



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 9048/2
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Zebra Minerals Pty Ltd

1.3. Property details

Property: Mining Leases 57/180, 57/196
Miscellaneous Licences 57/54, 57/55
Local Government Area: Shire of Sandstone
Colloquial name: Penny West Project

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 27 May 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 associations:
18: Low woodland; mulga (*Acacia aneura*); and
485: Hummock grassland, mixed sandplain - scattered low trees over sparse dwarf shrubs with spinifex; red mallee over mixed dwarf shrubs with *Triodia basedowii* (GIS Database).

A flora and vegetation survey was conducted over the application area by Botanica Consulting on 22 May 2020. The following vegetation associations were recorded within the application area (Botanica Consulting, 2020a):

VT01a: *Acacia* tall open shrubland - *Acacia ramulosa* var. *ramulosa* tall open shrubland; *Dodonaea lobulata*, *Ptilotus obovatus* mid-low open shrubland; *Triodia rigidissima* sparse hummock grassland.

VT01b: *Eucalyptus* low open woodland - *Eucalyptus leptopoda* subsp. *arctata* low open woodland; *Acacia ramulosa* var. *ramulosa*, *Baeckea elderiana* tall open shrubland over *Triodia rigidissima* sparse hummock grassland.

VT02: *Eucalyptus* low open woodland - *Eucalyptus clelandiorum* low open woodland; *Acacia erinacea*, *Eremophila pantonii* mid open shrubland; *Olearia muelleri*, *Scaevola spinescens* low sparse shrubland.

VT03: *Acacia* tall open shrubland - *Acacia burkittii* tall open shrubland over *Eremophila clarkei* mid sparse shrubland over *Olearia pimelioides*, *Prostanthera patens*, *Scaevola spinescens* low sparse shrubland.

VT04: *Eucalyptus* low open woodland - *Eucalyptus clelandiorum* (or *E. longissima*) low open woodland over *Acacia ramulosa* var. *ramulosa*, *Acacia burkittii* tall open shrubland over *Eremophila oldfieldii* subsp. *angustifolia* over *Eremophila pantonii* mid-low open shrubland.

VT05: *Acacia* tall open shrubland - *Acacia ?aptaneura* tall open shrubland; *Eremophila clarkei*, *Eremophila latrobei* subsp. *latrobei*, *Melaleuca uncinata* sens. *lat.* mid open shrubland.

VT06: *Acacia* tall open shrubland - *Acacia jennerae* and *Acacia ligulata* tall open shrubland over *Eremophila oldfieldii* subsp. *angustifolia* and *Baeckea elderiana* open shrubland over *Triodia* sp. and *Ptilotus obovatus* var. *obovatus* low sparse shrubland/hummock grassland.

The vegetation associations recorded within the amendment application area are consistent with the above vegetation associations, which were VT01a, VT02-VT04 and VT05 (Botanica Consulting, 2020b).

Clearing Description Penny West Project.

Zebra Minerals Pty Ltd proposes to clear up to 350 hectares of native vegetation within a boundary of approximately 1,112 hectares, for the purpose of mineral production and associated activities. The project is located approximately 125 kilometres south-east of Mt Magnet, within the Shire of Sandstone.

Vegetation Condition

Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (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 Botanica Consulting (2020a; 2020b). The application area encompasses an existing mine pit which makes up approximately 39 hectares of the application area (Botanica Consulting, 2020a; 2020b).

Clearing permit CPS 9048/1 was granted by the Department of Mines, Industry Regulation and Safety on 22 October 2020 and was valid from 14 November 2020 to 13 November 2025. The permit authorised the clearing of up to 250 hectares of native vegetation within a boundary of approximately 878 hectares, for the purpose of mineral production.

On 20 November 2020, the Permit Holder applied to amend CPS 9048/1 to add Miscellaneous Licences 57/54 and 57/55 to the tenure on the Permit. This will result in an increase to the permit boundary by 234 hectares to 1,086 hectares. The proponent has also applied to increase the amount of clearing authorised by 100 hectares to 350 hectares for supporting infrastructure to the mining operation.

3. Assessment of application against Clearing Principles

Comments

The permit holder has applied to add additional tenure to the permit and increase the permit boundary from 848 hectares to 1,086 hectares. The permit holder has also applied to increase the amount of clearing authorised from 250 hectares to 350 hectares (Botanica Consulting, 2020b).

The amendment area is located within the Eastern Murchison subregion of the Interim Biogeographic Regionalisation for Australia Murchison Bioregion (GIS Database). This subregion is characterised by vegetation dominated by Mulga Woodlands, which is often rich in ephemerals; hummock grasslands, saltbush shrublands and Tecticornia shrublands (CALM, 2002).

A reconnaissance flora and vegetation survey of the amendment area identified three vegetation associations which were also recorded within the original permit area (Botanica Consulting, 2020b). The vegetation was considered to be in a 'good' to 'completely degraded' condition (Keighery, 1994). There were no Threatened or Priority Flora species, or Threatened or Priority Ecological Communities identified within the amendment area (Botanica Consulting, 2020b; GIS Database). The amendment area is unlikely to represent an area of higher biodiversity than the original permit area or surrounding areas.

There was one weed species, Ruby Dock (*Rumex vesicarius*) recorded within the amendment area (Botanica Consulting, 2020b). Weeds have the potential to out-compete native flora species and reduce the biodiversity of an area, and care should be taken to prevent the introduction or spread of weeds in the application areas. Potential impacts to biodiversity as a result of the proposed clearing may be minimised by the continued implementation of the existing weed management condition on the permit.

Botanica Consulting (2020b) conducted a Level 1 fauna survey over the amendment area and identified two existing fauna habitats that were recorded within the original permit boundary; Acacia Open Shrubland, and a Mosaic of Acacia Shrubland and Eucalyptus Woodland. No species of conservation significance were observed, however based on habitat types recorded within the amendment boundary, the area may provide suitable habitat for Malleefowl (*Leipoa ocellata* – VU) and the Peregrine Falcon (*Falco peregrinus* – OS) (Botanica Consulting, 2020b). These species are likely to use the application area for foraging and dispersal but it is not likely to represent significant habitat for native fauna.

There is one minor ephemeral drainage line which intersects the amendment area which is associated within vegetation community VT01a (Botanica Consulting; 2020b). Potential impacts to vegetation growing in association with watercourses, and vegetation downstream from the application area, may be minimised by the continued implementation of a watercourse management condition.

There are no Public Drinking Water Areas in the vicinity of the amendment area (Botanica Consulting, 2020b; GIS Database). Clearing within the small additional areas is unlikely to result in appreciable land degradation, or have any significant impact on watercourses, surface or groundwater quality, or on the incidence or intensity of flooding.

The amendment area is not within or in close proximity to any conservation areas (GIS Database), and the proposed clearing is unlikely to have any impact on any conservation area.

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 9048/1.

Methodology Botanica Consulting (2020b)
CALM (2002)
Keighery (1994)

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 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 is one registered Aboriginal Site 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 7 December 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 (2021)

4. References

- Botanica Consulting (2020a) Penny Project Reconnaissance Flora/Vegetation and Fauna Survey. Report prepared for Ramelius Resources Limited, by Botanica Consulting Pty Ltd, August 2020.
- Botanica Consulting (2020b) Environmental Assessment, Penny Project, CPS 9048/2 Amendment. Prepared for Zebra Minerals Pty Ltd, by Botanica Consulting, November 2020.
- DPLH (2021) Aboriginal Heritage Inquiry System. Department of Planning, Lands and Heritage.
<https://espatial.dplh.wa.gov.au/AHIS/index.html?viewer=AHIS> (Accessed 17 May 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.

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
DFCA	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.