Government of Western Australia
Department of Mines, Industry Regulation and Safety

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.:	9164/1
Permit type:	Area Permit

1.2. Proponent details

Proponent's name:	**Focus Minerals (Laverton) Pty Ltd**

1.3. Property details

Property:	Mining Lease 38/37
Local Government Area:	Shire of Laverton
Colloquial name:	Laverton Gold Lancefield Quarry

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
1.147		Mechanical removal	Pipeline Corridor and Access Road for Quarry

1.5. Decision on application

Decision on Permit Application:	Grant
Decision Date:	22 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:

18: Low woodland; mulga (*Acacia aneura*) (GIS Database).

In June 2019, 360 Environmental completed a reconnaissance flora and vegetation field survey over a number of Focus Minerals (Laverton) Pty Ltd tenements. The survey included part of M38/37 and covered a small portion of the application area. A review of aerial imagery (GIS Database) and the continuous nature of the landscape allows extrapolation into the remainder of the application area. The following vegetation associations were described and deemed representative of the application area (360 Environmental, 2019; GIS Database):

- **AaPoEc:** Low Woodland of *Acacia aptaneura*, *Acacia craspedocarpa* and *Acacia pteraneura* over Low Shrubland of *Ptilotus obovatus*, *Senna artemisioides* subsp. ×*artemisioides* and *Sida ectogama* over Very Open Tussock Grassland of *Cymbopogon ambiguous* and *Enneapogon caerulescens*.
- **Disturbed areas:** Only completely degraded or cleared vegetation remaining.

Clearing Description

Laverton Gold Lancefield Quarry
Focus Minerals (Laverton) Pty Ltd ('Focus Minerals') proposes to clear up to 1.147 hectares of native vegetation for the purpose of establishing a pipeline corridor and access road for their quarry. The project is located approximately 7 kilometres north of Laverton, within the Shire of Laverton.

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 the assessment of recent aerial imagery (GIS Database), and field information provided by 360 Environmental (2019) and Focus Minerals (2020).

Focus minerals proposes to clear up to 1.147 hectares of native vegetation to establish infrastructure required for operation of the Lancefield Quarry at the Laverton Gold Mine (Focus Minerals, 2020). The southern portion of the application area is for the widening of an existing mine site access track (approximately five metre wide strips on each side of the track), which runs along the base of a waste rock landform (Focus Minerals, 2020). The northern portion of the application area is required to establish a water pipeline corridor (approximately six metre wide strip). It runs along a natural drainage channel that is partially intersected by a waste rock landform (Focus Minerals, 2020). The application area comprises heavily disturbed vegetation in most parts (Focus Minerals 2020; GIS Database).

3. Assessment of application against Clearing Principles

Comments

The application area occurs within the East Murchison subregion of the Murchison Interim Biogeographic Regionalisation of Australia (IBRA) bioregion (GIS Database). This subregion is characterised by its internal drainage, extensive areas of elevated red desert sandplains with minimal dune development, salt lake systems associated with the occluded Paleodrainage system, broad plains of red-brown soils and breakaway complexes as well as red sandplains (CALM, 2002). Vegetation is dominated by Mulga Woodlands often rich in ephemerals; hummock grasslands, saltbush shrublands and *Tecticornia* shrublands (CALM, 2002).

The vegetation within the amendment area is broadly mapped as Beard vegetation association 18 (GIS Database). Approximately 99% of this vegetation association 18 remains uncleared at both state bioregional level (Government of Western Australia, 2019; GIS Database). Hence, the limited amount of vegetation proposed to be cleared within the application area (up to 1.147 hectares) does not represent a significant remnant of native vegetation in an area that has been extensively cleared.

In June 2019, 360 Environmental (2019) completed reconnaissance flora, vegetation, level 1 fauna and targeted field surveys over a number of Focus Minerals' tenements. The survey included part of M38/37 and covered a small portion of the application area.

The desktop assessment and field surveys identified a total of 84 vascular plant taxa from 19 families within the broader survey area (360 Environmental, 2019; DBCA, 2021). One Priority 1, three Priority 3 and one Priority 4 flora species are considered to have a medium likelihood of occurring within the broader survey area, based on previous local records and habitat preferences. However none of these priority species were identified within the survey area, including the surveyed portion of the application area (360 Environmental, 2019). Given the small amount (up to 1.147 hectares) of narrow clearing of mostly disturbed vegetation proposed within the application area, it is considered highly unlikely that this will result in significant impacts to populations of priority flora species.

No Threatened flora, Threatened Ecological Communities or Priority Ecological Communities have been recorded within or in close proximity of the application area (GIS Database; Focus Minerals, 2020). The application area is not located within any conservation areas. No DBCA Managed Lands, Regional Parks or Environmentally Sensitive Areas (ESAs) were identified within a 100 km radius of the application area (GIS Database). Hence, the proposed clearing is unlikely to impact on the environmental values of any conservation areas.

A total of 224 vertebrate fauna species were identified from the database searches from a radius of approximately 50 kilometres surrounding the application area (360 Environmental, 2019; DAWE, 2021; DBCA, 2021). Of these, no fauna species of conservation significance were deemed to have a high likelihood of occurring within the broader survey area, and none were identified during the field survey (360 Environmental, 2019). Based on habitat preference, five conservation significant fauna species have a medium likelihood of occurring within the application area (360 Environmental, 2019):

- Peregrine Falcon (*Falco peregrinus,* OS)
- Long-tailed Dunnart (*Sminthopsis longicaudata,* P4)
- Fork-tailed Swift (*Apus pacificus*, MI)
- Malleefowl (*Leipoa ocellata,* VU)
- Princess Parrot (*Polytelis alexandrae,* P4 / VU)

No other fauna species of conservation significance (Threatened or Priority), or evidence such as tracks, scats, nest or direct sightings were recorded as part of the broader survey, which included targeted searches for these five taxa (360 Environmental, 2019).

A number of weed species were identified during previous surveys of the broader Laverton Gold Fields area (Focus Minerals, 2020) and these are likely to occur around the application area, which is heavily disturbed. Weeds have the potential to out-compete native vegetation and reduce biodiversity. Implementation of a weed management condition is recommended, to minimise the risk of spreading weeds along the application area.

The small amount of clearing (up to 1.147 hectares in narrow bands) proposed to widen an access track and establish a water pipeline is not likely to significantly impact an area of higher biodiversity than the original permit area or surrounding areas. The vegetation associations, fauna habitats and landform types present within the application area, are well represented in surrounding areas (360 Environmental, 2019; GIS Database). The application area is unlikely to represent an area of higher biodiversity than surrounding areas, in either a local or regional context.

Three fauna habitats are identifiable within the application area (360 Environmental, 2019; GIS Database):

- Acacia Low Woodland
- Minor Drainage Line
- Cleared/Degraded areas

These habitats are common and well represented locally and regionally (360 Environmental, 2019). The faunal assemblages are unlikely to be different to those found in similar habitats located elsewhere in the region (360 Environmental, 2019). Furthermore, the application area does not include any niche habitat types that would

support Short Range Endemic (SRE) invertebrate species, including the ephemeral creek that is largely dry and devoid of mesic locations (360 Environmental, 2019).

Given the small amount (up to 1.147 hectares), restricted nature (narrow bands), and heavily disturbed condition of the application area, the vegetation proposed to be cleared is unlikely to represent significant habitat for native fauna, in a local or regional context.

There are no permanent watercourses or wetlands within the application area (360 Environmental, 2019; GIS Database). The northern portion of the application area runs along a natural drainage channel, which is tributary to the ephemeral Beasly Creek that runs approximately 4.5 kilometres northwest of the application area. The drainage channel is partially intersected by a waste rock landform (360 Environmental, 2019; Focus Minerals, 2020). These watercourses are dry for most of the year, only flowing briefly immediately following significant rainfall (360 Environmental, 2019; Focus Minerals, 2020). Sparse Mulga woodland characterises the contour of the drainage channel in the northern portion of the application area (360 Environmental, 2019; Focus Minerals, 2020; GIS Database).

Based on the above, the proposed clearing will disturb a small area of vegetation associated with a watercourse, however the vegetation survey of the application area did not identify any riparian vegetation (360 Environmental, 2019), and impacts from the proposed clearing to vegetation growing in association with watercourses is likely to be minimal, given the narrow and limited footprint of the proposed clearing. Potential impacts to vegetation growing in association with the watercourses may be minimised by the implementation of a watercourse management condition.

The application area lies within the Ranch, Jundee and Violet land systems (GIS Database). These land systems have been mapped by the former Department of Agriculture (now the Department of Primary Industries and Regional Development).

The Ranch Land System is described as hardpan plains and prominent broad drainage tracts supporting dense mulga shrublands. Wide drainage tracts are mildly susceptible to soil erosion (Pringle et al., 1994).

The Jundee Land System is described as hardpan plains with ironstone gravel mantles and occasional sandy banks supporting mulga shrublands. Impedance to natural sheet flows can initiate soil erosion and cause water starvation and consequent loss of vigour in vegetation downslope. Gravel mantles provide effective protection against soil erosion (Pringle et al., 1994).

The Violet Land System is described as gently undulating gravelly plains and low rises, supporting mulga shrubland. Abundant mantles provide effective protection against soil erosion over most of this land system, except where the soil surface has been disturbed, for example by the construction of tracks and gridlines. In such circumstances, the soil becomes moderately susceptible to water erosion. Narrow drainage tracts are mildly susceptible to water erosion (Pringle et al., 1994).

The small amount (up to 1.147 hectares) and narrow bands of clearing proposed within the application area is not likely to result in any appreciable land degradation. There may be some risk of localised land degradation along the drainage line, which can be minimised by implementation of a watercourse management condition.

The application area overlaps the Laverton Water Reserve Public Drinking Water Source Area (GIS Database), however the very limited nature of the proposed clearing is unlikely to cause alteration or deterioration in the quality of underground or surface water. DWER were notified of the application and no concerns were raised regarding the application (DWER, 2021).

The nature of the clearing (small amount, in narrow bands) required to widen an access track and establish a water pipeline is unlikely to result in any significant impact to surface or groundwater quality, nor increase the incidence of flooding in the area (360 Environmental, 2019; Focus Minerals, 2020).

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*, and the proposed clearing is at variance to Principle (f), may be at variance to Principle (g), is not likely to be at variance to Principles (a), (b), (c), (d), (i) and (j) and is not at variance to Principle (e) and (h).

Methodology

360 Environmental (2019)
CALM (2002)
DAWE (2021)
DBCA (2021)
DWER (2021)
Focus Minerals (2020)
Government of Western Australia (2019)
Keighery, B.J. (1994)
Pringle et al. (1994)

GIS Database:
- IBRA Australia
- Pre-European Vegetation

- Threatened and Priority Flora
- Threatened Ecological Sites Buffered
- Threatened Fauna
- Topographic Contour, Statewide

Planning Instrument, Native Title, previous EPA decision or other matter.

Comments

The clearing permit application was advertised on 24 December 2020 by the Department of Mines, Industry Regulation and Safety (DMIRS), inviting submissions from the public. No submissions were received in relation to this application.

There is one native title claim (WC2019/002) 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.

The proponent has applied for an Environmental Works Approval (Category 70) under Part V of the EP Act for the crushing and screening of waste rock for use in road / general construction (Focus Minerals, 2020). Furthermore, as the activity is located within the Laverton Public Drinking Water Source Area, the proponent had self-referred the proposal to the EPA. On 7 April 2021 the EPA decided that the proposal was not to be assessed under Part IV of the EP Act, with no advice given (EPA, 2021).

In addition, 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 Water Licence, Bed and Banks Permit, or any other licences or approvals are required for the proposed works.

Methodology

DPLH (2021)
EPA (2021)
Focus Minerals (2020)

4. References

360 Environmental (2019). Wedge Survey Area Biological Assessment. Report prepared for Focus Minerals (Laverton) Pty Ltd, by 360 Environmental Pty Ltd, August 2019.

CALM (2002) A Biodiversity Audit of Western Australia's 53 Biogeographic Subregions in 2002. Department of Conservation and Land Management, Western Australia.

DAWE (2021) EPBC Act Protected Matters Search Tool. Department of Agriculture, Water and the Environment. https://www.environment.gov.au/epbc/protected-matters-search-tool (Accessed 10 February 2021).

DBCA (2021) NatureMap: Mapping Western Australia's Biodiversity, Department of Biodiversity, Conservation and Attractions. https://naturemap.dbca.wa.gov.au/ (Accessed 16 February 2021).

DWER (2021) Advice received in relation to Clearing Permit Application CPS 9164/1. Department of Water and Environmental Regulation, Western Australia, 9 February 2021.

DPLH (2021) Aboriginal Heritage Inquiry System - Department of Planning, Lands and Heritage. https://espatial.dplh.wa.gov.au/AHIS/ (Accessed 16 February 2021).

EPA (2021) Notice of Decision Not To Assess A Proposal - Lancefield Quarry. Environmental Protection Authority, Western Australia, 7 April 2021.

Focus Minerals (2020). Works Approval Application, Crushing and Screening Category, Lancefield Quarry, Laverton Gold Project. Focus Minerals Limited, December 2020.

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, Perth. https://catalogue.data.wa.gov.au/dataset/dbca-statewide-vegetation-statistics

Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.

H.J.R. Pringle, A.M.E. Van Vreeswyck, S.A. Gillian (1994) An inventory and condition survey of the north-eastern Goldfields, Western Australia. Technical Bulletin 87. Department of Agriculture and Food, Perth, Western Australia.

5. Glossary

Acronyms:

BC Act	*Biodiversity Conservation Act 2016,* 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
DEC	Department of Environment and Conservation, Western Australia (now DBCA and DWER)
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)
DoE	Department of the Environment, Australian Government (now DAWE)
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
DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities (now DAWE)
DWER	Department of Water and Environmental Regulation, Western Australia
EP Act	*Environmental Protection Act 1986*, Western Australia
EPA	Environmental Protection Authority, Western Australia
EPBC Act	*Environment Protection and Biodiversity Conservation Act 1999* (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	*Rights in Water and Irrigation Act 1914*, 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.