



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 7595/2
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Millennium Minerals Limited

1.3. Property details

Property:
Mining Lease 46/50
Mining Lease 46/192
Mining Lease 46/261
Mining Lease 46/262
Mining Lease 46/265
Mining Lease 46/266
Mining Lease 46/445
Local Government Area: Shire of East Pilbara
Colloquial name: Golden Eagle Satellite Deposits Project

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 31 August 2017

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description Beard vegetation associations have been mapped for the whole of Western Australia. One Beard vegetation association has been mapped over the application area (GIS Database):

Beard vegetation association 190: Hummock grasslands, sparse shrub steppe; *Acacia bivenosa* and *Acacia trachycarpa* over hard spinifex

Several Level 1 flora and vegetation surveys have been conducted within the local area (MML, 2017). A survey of the surrounding area was completed in February 2017. This survey was updated to include the entire application area in May 2017 and increase the total area surveyed from 4,223 hectares to 4,755 hectares (MML, 2017). The following broad vegetation communities were recorded during the May survey (Waters, 2017):

- Alluvial plain eucalypt buffel grass woodland;
- Alluvial plain hard spinifex grassland;
- Alluvial plain soft spinifex grassland;
- Drainage acacia hummock grass shrubland/ woodland;
- Drainage spinifex grassland with eucalypt overstorey;
- Hill spinifex grassland;
- Plain hard spinifex grassland; and
- Stony plain spinifex grassland with chenopods

Clearing Description Golden Eagle Satellite Project
Millennium Minerals Limited proposes to clear up to 121.3 hectares of native vegetation within a total boundary of approximately 195 hectares, for the purpose of mineral production. The project is located approximately 10 kilometres south of Nullagine in the Shire of East Pilbara.

Vegetation Condition Very Good: Vegetation structure altered, obvious signs of disturbance (Keighery, 1994);
To:
Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).

Comment The vegetation condition was derived from aerial imagery and flora and vegetation surveys conducted by Plantecology & Woodgis environmental consultants (Waters, 2017).

Clearing permit CPS 7595/1 was granted to Millennium Minerals Limited on 6 July 2017, and approved the clearing of 121.3 hectares of native vegetation within a boundary of approximately 195 hectares.

On 11 July 2017, Millennium Minerals Limited applied to increase the permit boundary from 195 hectares to 605 hectares. The permit boundary area was previously assessed under CPS 7595/1. However, due to an administrative spatial error, a smaller permit boundary area (195 hectares) was approved. The larger permit boundary area of 605 hectares was intended to be approved under CPS 7595/1 and is required to facilitate the development of additional deposits (Agate, Hutt, Crossing, Majuba Hill and Mundalla) in the greater Golden Eagle Project. The amended permit boundary area incorporates all previously approved areas and extends to adjacent surrounding areas that were considered within the assessment of CPS 7595/1.

3. Assessment of application against clearing principles

Comments

The amendment to increase the clearing permit boundary area, which has already been assessed under CPS 7595/1 will not result in any significant change to the environmental impacts associated with proposed clearing. The size of the area approved to clear (121.3 hectares) and original location of intended clearing areas remains unchanged.

The assessment against the clearing principles remains consistent with the assessment contained in decision report CPS 7595/1.

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

Comments

There are two native title claims over the application area (WC1999/008 and WC1999/016) (DPLH, 2017). These claims have been registered with the National Native Title Tribunal on behalf of the claimant groups. However, the mining tenements have 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*.

According to available databases, there are no registered Sites of Aboriginal Significance located in the area applied to clear (DPLH, 2017). It is the proponent's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no Sites of Aboriginal 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.

It is noted that the proposed clearing may impact on a protected matter under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). The proponent may be required to refer the project to the (Federal) Department of the Environment and Energy for environmental impact assessment under the EPBC Act. The proponent is advised to contact the Department of the Environment and Energy for further information regarding notification and referral responsibilities under the EPBC Act.

The amended clearing permit application was advertised on 31 July 2017 by the Department of Mines, Industry Regulation and Safety for a period of 14 days inviting submissions from the public. No submissions were received.

Methodology DPLH (2017)

4. References

- DPLH (2017) Aboriginal Heritage Inquiry System, Department of Planning, Lands and Heritage, Perth, Western Australia <<http://maps.daa.wa.gov.au>> Accessed August 2017.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- MML (2017) Golden Eagle Satellite Deposits: Native Vegetation Clearing Permit Application, Supporting Information for CPS 7595/1. Millennium Minerals Ltd, Perth, Western Australia, May 2017.
- Waters (2017) Vegetation of the MML Nullagine Tenements (version 2.0). Report prepared for Millennium Minerals Ltd by Woodgis and Plantecology Consulting, May 2017.

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>Environmental 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:

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

T	<p>Threatened species: Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, 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).</p> <p>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.</p> <p>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.</p> <p>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.</p>
CR	<p>Critically endangered species Threatened species considered to be facing an extremely high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.</p>
EN	<p>Endangered species Threatened species considered to be facing a very high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.</p>
VU	<p>Vulnerable species Threatened species considered to be facing a high risk of extinction in the wild. Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i>, in Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.</p>
EX	<p>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 <i>Wildlife Conservation Act 1950</i>, 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.</p>
IA	<p>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</p>

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.