



Clearing Permit Decision Report

1. Application details and outcomes

1.1. Permit application details

Permit number:	9383/2
Permit type:	Purpose Permit
Applicant name:	Aurenne MIT Pty Ltd
Application received:	17 March 2022
Application area:	1,000 hectares
Purpose of clearing:	Mineral exploration, mineral production and associated activities
Method of clearing:	Mechanical Removal
Tenure:	Exploration Licences 29/790, 29/921, 29/970, 29/971, 29/973, 29/993, 29/1007, 29/1008, 29/1014, 29/1016 General Purpose Leases 29/29, 29/30, 29/31, 29/32 Mining Leases 29/150, 29/151, 29/421 Miscellaneous Licences 29/137, 29/139, 29/145, 29/153, 29/154, 29/157, 29/158, 29/159, 29/160, 29/161
Location (LGA area/s):	Shire of Menzies
Colloquial name:	Mt Ida Gold Project

1.2. Description of clearing activities

Aurenne MIT Pty Ltd proposes to clear up to 1,000 hectares of native vegetation within a boundary of approximately 18,442 hectares, for the purpose of mineral exploration, mineral production and associated activities. The project is located approximately 72 kilometres north-west of Menzies, within the Shire of Menzies.

Clearing permit CPS 9383/1 was granted by the Department of Mines, Industry Regulation and Safety on 4 February 2022 and was valid from 1 March 2022 to 28 February 2027. The permit authorised the clearing of up to 1,000 hectares of native vegetation within a boundary of approximately 18,442 hectares, for the purpose of mineral exploration, mineral production and associated activities.

On 17 March 2022, the Permit Holder applied to amend CPS 9383/1 to amend condition 9 and to add tenure to the permit. The tenure being added to the permit is wholly contained within the permit boundary of CPS 9383/1.

The original permit (CPS 9383/1) allowed to Permit Holder to clear 338 individuals of *Jacksonia lanicarpa* (condition 9). Since then, further targeted survey work has recorded more individuals of *J. lanicarpa* within the application area, therefore the Permit Holder has requested to amend condition 9 to reflect all the individuals recorded within the mining footprint (2,000 individuals).

The applicant advised that no clearing has been undertaken under CPS 9383/1 since it was granted in February 2022 (Aurenne, 2022).

1.3. Decision on application and key considerations

Decision:	Grant
Decision date:	14 June 2022
Decision area:	1,000 hectares of native vegetation

1.4. Reasons for decision

This clearing permit application was made in accordance with section 51KA(1) of the *Environmental Protection Act 1986* (EP Act) and was received by the Department of Mines, Industry Regulation and Safety (DMIRS) on 17 March 2022. DMIRS advertised the application for public comment for a period of 21 days, and two submissions were received.

In making this decision, the Delegated Officer had regard for the CPS 9383/1 Decision Report (DMIRS, 2022), relevant datasets, supporting information provided by the applicant including the results of a flora survey, the clearing principles set out in Schedule

5 of the EP Act, the two submissions received during the public comment period, and any other matters considered relevant to the assessment.

The assessment has not changed since the assessment for CPS 9383/1, except in the case of principle (a). After consideration of the available information, as well as the applicant's minimisation and mitigation measures, the Delegated Officer determined that the proposed clearing is not likely to lead to an unacceptable risk to the environment. The Delegated Officer decided to grant the clearing permit amending condition 9 and including additional tenure on the permit, whilst retaining the existing management conditions on the permit.

2. Assessment of application

2.1. Avoidance and mitigation measures

The Permit Holder originally applied to disturb 2,000 individuals of *Jacksonia lanicarpa* (Priority 1) species, however after receiving advice from DBCA and discussions with DMIRS, the Permit Holder has re-designed the proposed mine layout (including various access roads and the run-of-mine pad) to only disturb 1,000 individuals of *J. lanicarpa*.

The Delegated Officer was satisfied that the applicant has made a reasonable effort to avoid and minimise potential impacts of the proposed clearing on environmental values.

2.2. Assessment of impacts on environmental values

Condition 9 of clearing permit CPS 9383/1 authorises that no more than 338 individuals of *Jacksonia lanicarpa* are to be cleared. The Permit Holder has requested to amend this condition to allow no more than 1,000 individuals of *J. lanicarpa* to be cleared.

A targeted *Jacksonia lanicarpa* flora survey was undertaken from 7 to 11 February 2022, which recorded 10,771 individuals within the survey boundary (Aurenne, 2022). There were 1,991 individuals found within the application area, and approximately 8,780 individuals recorded outside the application area within Aurenne MIT Pty Ltd tenements (Aurenne, 2022).

DBCA (2022) advise that this subpopulation of *Jacksonia lanicarpa* is the largest known subpopulation and represents the most south-eastern extent of the species range, which is considered significant. The proposed clearing of 1,000 individuals will represent a direct impact of 8.15% at the overall species level, and at a regional and local level, it will represent a 9.25% direct impact. This does not include any individuals that are likely to be impacted from indirect impacts. However, DMIRS considers that the indirect impacts to this species can be appropriately managed by the retention of the weed and staged clearing condition.

Whilst the proposed clearing will impact a significant subpopulation of *Jacksonia lanicarpa*, the Permit Holder has reduced the direct impact to 1,000 individuals which is considered not likely to significantly impact this subpopulation in the long-term. It is recommended that there is no further clearing of any individuals of *Jacksonia lanicarpa* beyond the 1,000 individuals without further consultation with DBCA. Aurenne (2022) advise that further targeted surveys will continue during the Mt Ida Gold Project to continually improve knowledge of the distribution and densities of the local population.

Based on the above, the proposed clearing is at variance to principle (a).

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 remaining clearing principles remains consistent with the assessment contained in decision report CPS 9383/1.

2.3. Relevant planning instruments and other matters

The clearing permit amendment application was advertised on 29 March 2022 by the Department of Mines, Industry Regulation and Safety inviting submissions from the public. There were two submissions were received in relation to this application.

There are no native title claims over the area under application (DPLH, 2022). 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.

Other relevant authorisations required for the proposed land use include:

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

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.

Appendix A. Additional information provided by applicant

Summary of comments	Consideration of comment
Shapefile of <i>Jacksonia lanicarpa</i> locations within the application area.	Locations of <i>J. lanicarpa</i> will be conditioned within condition 9 of the permit.

Appendix B. Details of public submissions

Summary of comments	Consideration of comment
One submission was received requesting the details of the permit holder to discuss native title rights and interests, and whether any cultural heritage surveys have been undertaken over the application area	<p>DMIRS has made the permit holder aware of the public submission and encourages stakeholder consultation.</p> <p>There are no native title claims over the area under application (DPLH, 2022). However, the mining tenure has been granted in accordance with the future act regime of the <i>Native Title Act 1993</i> 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 <i>Native Title Act 1993</i>.</p> <p>There are no registered Aboriginal Sites of Significance within the application area (DPLH, 2022). It is the proponent's responsibility to comply with the <i>Aboriginal Heritage Act 1972</i> and ensure that no Aboriginal Sites of Significance are damaged through the clearing process.</p>
<p>One submission was received from the Shire of Menzies objecting to the proposed clearing for the following reasons:</p> <ul style="list-style-type: none">- The request for 1,000 hectares does not appear to minimise clearing to what is required;- The clearing of vegetation along road reserves diminishes the attraction of the area;- No evidence provided as to the impact of such large-scale clearing in the area;- A full environmental assessment by an independent consultant is requested <p>The Shire had an opportunity to meet with the Permit Holder to discuss their concerns, and have since sent a submission advising that Shire have no objection to the proposed clearing, as long as there is no clearing within 100 metres of a gazetted road without further consultation with the Shire.</p>	<p>With permission from the Shire, DMIRS advised the permit holder of the submission and the permit holder responded directly to and met with the Shire to discuss their concerns.</p>

Appendix C. Sources of information

C.1. GIS databases

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

- 10 Metre Contours (DPIRD-073)
- Aboriginal Heritage Places (DPLH-001)
- Aboriginal Heritage Places (DPLH-001)
- Bush Forever (Regional Scheme) (DPLH-022)
- Cadastre (LGATE-218)
- Cadastre Address (LGATE-002)
- Contours (DPIRD-073)
- 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)
- Flood Risk (DPIRD-007)
- Groundwater Salinity Statewide (DWER-026)
- Hydrographic Catchments – Catchments (DWER-028)
- Hydrography – Inland Waters – Waterlines
- Hydrography, Linear (DWER-031)
- Hydrological Zones of Western Australia (DPIRD-069)
- IBRA Vegetation Statistics
- Native Title (ILUA) (LGATE-067)
- Pre-European Vegetation Statistics

- Interim Ramsar Sites (DBCA-010)
- 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 Land Quality – Flood Risk (DPIRD-007)
- Soil Landscape Land Quality – Phosphorus Export Risk (DPIRD-010)
- Soil Landscape Land Quality – Subsurface Acidification Risk (DPIRD-011)
- Soil Landscape Land Quality – Water Erosion Risk (DPIRD-013)
- Soil Landscape Land Quality – Water Repellence Risk (DPIRD-014)
- Soil Landscape Land Quality – Waterlogging Risk (DPIRD-015)
- Soil Landscape Land Quality – Wind Erosion Risk (DPIRD-016)
- 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)

C.2. References

- Aurenne (2022) Memo to DBCA - *Jacksonia lanicarpa* P1. Aurenne Group Mining, March 2022.
- Department of Biodiversity, Conservation and Attractions (DBCA) (2022) Advice received in relation to Clearing Permit Application CPS 9383/2. Species and Communities Branch. Department of Biodiversity, Conservation and Attractions, Western Australia, May 2022.
- 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 Mines, Industry Regulation and Safety (DMIRS) (2022) CPS 9383/1 Decision Report. <https://ftp.dwer.wa.gov.au/permit/9383/Permit/>
- 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 30 May 2022).
- Department of Water and Environmental Regulation (DWER) (2021) Procedure: Native vegetation clearing permits. Joondalup. Available from: https://dwer.wa.gov.au/sites/default/files/Procedure_Native_vegetation_clearing_permits_v1.pdf

2. 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

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.