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

Clearing Permit Decision Report

1. Application details and outcome

1.1. Permit application details

Permit number:	9409/2
Permit type:	Purpose Permit
Applicant name:	Barto Gold Mining Pty Ltd
Application received:	10 March 2022
Application area:	76.54 hectares
Purpose of clearing:	Mineral Production and Associated Activities
Method of clearing:	Mechanical Removal
Tenure:	Mining Lease 77/775
	Mining Lease 77/790
Location (LGA area/s):	Shire of Yilgarn
Colloquial name:	Windmills project

1.2. Description of clearing activities

The Windmills project is located appoximately 6 kilometres south-east of Marvel Loch, within the Shire of Yilgarn. Barto Gold Mining Pty Ltd proposes to clear up to 76.54 hectares of native vegetation within a boundary of approximately 97.24 hectares, for the purpose of mineral production and associated activites.

Clearing permit CPS 9409/1 was granted by the Department of Mines, Industry Regulation and Safety on 16 December 2021 and was valid from 8 January 2022 to 7 January 2027. The permit authorised the clearing of up to 75 hectares of native vegetation within a boundary of approximately 96.77 hectares, for the purpose of mineral production and associated activites.

On 10 March 2022, the Permit Holder applied to amend CPS 9409/1 to amend the permit boundary, increase the area authorised to clear from 75 hectares to 76.54 hectares, and to remove Mining Lease 77/31 from the tenure on the permit. This amendment is to re-route a proposed haul road so the new alignment is straighter, improving safety of the road (Figure 1) (Barto Gold, 2022).

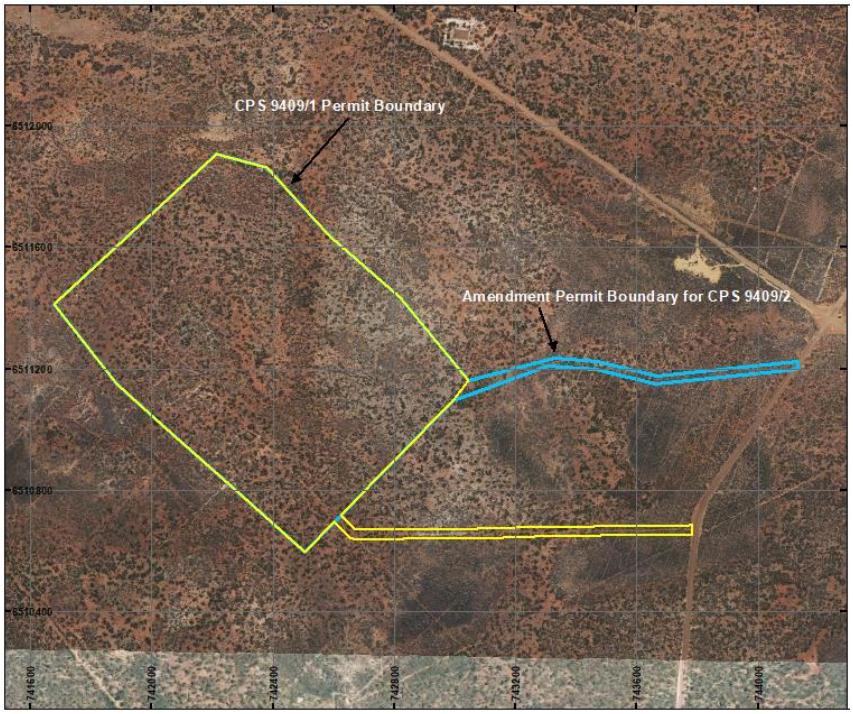

Figure 1. Original clearing permit boundary (yellow area) and proposed amendment permit boundary (blue area).

1.3. Decision on application and key considerations

Decision:	Grant
Decision date:	19 April 2022
Decision area:	76.54 hectares of native vegetation

1.4. Reasons for decision

This clearing permit application was made in accordance with section 51KA of the *Environmental Protection Act 1986* (EP Act) and was received by the Department of Mines, Industry Regulation and Safety (DMIRS) on 10 March 2022. DMIRS advertised the application for public comment for a period of 21 days, and no submissions were received.

In undertaking the assessment, the Delegated Officer had regard for the site characteristics, relevant datasets, supporting information provided by the applicant including the results of a flora and vegetation survey and fauna surveys, the clearing principles set out in Schedule 5 of the EP Act, and any other matters considered relevant to the assessment.

The assessment of the amendment application remains consistent with the assessment of the original permit application, CPS 9409/1. The Delegated Officer determined that the proposed clearing of an additional 1.54 hectares of native vegetation within a total permit area of approximately 96.77 hectares, and the amendment of the permit boundary is unlikely to result in any significant additional impacts to environmental values.

After consideration of the available information, 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 a clearing permit with the existing permit conditions.

2. Assessment of application

2.1. Avoidance and mitigation measures

The applicant has advised that the realignment of the haul road route will avoid the segregation of a population of *Rinzia fimbriolata* (Priority 1). The new haul road route also partially runs over an existing track used for exploration purposes.

The applicant adequately demonstrated that all reasonable efforts had been taken to avoid and minimise potential impacts of the clearing on environmental values.

2.2. Assessment of impacts on environmental values

A flora and vegetation survey was conducted over the application area by Stantec during April and September 2020, and April 2021. There were no Threatened Flora and one Priority Flora species recorded within the application area; *Hakea pendens* (Priority 3) (Stantec, 2021a). This species is not located within the realigned haul road route, and the additional 1.54 hectares to be cleared will not clear more *Hakea pendens* individuals than identified within the original assessment.

The application area intersects the Parker Range vegetation complexes Priority Ecological Community (PEC) (Priority 3) (GIS Database). Approximately 93.12 hectares of native vegetation analogous with this PEC was mapped within the application area (Stantec, 2021a). The proposed clearing of a small portion of this PEC is not likely to impact the conservation status of the PEC. Cumulative impacts may need to be considered with any future clearing of this PEC. Potential impacts to the PEC may be minimised by the existing weed condition to mitigate impacts of edge effects of clearing to the PEC.

Two broad fauna habitats have been recorded within the application area and habitats are considered typical of the Southern Cross subregion and were broadly represented outside of the application area (Stantec, 2021a). A targeted chuditch survey was undertaken by Stantec (2021c) and no individuals were recorded. The application area is considered to comprise of important habitat for the chuditch, with the area possibly being utilised for both foraging and sheltering purposes. Whilst the proposed clearing will result in the removal of some denning and foraging habitat, there is still significant habitat remaining in the local area (10 km radius) and the proposed clearing is not expected to have a significant impact on the long term viability of local populations. Potential impacts to chuditch as a result of the proposed clearing may be minimised by the existing fauna management condition. This will require a pre-clearing inspection for dens, relocation of individuals occupying identified dens, and replacement/relocation of confirmed dens in adjoining habitat.

A targeted Malleefowl survey by Stantec (2021b) did not find evidence of Malleefowl within the application area, however both active and inactive mounds have been identified in close proximity to the application area, and the local area (Stantec, 2021a). The previous records of active and inactive mounds were recorded within shrubland habitat (which occurs within the application area), which provides suitable dense shrub cover and leaf litter on substrates suitable for mound building. Potential impacts to malleefowl as a result of the proposed clearing may be minimised by the existing fauna management condition. This will require a pre-clearing inspection for mounds during the breeding season, and the avoidance of any active mounds.

Approximately 97% of the pre-European vegetation still exists in the Coolgardie bioregion (Government of Western Australia, 2019). Although the landscape to the west of the application area has been largely cleared for agriculture, the application area is within a large tract of uncleared native vegetation and is not part of any ecological linkage (GIS Database). The nearest conservation area is located over 11 kilometres east of the application area and the proposed clearing is not likely to impact on the environmental values of this area.

There are no permanent watercourses within the area proposed to be cleared (GIS Database). The proposed clearing is not likely to impact surface water quality, groundwater quality or lead to increase in flooding.

The mapped soil types within the application area suggest that the application area may be prone to land degradation from clearing (Stantec, 2021a). Given that the amount of clearing is relatively large (75 hectares), there is risk of land degradation from wind and water erosion. Potential impacts from erosion may be minimised by the existing staged clearing condition which requires areas that are cleared are utilised within six months.

The vegetation associations, fauna habitats and landform types present within the permit area, are well represented in surrounding areas and the region remains largely uncleared (GIS Database). The increase in authorised clearing from 75 hectares to 76.54 hectares, and amendment of the permit boundary to realign a haul road, is unlikely to result any significant change to the environmental impacts of the proposed clearing.

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 9409/1.

2.3. Relevant planning instruments and other matters

The clearing permit amendment application was advertised on 25 March 2022 by the Department of Mines, Industry Regulation and Safety inviting submissions from the public. No submissions were received in relation to this application.

There is one native title claim over the area under application (DPLH, 2022). This claim has been registered with the National Native Title Tribunal on behalf of the claimant group. However, the mining tenure has been granted in accordance with the future act regime of the *Native Title Act 1993* and the nature of the act (i.e. the proposed clearing activity) has been provided for in that process, therefore, the granting of a clearing permit is not a future act under the *Native Title Act 1993*.

There are no registered Aboriginal Sites of Significance within the application area (DPLH, 2022). It is the proponent's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

Other relevant authorisations required for the proposed land use include a Mining Proposal and 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 - References and databases

1. GIS datasets

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

- Aboriginal Heritage Places (DPLH-001)
- Cadastre Address (LGATE-002)
- DBCA – Lands of Interest (DBCA-012)

- DBCA Legislated Lands and Waters (DBCA-011)
- Directory of Important Wetlands in Australia – Western Australia (DBCA-045)
- Environmentally Sensitive Areas (DWER-046)
- IBRA Vegetation Statistics
- Regional Parks (DBCA-026)

Restricted GIS Databases used:

- ICMS (Incident Complaints Management System) – Points and Polygons
- Threatened Flora (TPFL)
- Threatened Flora (WAHerb)
- Threatened Fauna
- Threatened Ecological Communities and Priority Ecological Communities
- Threatened Ecological Communities and Priority Ecological Communities (Buffers)

2. References

Barto Gold (2022) Re: CPS 9409/1 - Revision. Barto Gold Mining Pty Ltd, March 2022.

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 29 March 2022).

Government of Western Australia (2019) 2018 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of March 2019. WA Department of Biodiversity, Conservation and Attractions. https://catalogue.data.wa.gov.au/dataset/dbca-statewide-vegetation-statistics

Stantec (2021a) Windmills Native Vegetation Clearing Permit (Purpose Permit) Supporting Document Application. Prepared for Barto Gold Mining Pty Ltd, by Stantec, April 2021.

Stantec (2021b) Windmills Flora, Vegetation and Fauna survey. Prepared for Barto Gold Mining Pty Ltd, by Stantec, August 2021.

Stantec (2021c) Memorandum: Targeted Chuditch Survey Report. Prepared for Barto Gold Mining Pty Ltd, by Stantec, August 2021.