



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 8966/2  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: **Barto Gold Mining Pty Ltd**

### 1.3. Property details

Property:  
Mining Lease 77/186  
Mining Lease 77/224  
Mining Lease 77/352  
Mining Lease 77/408  
Mining Lease 77/424  
Mining Lease 77/721  
Miscellaneous Licence 77/281

Local Government Area: Shire of Yilgarn  
Colloquial name: Leviathan and Victoria Vinto La Project

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
99.1		Mechanical Removal	Mineral production and associated activities

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 1 April 2021

## 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 association:  
**1068:** Yilgarn; Medium woodland; salmon gum, morrel, gimlet & *Eucalyptus sheathiana* (GIS Database).  
A flora and vegetation survey was conducted over the application area by Stantec between 16 and 26 April 2020, and between 22 and 24 September 2020. The following vegetation associations were recorded within the application area (Stantec, 2020b):  
EcAaBssPtHe - *Eucalyptus corrugata* woodland over *Acacia acuminata* tall open shrubland over *Beyeria sulcata* var. *sulcata* open shrubland over *Hibbertia exasperata* and *Phebalium tuberculosum* low open shrubland;  
EsalEsuElMpAvAm - *Eucalyptus salmonophloia*, *Eucalyptus salubris* and *Eucalyptus longicornis* open forest over *Melaleuca pauperiflora* tall shrubland over *Atriplex vesicaria* and *Acacia merrallii* open shrubland; and  
El(+/-Ey)MpAvEs - *Eucalyptus longicornis* (+/-*Eucalyptus yilgarnensis*) woodland over *Melaleuca pauperiflora* tall open shrubland over *Atriplex vesicaria* and *Eremophila scoparia* low open shrubland.

**Clearing Description** Leviathan and Victoria Vinto La Project.  
Barto Gold Mining Pty Ltd proposes to clear up to 99.1 hectares of native vegetation within a boundary of approximately 313 hectares, for the purpose of mineral production and associated activities. The project is located approximately 15 kilometres north of Marvel Loch, within the Shire of Yilgarn.

**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** Clearing permit CPS 8966/1 was granted by the Department of Mines, Industry Regulation and Safety on 10 September 2020 and was valid from 3 October 2020 to 2 October 2025. The permit authorised the clearing of up to 66 hectares of native vegetation within a boundary of approximately 181 hectares, for the purpose of mineral production and associated activities.

On 5 January 2021, the Permit Holder applied to amend CPS 8966/1 to increase the amount of clearing authorised from 66 hectares to 99.1 hectares, and increase the permit boundary from 181 hectares to 313 hectares. The Permit Holder name will also change from Tianye SXO Gold Mining Pty Ltd to Barto Gold Mining Pty Ltd.

### 3. Assessment of application against Clearing Principles

#### Comments

The permit holder has applied to increase the amount of clearing authorised by 33.1 hectares and increase the permit boundary by approximately 132 hectares. The Permit Holder name will also change from Tianye SXO Gold Mining Pty Ltd to Barto Gold Mining Pty Ltd.

A flora and vegetation survey was undertaken by Stantec (2020b) which recorded 60 vascular flora species from 19 families and 31 genera within the amendment boundary and surrounding area. There was one new vegetation association identified within the amendment boundary; EcAaBssPtHe, which encompasses 11 per cent of the amendment area (Stantec, 2020a; 2020b).

There were no Threatened Flora species and two Priority flora species recorded within the amendment boundary; *Rinzia fimbriolata* (P1) and *Stenanthemum bremerense* (P4) (Stantec, 2020a; 2020b). There were 14 populations of *R. fimbriolata* and 37 populations of *S. bremerense* recorded within the amendment boundary, however the consultant did not quantify the total number of each population during the survey. The proponent advised that there were 64 records of *Rinzia fimbriolata* recorded within the application area (Barto, 2021). These individuals are not within the current proposed footprint of the proposed clearing (Barto, 2021), however potential impacts to this conservation significant flora can be minimised by the existing flora management condition. Supplementary information from Stantec (2021) advised that one individual of *S. bremerense* is within the indicative footprint of the proposed clearing. The proposed clearing will not impact the conservation status of this species. The clearing proposed by Barto Gold Mining Pty Ltd of *S. bremerense* is considered acceptable, and therefore, in accordance with Condition 8(a) of CPS 8966/2, approval is recommended to clear 1 individual of *Stenanthemum bremerense*.

There were no Threatened Ecological Communities (TEC's) identified within the application area (Stantec, 2020b; GIS Database). The vegetation within the application area is not considered analogous with any TEC, however two vegetation types; E1(+/-Ey)MpAvEs and EsaEsuEIMpAvAm were considered analogous with the 'Parker Range vegetation complexes' Priority Ecological Community (Priority 3). Vegetation types E1(+/-Ey)MpAvEs and EsaEsuEIMpAvAm showed affinities to community types 2 and 3 of the PEC, respectively (Stantec, 2020b). The buffer of this PEC is currently mapped approximately 12 km south-east of the application area (GIS Database). The proposed increase in clearing represents approximately 0.24% of the PEC (GIS Database). It is unlikely that the relatively small amount of clearing will significantly impact the values and conservation status of the 'Parker Range Vegetation Complexes' PEC.

The application area does not represent a significant remnant of native vegetation in an area that has been extensively cleared (GIS Database). While the land to the west and east of the application area has been extensively cleared for agriculture, the vegetated tract of land the application area occurs within is not part of a significant ecological linkage within the landscape, nor is it required to maintain ecosystem services or ecological values within the landscape (GIS Database).

A Level 1 fauna survey identified one broad fauna habitat within the amendment boundary; *Eucalyptus* woodlands, which is well represented in the local area (Stantec, 2020a; 2020b). There are four conservation significant fauna species likely to occur within the amendment boundary based on this habitat type:

- Malleefowl (*Leipoa ocellata*) (VU);
- Western Rosella (*Platycercus icterotis xanthogenys*) (P4)
- Tree-stem trapdoor spider (*Aganippe castellum*) (P4); and
- Peregrine Falcon (OS).

A targeted Malleefowl assessment was undertaken within suitable habitat for this species within the amendment boundary, however it was undertaken outside the recommended survey season for the species (Stantec, 2019). No evidence of mounds or Malleefowl individuals or tracks were recorded during the survey (Stantec, 2019). There are large extents of suitable habitat outside the amendment area for this species, therefore the proposed clearing is not likely to have a significant impact on Malleefowl habitat availability.

Areas of mature Eucalypt woodland with thick vegetation may serve as suitable foraging and nesting habitat for the Western Rosella which has been previously recorded within this habitat type (Stantec 2019). Mature Eucalypt trees may provide suitable nesting habitat for the Peregrine Falcon, however this species preferentially nests in cliff faces (Menkhorst et al. 2017). The Western Rosella and Peregrine Falcon may forage within the amendment boundary, however there is extensive suitable habitat outside the amendment boundary, and the proposed clearing is not likely to have a significant impact on these species (Stantec, 2019).

Sandy loam soils of depressions with *Allocasuarina acutivalvis* within the *Eucalyptus* woodlands habitat may support the Tree-stem trapdoor spider, however there are no records of the species in this habitat type (Stantec, 2019).

There are no conservation areas within the amendment boundary (GIS Database).

The amendment boundary intersects the Garratt and Greenmount land systems (GIS Database). Both land systems have a moderate to extreme surface salinity risk and a high to extreme risk of wind and water erosion (DPIRD, 2021). The proposed clearing of native vegetation may cause land degradation. Potential impacts from land degradation may be minimised by the implementation of the existing staged clearing condition.

There are no watercourses or wetlands within the amendment boundary (GIS Database).

The proposed increase in clearing is unlikely to significantly impact surface water or groundwater. The application area is not located within a Public Drinking Water Source Area (GIS Database).

Clearing activities have the potential to result in an increase in the incidence of weed species, which may negatively impact on the biodiversity of the local area. Potential impacts to biodiversity as a result of the proposed clearing may be minimised by the implementation of the existing weed management 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 8966/1.

#### Methodology

Barto (2021)  
DPIRD (2021)  
Menkhorst et al (2017)  
Stantec (2019)  
Stantec (2020a)  
Stantec (2020b)  
Stantec (2021)

GIS Database:

- DPaW Tenure
- Hydrography, Lakes
- Hydrography, Linear
- IBRA Australia
- Imagery
- Landsystem Rangelands
- Pre-European Vegetation
- Public Drinking Water Source Areas
- Soils, Statewide
- 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 over the area under application (DPLH, 2021). 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, 2021). 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 8 February 2021 by the Department of Mines, Industry Regulation and Safety inviting submissions from the public. One submission was received in relation to this application stating no objections to the proposed clearing of native vegetation.

#### 4. References

- Barto (2021) Additional information received in relation to Clearing Permit Application CPS 8966/2. Barto Gold Mining Pty Ltd, Western Australia.
- DPIRD (2021) NRInfo. Natural Resource Information for Western Australia. Department of Primary Industries and Regional Development. <https://maps.agric.wa.gov.au/nrm-info/> (Accessed 24 March 2021).
- DPLH (2021) Aboriginal Heritage Inquiry System. Department of Planning, Lands and Heritage. <https://espatial.dplh.wa.gov.au/AHIS/index.html?viewer=AHIS> (Accessed 8 February 2021).
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Menkhorst, P., Rogers, D. I., Clarke, R., Davies, J. N., Marsack, P. and Franklin, K (2017) The Australian Bird Guide. CSIRO Publishing, Clayton, South Victoria.
- Stantec (2019) Parker Range PEC, Flora and Fauna Reconnaissance Survey and Priority Flora Search. Stantec Australia Pty Ltd, Perth, Western Australia.
- Stantec (2020a) Glendower flora, vegetation and fauna survey. Prepared for Barto Gold Mining Pty Ltd, by Stantec Australia Pty Ltd, November 2020.
- Stantec (2020b) Glendowner – Amendment to Clearing Permit CPS 8966/1 – Supporting Document. Prepared for Barto Gold Mining Pty Ltd, by Stantec Australia Pty Ltd, December 2020.
- Stantec (2021) Native Vegetation Clearing Permit Application - Significant flora recorded from the Glendower Survey Area. Memo prepared for Barto Gold Mining Pty Ltd, by Stantec Australia Pty Ltd, March 2021.

#### 5. Glossary

##### Acronyms:

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