Permit Application CPS 7440/2. Department of Water and Environmental Regulation, Western Australia, May 2018.
- MMWC Environmental (2015) Beatons Creek Gold Project Flora and Vegetation Assessment. Report prepared for Novo Resources by MMWC Environmental Pty Ltd, March 2015.
- Van Vreeswyk, A.M.E., Payne, A.L., Leighton, K.A. and Hennig, P. (2004) An inventory and condition survey of the Pilbara Region, Western Australia. Technical Bulletin No. 92. Department of Agriculture, South Perth, Western Australia.

3. 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.
- (c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened 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 the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.