



Clearing Permit Decision Report

1. Application details and outcome

1.1. Permit application details

Permit number:	7908/3
Permit type:	Purpose Permit
Applicant name:	Essential Metals Limited
Application received:	19 October 2022
Application area:	190 hectares
Purpose of clearing:	Mineral Production and Associated Infrastructure
Method of clearing:	Mechanical Removal
Tenure:	Mining Lease 63/665 Miscellaneous Licence 63/77
Location (LGA area/s):	Shire of Dundas
Colloquial name:	Pioneer Dome Project

1.2. Description of clearing activities

Essential Metals Limited proposes to clear up to 190 hectares of native vegetation within a boundary of approximately 214 hectares, for the purpose of mineral production. The project is located approximately 30 kilometres northwest of Norseman, within the Shire of Dundas.

This amendment application is for administrative purposes (name change) and a permit duration extension of five years.

Clearing permit CPS 7908/1 was granted by the Department of Mines, Industry Regulation and Safety on 1 February 2018 and was valid from 24 February 2018 to 24 February 2023. The permit authorised the clearing of up to 90 hectares of native vegetation within a permit boundary of approximately 97.5 hectares, for the purpose of mineral production.

Clearing Permit CPS 7908/2 was granted on 24 May 2018, amending the permit to increase the amount of clearing authorised to 190 hectares, and increase the permit boundary to approximately 214 hectares.

On 19 October 2022, the Permit Holder applied to amend CPS 7908/2 to change the permit holder name from Pioneer Resources Limited to Essential Metals Limited, and to extend the permit duration from 24 February 2023 to 24 February 2028.

1.3. Decision on application and key considerations

Decision:	Grant
Decision date:	2 February 2023
Decision area:	190 hectares of native vegetation

1.4. Reasons for decision

This clearing permit application was made in accordance with section 51O of the *Environmental Protection Act 1986* (EP Act) and was received by the Department of Mines, Industry Regulation and Safety (DMIRS) on 1 November 2022. DMIRS advertised the application for public comment for a period of 7 days, and no submissions were received.

In making this decision, the Delegated Officer had regard for the site characteristics, relevant datasets, supporting information provided by the applicant including the results of previous flora and vegetation survey and/or fauna survey, the clearing principles set out in Schedule 5 of the EP Act, and any other matters considered relevant to the assessment. Pioneer Resources Limited has changed its name to Essential Metals Limited. The change in Permit

Holder name is to reflect this change and is not a transfer to a new Permit Holder. The assessment identified that the proposed amendment is not likely to cause additional significant impacts on environmental values.

2. Assessment of application

2.1. Avoidance and mitigation measures

While no evidence of avoidance or mitigation measures was provided to support this amendment application, noting low residual impacts as a result of the current clearing permit conditions, it was deemed that no further consideration is required to minimise impacts on environmental values.

2.2. Assessment of impacts on environmental values

Essential Metals Limited (formerly, Pioneer Resources Limited) have requested to extend the duration of the Permit by five years. A review of their 2021/2022 annual clearing report indicated that a total of 23.9 hectares has been cleared out of 190 hectares.

The assessment against the ten clearing principles identified that the native vegetation proposed to be cleared does not contain, or form a part of a threatened or priority ecological community (Botanica, 2017; GIS Database); or impact on any riparian vegetation. The proposed clearing is not likely to lead to appreciable land degradation or impacts surface water quality, groundwater quality or lead to increase in flooding.

The permit area is located within the Eastern Goldfields subregion of the Coolgardie Interim Biogeographic Regionalisation of Australia (IBRA) bioregion (GIS Database). The subregion is characterised by Mallees, Acacia thickets and shrub-heaths on sandplains (CALM, 2002). Diverse Eucalyptus woodlands occur around salt lakes, on ranges, and in valleys. Salt lakes support dwarf shrublands of samphire. The area is rich in endemic Acacias (CALM, 2002).

The application area is broadly mapped as Beard vegetation associations 522 and 128. Approximately 87% and 99% (respectively) of the pre-European extent of these Beard vegetation associations remains uncleared within the state, with approximately 99% of each association remaining uncleared within the bioregion (Government of Western Australia, 2018). Hence, the vegetation proposed to be cleared does not represent a significant remnant of native vegetation in an area that has been extensively cleared. Analysis of aerial imagery indicates that the vegetation, landforms, and habitat 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 application area is unlikely to represent an area of higher biodiversity than the original permit area or surrounding areas. The proposed permit duration extension of five years is unlikely to cause additional significant impacts to biodiversity on a local or regional scale.

Botanica Consulting conducted a flora and fauna assessment over the original application area and amendment area (CPS 7908/2) in November 2017 (Botanica, 2017). The vegetation present within the application area was considered to range from 'Good' to 'Very Good', with areas of disturbance attributed to frequent fires, presence of weeds, previous clearing, dieback and grazing (Botanica Consulting, 2017).

Desktop surveys of available databases and previous flora surveys in the area identified 35 Priority flora species with the potential to occur within a 20 kilometre radius of the survey area, based on known distributions (Botanica Consulting, 2017; GIS Database). With the exception of *Eremophila acutifolia* (formerly *Diocirea acutifolia*) (Priority 3), none of these species were found during the on-site survey (Botanica Consulting, 2017).

Over the course of the field survey, *Eremophila acutifolia* individuals were recorded in two locations within the clearing permit boundary. *Eremophila acutifolia* individuals are typically found throughout eucalypt woodlands and available records indicate that this species has been recorded throughout the Goldfields area, with occurrences recorded at Lake Cowan, Higginsville and Widgiemooltha (Western Australian Herbarium, 1998-). Given the occurrence of *Eremophila acutifolia* at other locations throughout the Goldfields and the presence of suitable habitat outside of the clearing footprint, the proposed clearing permit duration extension of five years is not considered likely to have a significant impact on *Eremophila acutifolia* at a regional level.

The vegetation associations, fauna habitats and landform types present within the application area are well represented in surrounding areas (GIS Database). The application area is unlikely to represent an area of higher biodiversity than surrounding areas at either a local or regional context.

The application area contains some suitable habitat for the Central Long-eared Bat to utilise for foraging and breeding (Botanica Consulting, 2017). Though some potential roost sites were present in woodland areas of the application area, no individuals were identified during the fauna survey and it appears to be uncommon given the lack of documented records in the general vicinity (Botanica Consulting, 2017). Given that suitable habitat exists in the surrounding area, impacts to this species is considered to be minor to negligible (Botanica Consulting, 2017)

Malleefowl (*Leipoa ocellata*) (Vulnerable) are known to utilise habitat similar to that present in the application area for foraging and breeding purposes, however, no evidence (i.e. individuals, nest mounds, footprints) of the species presence was observed during the field reconnaissance survey (Botanica Consulting, 2017) and there are no records of this species in the immediate vicinity of the application area (GIS Database). Available information therefore suggests that a breeding population of this species is very unlikely to be present in the general area, though transient, non-breeding individuals may occasionally occur (Botanica Consulting, 2017).

Based on the above, a duration extension of five years is unlikely to significantly change from the previous clearing permit assessments (CPS 7908/1 and 7908/2).

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. The amendment application may be at variance of principle (b); is not likely at variance of principles (a), (c), (d), (f), (g), (h), (i) and (j); and is not at variance of principle (e).

2.3. Relevant planning instruments and other matters

The clearing permit amendment application was advertised on 1 November 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 is one native title claim (WC1999/002) over the area under application (DPLH, 2022). 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 are no 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 required for the proposed land use include:

- A Mining Proposal / Mine Closure Plan approved under the *Mining Act 1978*.

Appendix A - References and databases

1. GIS datasets

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

- 10 Metre Contours (DPIRD-073)
- Aboriginal Heritage Places (DPLH-001)
- Clearing Regulations – Schedule One Areas (DWER-057)
- DBCA – Lands of Interest (DBCA-012)
- DBCA Legislated Lands and Waters (DBCA-011)
- Environmentally Sensitive Areas (DWER-046)
- Groundwater Salinity Statewide (DWER-026)
- Hydrographic Catchments – Catchments (DWER-028)
- Hydrography – Inland Waters – Waterlines
- Hydrography, Linear (DWER-031)
- IBRA Vegetation Statistics
- Native Title (ILUA) (LGATE-067)
- Pre-European Vegetation Statistics
- Regional Parks (DBCA-026)
- Remnant Vegetation, All Areas
- RIWI Act, Groundwater Areas (DWER-034)

- RIWI Act, Surface Water Areas and Irrigation Districts (DWER-037)
- Soil Landscape Mapping – Best Available (DPIRD-027)
- Soil Landscape Mapping – Rangelands (DPIRD-064)
- WA Now Aerial Imagery

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

- Botanica (2017) Flora and Fauna Assessment Pioneer Dome Lithium-Caesium-Tantalum Project. Report prepared for Pioneer Resources Limited, by Botanica Consulting, November 2017.
- CALM (2002) A Biodiversity Audit of Western Australia's 53 Biogeographic Subregions in 2002. Department of Conservation and Land Management, Western Australia.
- Department of Environment Regulation (DER) (2013) *A guide to the assessment of applications to clear native vegetation*. Perth. Available from: https://www.der.wa.gov.au/images/documents/your-environment/native-vegetation/Guidelines/Guide2_assessment_native_veg.pdf.
- 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 19 December 2022).
- Department of Water and Environmental Regulation (DWER) (2022) Procedure: Native vegetation clearing permits. Joondalup. Available from: https://dwer.wa.gov.au/sites/default/files/Procedure_Native_vegetation_clearing_permits_v1.PDF.
- Environmental Protection Authority (EPA) (2016) Technical Guidance - Flora and Vegetation Surveys for Environmental Impact Assessment. Available from: http://www.epa.wa.gov.au/sites/default/files/Policies_and_Guidance/EPA%20Technical%20Guidance%20-%20Flora%20and%20Vegetation%20survey_Dec13.pdf.
- Environmental Protection Authority (EPA) (2016) Technical Guidance – Terrestrial Fauna Surveys. Available from: https://www.epa.wa.gov.au/sites/default/files/Policies_and_Guidance/Tech%20guidance-%20Terrestrial%20Fauna%20Surveys-Dec-2016.pdf.
- 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. <https://catalogue.data.wa.gov.au/dataset/dbca-statewide-vegetation-statistics>
- Western Australian Herbarium (1998-) FloraBase - the Western Australian Flora. Department of Biodiversity, Conservation and Attractions, Western Australia. <https://florabase.dpaw.wa.gov.au/> (Accessed 08 December 2022).

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.