



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 7469/2
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Aragon Resources Pty Ltd

1.3. Property details

Property: Mining Lease 52/5
Mining Lease 52/6
Mining Lease 52/96
Mining Lease 52/98
Mining Lease 52/99
Mining Lease 52/125
Miscellaneous Licence 52/172
Local Government Area: Shire of Meekatharra
Colloquial name: Nathans Fortnum Gold Project

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 18 December 2020

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:
18: Low woodland; mulga (*Acacia aneura*); and
29: Sparse low woodland; mulga, discontinuous in scattered groups (GIS Database).

A flora and vegetation survey was conducted over the permit area by Maia Environmental Consultancy (Maia, 2016; Maia, 2017) on 29 September to 5 October 2016 and over the amendment area on 2-4 October 2016. The following vegetation types were recorded within the permit and amendment area (Maia, 2016; Maia, 2017):

ASL-1

Sparse Tall *Acacia* Shrubland of either *Acacia incurvaneura* or *Acacia aptaneura* with a Sparse mixed Low Shrubland (*Eremophila phyllopoda*, *Ptilotus schwartzii*, and *Scaevola spinescens*) and Isolated Low Trees of *Acacia pruinocarpa* and / or *Acacia citrinoviridis*.

ASL-2

Sparse Tall Shrubland of *Acacia incurvaneura* and / or *Acacia rhodophloia* with a mixed Sparse Low Shrubland (*Eremophila jucunda* subsp. *jucunda*, *Eremophila obliquisejala* (P3), *Ptilotus schwartzii*) and Isolated Low Trees of either *Grevillea berryana*, *Acacia citrinoviridis* or *Acacia pruinocarpa*.

ASL-3

Open Tall Shrubland of *Acacia incurvaneura* or *Acacia aptaneura* with a mixed Low Open Shrubland (*Eremophila latrobei* subsp. *latrobei*, *Eremophila jucunda* subsp. *jucunda* and *Dodonaea pachyneura*) and +/- Scattered Mallee Trees of *Corymbia ferriticola*.

ASL-4

Sparse Tall Shrubland of *Acacia aptaneura* and / or *Acacia xiphophylla* with a Sparse Low Shrubland of *Senna artemisioides* subsp. *oligophylla* x *helmsii* and *Solanum lasiophyllum* and a Sparse Chenopod Shrubland of *Sclerolaena eriacantha*, *Maireana georgei* and *Maireana villosa*.

ASL-5

Open Tall Shrubland of *Acacia cuthbertsonii* subsp. *cuthbertsonii*, +/- *Acacia incurvaneura* or *Acacia rhodophloia* with a Sparse mixed Low Shrubland (*Dodonaea petiolaris*, *Eremophila glutinosa* and *Eremophila exilifolia*) and Isolated Low Trees of *Acacia citrinoviridis* and / or *Grevillea berryana*.

AWL-1

Low Woodland to Low Open Forest of *Acacia incurvaneura*, *Acacia aptaneura* and *Acacia cyperophylla* var. *cyperophylla* with a mixed Tall Shrubland (*Acacia cuthbertsonii* subsp. *cuthbertsonii*, *Acacia ramulosa* var. *linophylla*, *Eremophila forrestii* subsp. *forrestii*) and a mixed Low Shrubland (*Indigofera monophylla*, *Abutilon cryptopetalum*, and *Enchylaena tomentosa* var. *tomentosa*).

MSL-1

Sparse mixed Shrubland (*Senna glaucifolia*, *Eremophila phyllopoda* and *Ptilotus rotundifolius*) and a Sparse to Open Tussock Grassland of *Aristida contorta*.

MSL-2

Sparse mixed Low Shrubland (*Pluchea dentex*, *Grevillea deflexa* and *Calytrix desolata*) with Isolated Low Trees of *Acacia citrinoviridis*.

Clearing Description

Nathans Fortnum Gold Project

Aragon Resources Pty Ltd proposes to clear up to 46 hectares of native vegetation within a boundary of approximately 196.852 hectares, for the purpose of mineral production and associated activities. The project is located approximately 140 kilometres north-northwest of Meekatharra, within the Shire of Meekatharra.

Vegetation Condition

Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994).

to

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

Comment

The vegetation condition was derived from a vegetation survey conducted by Maia (2016; 2017).

The proposed clearing is to re-establish an access track and laydown area. The majority of the clearing will be done within areas that have previously been cleared that require maintenance of regrowth.

Clearing permit CPS 7469/1 was granted by the Department of Mines and Petroleum (now the Department of Mines, Industry Regulation and Safety) on 6 April 2017 and was valid from 29 April 2017 to 30 April 2022. The permit authorised the clearing of up to 35.4 hectares of native vegetation within a boundary of approximately 176 hectares, for the purpose of mineral production.

On 28 October 2020, the Permit Holder applied to amend CPS 7469/1 to increase the amount of clearing authorised, increase the permit boundary, and extend the permit duration.

3. Assessment of application against Clearing Principles

Comments

The permit holder has applied to increase the amount of clearing authorised by 10.6 hectares, increase the permit boundary by approximately 20.852 hectares, and extend the permit duration by five years to 30 April 2027. The amendment is to allow for long term mine planning and operations, provide access to the Labourchere Mining Area, from which low-grade stockpiles will be recovered and transported to the Fortnum Mill for processing, and provide flexibility in terms of the placement of future mining infrastructure, capture required tenure, and allowing avoidance measures to be implemented.

A reconnaissance flora and vegetation survey of the amendment area and surrounds was conducted by Maia (2017) on 2-4 October 2016. Vegetation was dominated by *Acacia* shrublands (Maia, 2017). No Threatened or Priority Ecological Communities were identified as potentially occurring in the amendment area and the field assessment did not record any (Maia, 2017; GIS Database).

A total of 170 flora species from 80 genera and 34 families were recorded within the amendment area and surrounds (Maia, 2017). Of these, five Priority flora species were recorded during the field assessment: *Stenanthemum mediale* (P1), *Eremophila obliquiseptala* (P3), *Gunniopsis propinqua* (P3), *Indigofera gilesii* (P3) and *Thryptomene* sp. Leinster (B.J. Lepschi & L.A. Craven 4362) (P3) (Maia, 2017). None of these Priority flora species occur within the amendment area, and the proposed clearing is unlikely to have an impact on the conservation status of these species (Maia, 2017). No Threatened flora were recorded within the amendment area (Maia, 2017).

The majority of the vegetation within the amendment area has been previously disturbed and is unlikely to offer significant habitat for local fauna species (Aragon, 2020). Three broad habitat types were recorded within the permit area and surrounding areas during previous fauna surveys, none of which are considered unique or restricted (Aragon, 2016; GIS Database). There are no previous records of conservation significant fauna species within the local area (20 kilometre buffer) (DBCA, 2007-). The proposed clearing is unlikely to have a significant impact on any available fauna habitat.

There are no permanent watercourses or wetlands within the amendment area (GIS Database). Multiple non-perennial drainage lines pass through the permit area and amendment area (GIS Database). Potential impacts to vegetation growing in association with these watercourses may be minimised by the continued implementation of a watercourse management condition.

The amendment area is located within the Augustus, Beasley, and Jamindie land systems (GIS Database). None of these land systems are particularly susceptible to erosion, except within drainage lines (Curry et al., 1994; Van Vreeswyk et al., 2004). The proposed amendment is unlikely to cause appreciable land degradation, given the majority of the amendment area has been previously disturbed or cleared (Aragon, 2020). However, in areas that may be susceptible to erosion, potential impacts may be minimised by the continued implementation of a staged clearing condition.

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 7469/1.

Methodology Aragon (2016)
Aragon (2020)
Curry et al. (1994)
DBCA (2007-)
Maia (2016)
Maia (2017)
Van Vreeswyk et al. (2004)

GIS Database:
- DPaW Tenure
- Hydrography, Lakes
- Hydrography, Linear
- IBRA Australia
- Imagery
- Landsystem Rangelands
- Pre-European Vegetation
- Public Drinking Water Source Areas
- 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 (WC1999/013) over the area under application (DPLH, 2020). This claim has been determined by the Federal Court 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 no 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 9 November 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

- Aragon (2016) Fortnum Gold Project Nathans Mining Area, NVCP application – Supporting Information. Aragon Resources Pty Ltd, February 2017.
- Aragon (2020) Fortnum Gold Project Nathans Mining Area, NVCP application – Supporting Information. Aragon Resources Pty Ltd, October 2020.
- Curry, P.J., Payne, A.L., Leighton, K.A., Hennig, P. and Blood, D.A. (1994) An Inventory and Condition Survey of the Murchison River Catchment and Surrounds, Western Australia. Department of Agriculture, Perth. Technical Bulletin 84.
- DBCA (2007-) NatureMap: Mapping Western Australia's Biodiversity. Department of Biodiversity, Conservation and Attractions. <https://naturemap.dbca.wa.gov.au/> (Accessed 4 December 2020).
- DPLH (2020) Aboriginal Heritage Inquiry System. Department of Planning, Lands and Heritage. <https://espatial.dplh.wa.gov.au/AHIS/index.html?viewer=AHIS> (Accessed 4 December 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.
- Maia (2016) Nathans Survey Area. Level 1 Flora and Vegetation Reconnaissance Survey and Targeted Flora Survey. Report prepared for Metals X Ltd by Maia Environmental Pty Ltd, December 2016.
- Maia (2017) Labouchere Survey Area. Level 1 Reconnaissance and Targeted Flora Survey. Report prepared for Metals X Ltd by Maia Environmental Pty Ltd, January 2017.
- Van Vreeswyk, A M, Leighton, K A, Payne, A L, and Hennig, P. (2004) An inventory and condition survey of the Pilbara region, Western Australia. Department of Agriculture and Food, Western Australia. Technical Bulletin 92.

5. Glossary

Acronyms:

BC Act	<i>Biodiversity Conservation Act 2016</i> , Western Australia
BoM	Bureau of Meteorology, Australian Government
DAA	Department of Aboriginal Affairs, Western Australia (now DPLH)
DAFWA	Department of Agriculture and Food, Western Australia (now DPIRD)
DAWE	Department of Agriculture, Water and the Environment, Australian Government
DBCA	Department of Biodiversity, Conservation and Attractions, Western Australia
DER	Department of Environment Regulation, Western Australia (now DWER)
DMIRS	Department of Mines, Industry Regulation and Safety, Western Australia
DMP	Department of Mines and Petroleum, Western Australia (now DMIRS)
DoEE	Department of the Environment and Energy (now DAWE)
DoW	Department of Water, Western Australia (now DWER)
DPaW	Department of Parks and Wildlife, Western Australia (now DBCA)
DPIRD	Department of Primary Industries and Regional Development, Western Australia
DPLH	Department of Planning, Lands and Heritage, Western Australia
DRF	Declared Rare Flora (now known as Threatened Flora)
DWER	Department of Water and Environmental Regulation, Western Australia
EP Act	<i>Environmental Protection Act 1986</i> , Western Australia
EPA	Environmental Protection Authority, Western Australia
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Federal Act)
GIS	Geographical Information System
ha	Hectare (10,000 square metres)
IBRA	Interim Biogeographic Regionalisation for Australia
IUCN	International Union for the Conservation of Nature and Natural Resources – commonly known as the World Conservation Union
PEC	Priority Ecological Community, Western Australia
RIWI Act	<i>Rights in Water and Irrigation Act 1914</i> , Western Australia
TEC	Threatened Ecological Community

Definitions:

{DBCA (2019) Conservation Codes for Western Australian Flora and Fauna. Department of Biodiversity, Conservation and Attractions, Western Australia}:-

T **Threatened species:**

Listed by order of the Minister as Threatened in the category of critically endangered, endangered or vulnerable under section 19(1), or is a rediscovered species to be regarded as threatened species under section 26(2) of the *Biodiversity Conservation Act 2016* (BC Act).

Threatened fauna is that subset of 'Specially Protected Fauna' listed under schedules 1 to 3 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for Threatened Fauna.

Threatened flora is that subset of 'Rare Flora' listed under schedules 1 to 3 of the *Wildlife Conservation (Rare Flora) Notice 2018* for Threatened Flora.

The assessment of the conservation status of these species is based on their national extent and ranked according to their level of threat using IUCN Red List categories and criteria as detailed below.

CR Critically endangered species
Threatened species considered to be “*facing an extremely high risk of extinction in the wild in the immediate future, as determined in accordance with criteria set out in the ministerial guidelines*”.

Listed as critically endangered under section 19(1)(a) of the BC Act in accordance with the criteria set out in section 20 and the ministerial guidelines. Published under schedule 1 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for critically endangered fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for critically endangered flora.

EN Endangered species
Threatened species considered to be “*facing a very high risk of extinction in the wild in the near future, as determined in accordance with criteria set out in the ministerial guidelines*”.

Listed as endangered under section 19(1)(b) of the BC Act in accordance with the criteria set out in section 21 and the ministerial guidelines. Published under schedule 2 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for endangered fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for endangered flora.

VU Vulnerable species
Threatened species considered to be “*facing a high risk of extinction in the wild in the medium-term future, as determined in accordance with criteria set out in the ministerial guidelines*”.

Listed as vulnerable under section 19(1)(c) of the BC Act in accordance with the criteria set out in section 22 and the ministerial guidelines. Published under schedule 3 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for vulnerable fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for vulnerable flora.

Extinct Species:

EX Extinct species
Species where “*there is no reasonable doubt that the last member of the species has died*”, and listing is otherwise in accordance with the ministerial guidelines (section 24 of the BC Act).

Published as presumed extinct under schedule 4 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for extinct fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for extinct flora.

EW Extinct in the wild species
Species that “*is known only to survive in cultivation, in captivity or as a naturalised population well outside its past range; and it has not been recorded in its known habitat or expected habitat, at appropriate seasons, anywhere in its past range, despite surveys over a time frame appropriate to its life cycle and form*”, and listing is otherwise in accordance with the ministerial guidelines (section 25 of the BC Act).

Currently there are no threatened fauna or threatened flora species listed as extinct in the wild. If listing of a species as extinct in the wild occurs, then a schedule will be added to the applicable notice.

Specially protected species:

Listed by order of the Minister as specially protected under section 13(1) of the BC Act. Meeting one or more of the following categories: species of special conservation interest; migratory species; cetaceans; species subject to international agreement; or species otherwise in need of special protection.

Species that are listed as threatened species (critically endangered, endangered or vulnerable) or extinct species under the BC Act cannot also be listed as Specially Protected species.

MI Migratory species
Fauna that periodically or occasionally visit Australia or an external Territory or the exclusive economic zone; or the species is subject of an international agreement that relates to the protection of migratory species and that binds the Commonwealth; and listing is otherwise in accordance with the ministerial guidelines (section 15 of the BC Act).

Includes birds that are subject to an agreement between the government of Australia and the governments of Japan (JAMBA), China (CAMBA) and The Republic of Korea (ROKAMBA), and fauna subject to the *Convention on the Conservation of Migratory Species of Wild Animals* (Bonn Convention), an environmental treaty under the United Nations Environment Program. Migratory species listed under the BC Act are a subset of the migratory animals, that are known to visit Western Australia, protected under the international agreements or treaties, excluding species that are listed as Threatened species.

Published as migratory birds protected under an international agreement under schedule 5 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

CD Species of special conservation interest (conservation dependent fauna)
Fauna of special conservation need being species dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened, and listing is otherwise in accordance with the ministerial guidelines (section 14 of the BC Act).

Published as conservation dependent fauna under schedule 6 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

OS Other specially protected species
Fauna otherwise in need of special protection to ensure their conservation, and listing is otherwise in accordance with the ministerial guidelines (section 18 of the BC Act).

Published as other specially protected fauna under schedule 7 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

P Priority species:

Possibly threatened species that do not meet survey criteria, or are otherwise data deficient, are added to the Priority Fauna or Priority Flora Lists under Priorities 1, 2 or 3. These three categories are ranked in order of priority for survey and evaluation of conservation status so that consideration can be given to their declaration as threatened fauna or flora.

Species that are adequately known, are rare but not threatened, or meet criteria for near threatened, or that have been recently removed from the threatened species or other specially protected fauna lists for other than taxonomic reasons, are placed in Priority 4. These species require regular monitoring.

Assessment of Priority codes is based on the Western Australian distribution of the species, unless the distribution in WA is part of a contiguous population extending into adjacent States, as defined by the known spread of locations.

P1 Priority One - Poorly-known species
Species that are known from one or a few locations (generally five or less) which are potentially at risk. All occurrences are either: very small; or on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, road and rail reserves, gravel reserves and active mineral leases; or otherwise under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes. Such species are in urgent need of further survey.

P2 Priority Two - Poorly-known species
Species that are known from one or a few locations (generally five or less), some of which are on lands managed primarily for nature conservation, e.g. national parks, conservation parks, nature reserves and other lands with secure tenure being managed for conservation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes. Such species are in urgent need of further survey.

P3 Priority Three - Poorly-known species
Species that are known from several locations, and the species does not appear to be under imminent threat, or from few but widespread locations with either large population size or significant remaining areas of apparently suitable habitat, much of it not under imminent threat. Species may be included if they are comparatively well known from several locations but do not meet adequacy of survey requirements and known threatening processes exist that could affect them. Such species are in need of further survey.

P4 Priority Four - Rare, Near Threatened and other species in need of monitoring
(a) Rare. Species that are considered to have been adequately surveyed, or for which sufficient knowledge is available, and that are considered not currently threatened or in need of special protection but could be if present circumstances change. These species are usually represented on conservation lands.
(b) Near Threatened. Species that are considered to have been adequately surveyed and that are close to qualifying for vulnerable but are not listed as Conservation Dependent.
(c) Species that have been removed from the list of threatened species during the past five years for reasons other than taxonomy.

Principles for clearing native vegetation:

- (a) Native vegetation should not be cleared if it comprises a high level of biological diversity.
- (b) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia.

- (c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.
- (d) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community.
- (e) Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.
- (f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.
- (g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.
- (h) Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.
- (i) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.
- (j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.