Department of Mines, Petroleum and Exploration

GOVERNMENT OF WESTERN AUSTRALIA

Clearing Permit Decision Report

1. Application details and outcomes

1.1. Permit application details

Permit number:	9148/4
Permit type:	Purpose permit
Applicant name:	Black Cat (Kal East) Pty Ltd
Application received:	26 March 2026
Application area:	250 hectares
Purpose of clearing:	Mineral production and associated activities
Method of clearing:	Mechanical removal
Tenure:	Mining Lease 25/104, 25/350, 26/248, 26/360, 26/364, 26/417
	Miscellaneous Licence 25/23, 25/37, 25/49, 25/64
Location (LGA area):	City of Kalgoorlie-Boulder
Colloquial name:	Imperial-Majestic Gold Project

1.2. Description of clearing activities

Black Cat (Kal East) Pty Ltd proposes to clear up to 250 hectares of native vegetation within a boundary of approximately 465.30 hectares, for the purpose of mineral production and associated activities. The project is located approximately 38 kilometres north-east of Kambalda, within the City of Kalgoorlie-Boulder.

Clearing permit CPS 9148/1 was granted by the Department of Mines, Industry Regulation and Safety (now the Department of Mines, Petroleum and Exploration) on 28 January 2021 and was valid from 20 February 2021 to 19 February 2026. The permit authorised the clearing of up to 136.9 hectares of native vegetation within a boundary of approximately 375 hectares, for the purpose of mineral production and associated activities.

CPS 9148/2 was granted on 6 May 2021, amending the permit to increase the amount of clearing authorised to 214.90 hectares within the existing permit boundary of 375 hectares. The additional clearing was for a tailings storage facility and other miscellaneous areas which totalled to an increase of 78 hectares.

CPS 9148/3 was granted on 12 February 2026, amending the permit to extend the duration of the clearing permit, and to amend the name of the permit holder from Black Cat (Bulong) Pty Ltd to Black Cat (Kal East) Pty Ltd. During the assessment of CPS 9148/3 the clearing permit boundary was modified to align with tenement boundaries which resulted in an increase in the permit boundary of 8.173 hectares.

On 26 March 2026, the permit holder applied to amend CPS 9148/3 to increase the permit boundary from 353.80 hectares to 465.30 hectares, increase the amount of authorised clearing from 214.90 hectares to 250 hectares and addition of tenements; Miscellaneous Licence 25/64 and Mining Lease 25/104.

Based on the most recent annual clearing report (reporting period 1 July 2025 to 30 June 2026, received 20 July 2026), a total of 111.136 hectares of native vegetation has been cleared under the permit (Black Cat Syndicate, 2026; Black Cat (Kal East) Pty Ltd pers communication,16 October 2026).

1.3. Decision on application and key considerations

Decision:	Grant
Decision date:	5 November 2026
Decision area:	250 hectares of native vegetation

1.4. Reasons for decision

This clearing permit application was submitted, accepted, assessed, and determined in accordance with sections 51KA(1) and 51O of the *Environmental Protection Act 1986* (EP Act). The Department of Mines, Petroleum and Exploration (DMPE) advertised the application for a public comment for a period of 21 days, and no submissions were received.

In making this decision, the Delegated Officer had regard for the site characteristics (Appendix A), relevant datasets (Appendix D), supporting information provided by the applicant, the clearing principles set out in Schedule 5 of the EP Act (Appendix B),

proposed avoidance and minimisation measures (Section 3.1), relevant planning instruments and any other matters considered relevant to the assessment (Section 3.3).

The assessment identified that the proposed clearing may result in:

- the potential introduction and spread of weeds into adjacent vegetation, which could impact on the quality of the adjacent vegetation and its habitat values;
- impact to riparian vegetation and watercourses;
- impacts to conservation significant flora;
- the loss of native vegetation that is suitable habitat for malleefowl (*Leipoa ocellata*);
- the loss of potentailly suitable habitat for arid bronze azure butterfly (ABAB) (*Ogyris petrina*);
- the loss of potentially suitable habitat for inland hairstreak buttefly (*Jalmenus aridus*);
- the loss of native vegetation that is suitable habitat for southern whiteface (*Aphelocephala leucopsis*); and
- potential land degradation in the form of erosion.

After consideration of the available information, as well as the applicant's minimisation and mitigation measures (Section 3.1), the Delegated Officer determined the proposed clearing can be minimised and managed to be unlikely to lead to an unacceptable risk to environmental values.

The Delegated Officer decided to grant a clearing permit subject to conditions to:

- avoid, minimise to reduce the impacts and extent of clearing;
- take hygiene steps to minimise the risk of the introduction and spread of weeds;
- vegetation management to avoid riparian vegetation where practicable and maintain existing water flow;
- pre-clearance targeted surveys for malleefowl (*Leipoa ocellata*);
- a fauna management (arid bronze azure butterfly) condition requiring areas proposed to be cleared to be surveyed to identify potentially critical habitat, ant colonies and ABAB individuals; and no clearing within 100 metres of any colonies;
- a fauna management (inland hairstreak butterfly) condition requiring areas proposed to be cleared to be surveyed to identify potential critical habitat and inland hairstreak butterfly individuals, and no clearing within 50 metres of inland hairstreak butterfly host plants;
- a fauna management (southern whiteface) condition requiring areas proposed to be cleared between 1 July and 31 October are inspected to identify active (in use) southern whiteface nests, and to maintain a 10 metre buffer around identified active nests;
- undertake slow, progressive one-directional clearing to allow terrestrial fauna to move into adjacent habitat ahead of the clearing activity;
- commence construction no later than three months after undertaking clearing to reduce the risk of erosion; and

The assessment has not changed since the assessment for CPS 9148/3, except in the case of principle (f). The additional proposed clearing area contains a drainage line associated riparian vegetation. The Delegated Officer determined that the proposed additional clearing and permit boundary increase is not likely to lead to an unacceptable risk to environmental values.

1.5. Site map

A site map of proposed clearing is provided in Figure 1 below.

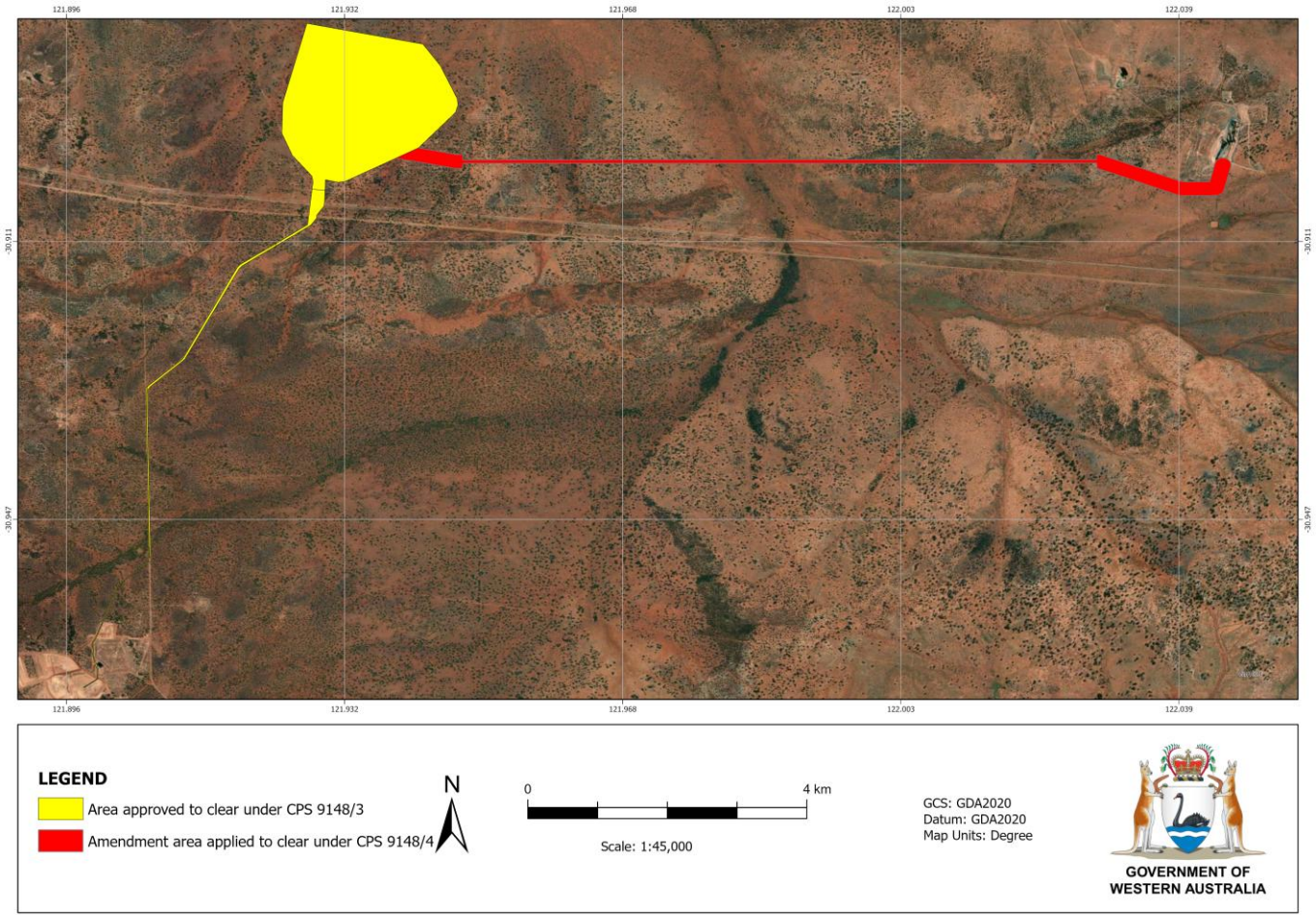


Figure 1. Map of the application area. The yellow area indicates the area previously approved to clear under CPS 9148/3. The red area indicates the area applied to clear under CPS 9148/4.

2. Legislative context

The clearing of native vegetation in Western Australia is regulated under the EP Act and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (Clearing Regulations).

In addition to the matters considered in accordance with section 51O of the EP Act (Section 1.4), the Delegated Officer has also had regard to the objects and principles under section 4A of the EP Act, particularly:

- the precautionary principle
- the principle of intergenerational equity
- the principle of the conservation of biological diversity and ecological integrity

Other legislation of relevance for this assessment include:

- *Biodiversity Conservation Act 2016* (WA) (BC Act)
- *Biosecurity and Agriculture Management Act 2007* (BAM Act)
- *Conservation and Land Management Act 1984* (WA) (CALM Act)
- *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act)
- *Mining Act 1978* (WA)
- *Rights in Water and Irrigation Act 1914* (RIWI Act)

Relevant agreements (treaties) considered during the assessment include:

- Japan-Australia Migratory Bird Agreement
- China-Australia Migratory Bird Agreement
- Republic of Korea-Australia Migratory Bird Agreement

The key guidance documents which inform this assessment are:

- A guide to the assessment of applications to clear native vegetation (DER, 2014)
- Procedure: Native vegetation clearing permits (DWER, 2021)
- Technical guidance – Terrestrial Fauna Surveys for Environmental Impact Assessment (EPA, 2016)

- Technical guidance – Terrestrial Fauna Surveys for Environmental Impact Assessment (EPA, 2020)

3. Detailed assessment of application

3.1. Avoidance and mitigation measures

No additional evidence of avoidance or mitigation measures was provided to support the application. Impacts to environmental values can continued to be managed under permit conditions.

3.2. Assessment of impacts on environmental values

A review of current environmental information (Appendix A) reveals that the assessment against the clearing principles has not changed significantly from the clearing permit decision report CPS 9148/3, except for principle (f) which required further consideration (Appendix B).

3.3. Relevant planning instruments and other matters

The clearing permit amendment application was advertised on 9 June 2026 by the Department of Mines, Petroleum and Exploration inviting submissions from the public. No submissions were received in relation to this application.

There are two native title claims over the area under application (DPLH, 2026). These claims (WC2017/007 and WC2020/005) have been registered with the National Native Title Tribunal on behalf of the claimant group (Marlinyu Ghoorlie and Kakarra Part A). The mining tenures 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, 2026). 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 noted that the proposed clearing may impact on arid bronze azure butterfly (*Ogyris petrina*), malleefowl (*Leipoa ocellata*), and southern whiteface (*Aphelocephala leucopsis*) which are protected matters under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). The proponent may be required to refer the project to the (Commonwealth) Department of Climate Change, Energy, the Environment and Water for environmental impact assessment under the EPBC Act. The proponent is advised to contact the Department of Climate Change, Energy, the Environment and Water for further information regarding notification and referral responsibilities under the EPBC Act.

Other relevant authorisations required for the proposed land use include:

- A Mining Development and Closure Proposal 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.

End

Appendix A. Site characteristics

A.1. Site characteristics

Characteristic	Details
Local context	The area proposed to be cleared is part of an expansive tract of native vegetation in the extensive land use zone of Western Australia (GIS Database). It is surrounded by native vegetation and previous disturbance (GIS Database). The predominant land use in the Eastern Goldfields subregion (COO3) is Unallocated Crown Land, Crown reserves, grazing-native pasture leasehold, freehold, conservation and mining leases (CALM, 2002).
Ecological linkage	According to available databases, the application area does not contain any known or mapped ecological linkages (GIS Database).
Conservation areas	The application area transects the Majestic Timber Reserve (GIS Database).
Vegetation description	The vegetation of the application area is broadly mapped as the following Beard vegetation associations: • **Randell 468:** Medium woodland; salmon gum & goldfields blackbutt; and • **Randell 506:** Succulent steppe with woodland; salmon gum & bluebush (Government of Western Australia, 2019; GIS Database). **Amendment area applied for under CPS 9148/4** A flora and vegetation survey was conducted over the amendment area by Botanica Consulting Pty Ltd (Botanica) during October, 2021. The following vegetation associations were recorded within the application area (Botanica, 2025): • **CLP-AFW1:** *Acacia acuminata* woodland over *Dodonaea lobulata* open shrubland over *Ptilotus obovatus* and *Westringia rigida* low open shrubland; • **CLP-AOW1:** *Acacia acuminata* low open woodland over *Dodonaea lobulata* open shrubland over *Ptilotus obovatus* and *Westringia rigida* low open shrubland; • **CLP-COW1:** *Casuarina pauper* low sparse woodland over *Eremophila decipiens* open shrubland over *Maireana triptera* low sparse shrubland; • **CLP-EW1:** *Eucalyptus salmonophloia* woodland over *Eremophila interstans* subsp. *virgata* open shrubland over *Maireana sedifolia* low open shrubland; • **CLP-EW2:** *Eucalyptus lesouefii* open woodland over *Atriplex nummularia* subsp. *spathulata* shrubland over *Tecticornia disarticulata* low open shrubland; • **CLP-MW1:** *Eucalyptus griffithsii* open mallee woodland over *Eremophila scoparia* sparse shrubland over *Cratystylis subspinescens* low open shrubland; and • **DD-EW1:** *Eucalyptus salmonophloia* low sparse woodland over *Eremophila interstans* subsp. *virgata* open shrubland over *Maireana sedifolia* low open shrubland. **Areas previously approved under CPS 9148/3** A flora and vegetation survey was conducted over M 25/230 and portion of the pre-existing haul road by Outback Ecology Services (Outback Ecology) during October 2010 and May, 2011 (Outback Ecology, 2011). Botanica undertook a flora and vegetation survey over part of the pre-existing haul road during, which had not been surveyed by Outback Ecology, in December 2014. The following vegetation associations were recorded within the application area (Botanica, 2015; Outback Ecology, 2011): • Scattered Woodland of *Eucalyptus salmonophloia* over an Open Shrubland of *Lycium australe*, *Maireana sedifolia*, *Senna artemisioides* subsp. *filifolia*, *Tecticornia disarticulata* and Atriplex spp; • Open Woodland of *Eucalyptus salmonophloia* with occasional *E. salubris* over a Tall Scattered Shrubland of *Eremophila interstans* subsp. *interstans* over an Open Shrubland of *Lycium australe*, *Maireana sedifolia*, *M. pyramidata*, *Senna artemisioides* subsp. *filifolia*, *Tecticornia disarticulata* and *Atriplex* spp; • Tall Shrubland of *Acacia tetragonophylla*, *Pittosporum angustifolium* and *Santalum spicatum* over a mixed Shrubland; • Open Woodland of *Eucalyptus salubris* with occasional *E. salmonophloia* over a Tall Scattered Shrubland of *Eremophila scoparia* over a Low Open Shrubland of *Maireana sedifolia* and *Tecticornia disarticulata;* • Low Open Woodland of *Casuarina obesa* over a Tall Scattered Shrubland of *Eremophila interstans* subsp. *interstans* over a Low Open Shrubland of *Maireana sedifolia;* • Woodland of *Eucalyptus salubris* with occasional *E. yilgarnensis* over a Tall Open Shrubland of *Eremophila interstans* subsp. *interstans* over a Low Scattered Shrubland of *Olearia muelleri*, *Enchylaena tomentosa* and other mixed shrubs; • Low Open Woodland of *Eucalyptus griffithsii* over Tall Shrubland of *Acacia* sp. narrow phyllode (B.R. Maslin 7831) over an Open Shrubland of *Eremophila* spp., *Senna artemisioides* subsp. *filifolia*, *Dodonaea lobulata*, *Atriplex nummularia* subsp. *spathulata* and *Maireana sedifolia;*

	• Tall Open Shrubland of *Casuarina pauper* and *Acacia tetragonophylla* over a Low Open Shrubland of *Dodonaea lobulata* over a Very Open Grassland of *Triodia irritans;* • Low Woodland of *Eucalyptus griffithsii* over Tall Open Shrubland of *Eremophila dempsteri* and *E. interstans* subsp. *interstans* over an Open Shrubland of *Dodonaea lobulata*, *Maireana sedifolia*, *Scaevola spinescens* and *Prostanthera campbellii;* • Low Scattered Woodland of *Casuarina pauper* over an Open Shrubland of *Acacia tetragonophylla* and *Dodonaea lobulata* over Very Open Grassland of *Triodia irritans;* • Low Open Woodland of *Eucalyptus griffithsii* over Tall Shrubland of *Acacia* sp. Narrow phyllode (B. R. Maslin 7831) over an Open Shrubland of *Eremophila granitica*, *Scaevola spinescens* and *Dodonaea lobulata;* • Open Woodland of *Eucalyptus salmonophloia* and *E. lesouefii* with occasional *E. celastroides* subsp. *celastroides* and *Casuarina obesa* over a Tall Open Shrubland of *Eremophila dempsteri*, *E. oldfieldii* subsp. *angustifolia* over an Open Shrubland of *Senna artemisioides* subsp. *filifolia*, *E. glabra* subsp. *glabra* and *Atriplex nummularia* subsp. *spathulata* and *Maireana* spp; • Open Woodland of *Eucalyptus salmonophloia*, *E. stricklandii* and *E. lesouefii* over a Tall Open Shrubland of *Eremophila dempsteri* and *E. oldfieldii* subsp. *angustifolia*, over Open Shrubland of *E. decipiens* subsp. *decipiens*, *Senna artemisioides* subsp. *filifolia* and *Olearia muelleri;* • Woodland of *Eucalyptus celastroides* subsp. *celastroides* with occasional *E. salmonophloia* and *E. salubris* over a Tall Open Shrubland of *Eremophila oldfieldii* subsp. *angustifolia* and *Exocarpos aphyllus* over a Low Shrubland of *E. decipiens* subsp. *decipiens* and *Senna artemisioides* subsp. *filifolia;* • Open low woodland of *Eucalyptus salmonophloia*/ *Eucalyptus transcontinentalis* over open low scrub of *Eremophila interstans*/*Senna artemisioides* subsp. *filifolia* and low heath of *Maireana sedifolia*/*Tecticornia disarticulata;* • Low woodland of *Eucalyptus lesouefii* over open low scrub of *Eremophila interstans* and dwarf scrub of *Maireana sedifolia;* • Low woodland of *Eucalyptus lesouefii* over open tree mallee of *Eucalyptus celastroides* over low scrub of *Eremophila interstans* subsp. *virgata*/*Melaleuca sheathiana* and dwarf scrub of *Maireana triptera;* • Low forest of *Eucalyptus ravida* over open scrub of *Eremophila interstans* and open dwarf scrub of *Maireana triptera*/*Maireana georgei;* • Open low woodland of *Eucalyptus salmonophloia*/*Eucalyptus ravida* over low scrub of *Melaleuca sheathiana* and dwarf scrub of *Scaevola spinescens;* • *Eucalyptus salmonophloia* low woodland over *Acacia burkittii* and *Eremophila scoparia* open shrubland over *Maireana triptera* low open shrubland; and • Cleared vegetation.
Vegetation condition	Vegetation surveys of the application area found the vegetation to be in completely degraded to very good condition (Trudgen, 1991). The full Trudgen (1991) condition rating scale is provided in Appendix C.
Climate and landform	The climate of the Eastern Goldfields subregion is described as arid to semi-arid, with rainfall usually occurring in winter, the nearest weather station recording an average rainfall of approximately 257.3 millimetres per year (BoM, 2026; CALM, 2002). The application area is mapped at elevations of 330-400 metres Australian height datum (GIS Database).
Soil description and land degradation risk	The soil within the application area is mapped as a part of the following land systems (DPIRD, 2026; Waddell & Galloway, 2023; GIS Database). • **Binneringie land system (265Bi):** Hills and plains supporting dense tall acacia shrublands with scattered eucalypt trees. This land system is generally not prone to erosion; • **Coolgardie Land System (265Co):** Uplands and undulating plains associated with ultramafic greenstones, supporting eucalypt woodlands and halophytic shrublands. Where not protected by a stony mantle, footslopes and valley floors are susceptible to water erosion, particularly where perennial shrub cover is substantially reduced and/or the soil surface is disturbed; • **Gumland Land System (265Gm):** Extensive pedeplains supporting eucalypt woodlands with halophytic and non-halophytic shrub understoreys. Alluvial plains, drainage tracts and foci are susceptible to erosion if perennial shrub cover is substantially reduced, as are footslopes if protective mantles are disturbed; • **Gundockerta Land System (265Gu):** Extensive, gently undulating calcareous stony plains supporting bluebush shrublands. Where not protected by a stony mantle, saline stony plains and adjacent lower alluvial landforms are susceptible to water erosion, particularly in areas where perennial shrub cover is substantially reduced or the soil surface is disturbed; • **Monger Land System (265Mn):** Low rises, breakaways and very gently undulating plains with ironstone gravel mantles, supporting eucalypt woodlands, dissected by saline alluvial tracts, supporting halophytic shrublands. This land system is generally not susceptible to erosion; • **Moorebar Land System (265Mb):** Saline alluvial plains with narrow creeklines and sandy banks, supporting halophytic shrublands. Alluvial plains are susceptible to erosion when

	shrub cover is reduced or run-on is concentrated from degraded areas upslope. Loss of stabilising perennial shrubs may exacerbate wind erosion of sandy banks; • **Woolibar Land System (265Wo):** Gently undulating calcareous gravelly plains, supporting bluebush shrublands and eucalypt woodlands. Where not protected by a gravelly mantle, and especially when associated with weathered felsic volcaniclastic rocks, saline plains and lower alluvial plains are very susceptible to water erosion, particularly where perennial shrub cover is substantially reduced or the soil surface is disturbed.
Waterbodies	The desktop assessment and aerial imagery indicated that two minor, non-perennial watercourses transect the area proposed to be cleared (GIS Database). The nearest Wetland of National Importance is Rowles Lagoon System located approximately 110 kilometres northwest of the application area (GIS Database).
Hydrogeography	The nearest Public Drinking Water Source Area is Broad Arrow Dam Catchment Area located approximately 75 kilometres northwest of the application area (GIS Database). The application area is located within the Goldfields Groundwater Area proclaimed under the *Rights in Water and Irrigation Act 1914* (GIS Database). The groundwater salinity is mapped as 14,000 to 35,000 milligrams per litre total dissolved solids which is described as saline (BoM, 2019; GIS Database).
Flora	No conservation significant flora species have been recorded within the application area (GIS Database). There are seven records of conservation significant flora that have been recorded within the local surrounds (20 kilometres) as detailed in Appendix A.3 (GIS Database).
Ecological communities	The application area is not within a Threatened Ecological Community or Priority Ecological Community (GIS Database). The closest Priority Ecological Community is the Mount Belches BIF located approximately 17 kilometres south-east east (GIS Database).
Fauna	No conservation significant fauna species have been recorded within the application area (GIS Database). There are seven records of conservation significant fauna that have been recorded within the local surrounds (20 kilometres) as detailed in Appendix A.4 (GIS Database). One additional conservation significant fauna from the Coolgardie bioregion has been considered in the assessment (GIS Database).
Fauna habitat	Areas previously approved under CPS 9148/3 did not consider fauna habitat. The additional area proposed to be cleared under CPS 9148/4 identified the following fauna habitats, in addition to cleared areas; • *Acacia* woodland on clay-loam plain; • *Casuarina* woodland on clay-loam plain; • *Eucalyptus* mallee woodland on clay-loam plain; • *Eucalyptus* woodland in drainage depression; and • *Eucalyptus* woodland on clay-loam plain.

A.2. Vegetation extent

	Pre-European area (ha)	Current extent (ha)	Extent remaining (%)	Current extent in all DBCA managed land (ha)	Current extent in all DBCA Managed Land (proportion of pre-European extent) (%)
IBRA Bioregion - Coolgardie	12,912,204	12,648,491	~98	2,114,349	~16
Beard vegetation associations - State					
Veg Assoc 468.	592,022	583,903	~99	135,197	~23
Veg Assoc 506.	98,187	98,050	~99	12,572	~13
Beard vegetation associations - Bioregion					
Veg Assoc 468.	583,358	575,361	~99	130,719	~22
Veg Assoc 506.	98,187	98,050	~99	12,572	~13

Government of Western Australia (2019)

A.3. Flora analysis table

With consideration for the site characteristics set out above, relevant datasets (Appendix D.1), and biological survey information (Botanica, 2025; 2015; Outback Ecology, 2011), impacts to the following conservation significant flora required further consideration (Botanica 2025; WA Herbarium, 1998-; GIS Database).

Species name	Conservation status	Suitable habitat features? [Y/N]	Distance of closest record to application area (km)	Number of known records (total)
Eremophila arachnoides subsp. *tenera*	P3	Y	<5	18
Eremophila praecox	P2	Y	<10	52
Eucalyptus x *brachyphylla*	P4	N	<20	24
Tecticornia flabelliformis	P2	N	<10	9

T: threatened, CR: critically endangered, EN: endangered, VU: vulnerable, P: priority

A.4. Fauna analysis table

With consideration for the site characteristics set out above, relevant datasets (Appendix D.1), and biological survey information, impacts to the following conservation significant fauna required further consideration (Commonwealth of Australia, 2008; GIS Database).

Species name	Conservation status	Suitable habitat features? [Y/N]	Distance of closest record to application area (km)
Birds			
malleefowl (*Leipoa ocellata*)	VU	Y	<15
red-necked stint (*Calidris ruficollis*)	MI	N	<5
southern whiteface (*Aphelocephala leucopsis*)	VU	Y	<135
western grasswren (*Amytornis textilis textilis*)	P4	Y	<20
western rosella (inland) (*Platycercus icterotis xanthogenys*)	P4	Y	<20
Invertebrates			
arid bronze azure butterfly (*Ogyris petrina*)	CR	Y	<50
inland hairstreak (*Jalmenus aridus*)	P2	Y	<30

T: threatened, CR: critically endangered, EN: endangered, VU: vulnerable, MI: migratory, CD: conservation dependent, OS: other specially protected, P: priority

A.5. Ecological community analysis table

Ecological communities recorded within 20 kilometres of the application area (GIS Database).

Community name	Conservation status	Suitable habitat features? [Y/N]	Suitable vegetation type? [Y/N]	Suitable soil type? [Y/N]	Distance of closest record to application area (km)	Number of known records (total)
Mount Belches *Acacia quadrimarginea* / *Ptilotus obovatus* banded ironstone community (Mount Belches BIF)	P3	N	N	Unknown	<20	1

T: threatened, CR: critically endangered, EN: endangered, VU: vulnerable, P: priority, CO: collapsed

Appendix B. Assessment against the clearing principles

Assessment against the clearing principles	Variance level	Is further consideration required?
Environmental value: biological values		
Principle (a): *"Native vegetation should not be cleared if it comprises a high level of biodiversity."* Assessment:	May be at variance	No

Assessment against the clearing principles	Variance level	Is further consideration required?
The area proposed to be cleared contains suitable habitat for conservation significant flora and fauna. The additional area proposed to be cleared contains habitat of similar value to conservation significant flora and fauna identified in the assessment of CPS 9148/3. Previous conditions implemented on CPS 9148/3 to avoid and minimise impacts to flora and fauna will be maintained on the permit, to reduce potential impacts to conservation significant flora and fauna. A watercourse management condition will be implemented on the permit to minimise impacts to riparian vegetation.	(as per CPS 9148/3)	
Principle (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."* Assessment: The additional area proposed to be cleared contains similar habitat value to fauna species considered in CPS 9148/3. Conditions placed on CPS 9148/3 to minimise impacts to conservations significant fauna will continue to be implemented on the permit. Since the assessment of CPS 9148/3, the southern whiteface (*Aphelocephala leucopsis*, VU) has listed as Vulnerable under the *Biodiversity Conservation Act 2016*. This species occurs across much of mainland Australia, within open woodlands and shrublands where there is an understorey of grasses, shrubs or both (DCCEEW, 2023a). These areas are usually in habitats which are dominated by acacias or eucalypts on ranges, foothills and lowlands, and plains (DCCEEW, 2023a). This species forages on the ground amongst leaf litter and nests within tree hollows or crevices and in low bushes (DCCEEW, 2023a). The application area likely contains suitable habitat for this species within *Acacia* woodland and *Eucalyptus* woodland habitats. Given the extent of the proposed clearing, this could result in impacts to breeding habitat if active nests are present within the application area. To reduce impacts, a fauna management (southern whiteface breeding season) condition will be implemented on the permit. CPS 9148/4 will be subject to the following fauna management conditions; • undertake slow, progressive one-directional clearing to allow terrestrial fauna to move into adjacent habitat ahead of the clearing activity; • a fauna management (malleefowl) condition to undertake a pre-clearance survey for malleefowl (*Leipoa ocellata*); • a fauna management (arid bronze azure butterfly (ABAB)) condition requiring areas proposed to be cleared to be surveyed to identify potentially critical habitat, ant colonies and ABAB individuals, and no clearing within 100 metres of any colonies; and • a fauna management (inland hairstreak butterfly) condition requiring areas proposed to be cleared to be surveyed to identify potential critical habitat and inland hairstreak butterfly individuals, and no clearing within 50 metres of inland hairstreak butterfly host plants. • a fauna management (southern whiteface) condition requiring areas proposed to be cleared between 1 July and 31 October are inspected to identify active (in use) southern whiteface nests, and to maintain a 10 metre buffer around identified active nests. The applicant may have notification responsibilities under the EPBC Act for impacts to arid bronze azure butterfly, malleefowl and southern whiteface and their habitats, as set out in the EPBC Act. The applicant has been advised to contact the federal Department of Climate Change, Energy, the Environment and Water (DCCEEW) to discuss EPBC Act referral requirements.	May be at variance (as per CPS 9148/3)	No
Principle (c): *"Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened flora."* Assessment: The area proposed to be cleared is unlikely to contain flora species listed under the BC Act.	Not likely to be at variance (as per CPS 9148/3)	No
Principle (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."* Assessment: There are no known Threatened Ecological Communities within the application area (GIS Database).	Not likely to be at variance (as per CPS 9148/3)	No

Assessment against the clearing principles	Variance level	Is further consideration required?
Environmental value: significant remnant vegetation and conservation areas		
Principle (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."* Assessment: The extent of native vegetation in the local area is consistent with the national objectives and targets for biodiversity conservation in Australia (Appendix A.2; Commonwealth of Australia, 2001). The vegetation proposed to be cleared is not considered to be part of a significant ecological linkage in the local area (GIS Database).	Not at variance (as per CPS 9148/3)	No
Principle (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."* Assessment: The application area intersects the Majestic Timber Reserve, a DBCA managed reserve covering approximately 2,204 hectares (Botanica Consulting, 2015; GIS Database). There is an existing road through the Majestic Timber Reserve, that the proponent stated they will utilise (DMIRS, 2021). However, DBCA (2021) have requested that activities within the Majestic Timber Reserve are undertaken in accordance with the relevant tenement conditions under the *Mining Act 1978* (DMIRS, 2021). Given that the section of the application area within the Majestic Timber Reserve has been previously degraded by an existing road, which will be utilised by the proponent, the proposed clearing is unlikely to have a significant additional impact on the environmental values of the Majestic Timber Reserve.	Not likely to be at variance (as per CPS 9148/3)	No
Environmental value: land and water resources		
Principle (f): *"Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland."* Assessment: There are no permanent watercourses or wetlands within the area proposed to be cleared (GIS Database). There are multiple non-perennial watercourses within the application area which flow following periods of heavy rainfall (GIS Database). Non-perennial watercourses identified within the area previously approved to clear under CPS 9148/3 are associated with a particular riparian vegetation community. The additional area proposed to be cleared contains an area known as Central Creek, this area is comprised of several poorly defined, abraded channels, within a broader floodplain (GRM, 2022). This area is indicative of a broad sheet of shallow, slow-moving runoff (GRM, 2022). Vegetation associated with this area is DD-EW1 (Botanica, 2025). As a result, the proposed clearing has changed from not likely a variance to this principle, to may be at variance to this principle. Given the additional area proposed to be cleared contains an ephemeral watercourse, associated with riparian vegetation, a watercourse management condition will be implemented on amended permit. This condition will minimise the clearing of riparian vegetation where practicable and ensure that surface flow is maintained. The applicant has stated in supporting documentation that clearing will not occurring when surface water runoff is present, and culverts or floodways will be constructed to ensure surface water flow is maintained (Black Cat, 2026).	May be at variance (changed from CPS 9148/4)	No
Principle (g): *"Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation."* Assessment: The mapped soils are generally not susceptible to wind and water erosion, unless vegetation cover is removed (Waddell & Galloway, 2023). Noting the extent of the application area, the proposed clearing may have an appreciable impact on land degradation. Potential erosion impacts as a result of the proposed clearing can be minimised by the implementation of a staged clearing condition to ensure large areas are not void of vegetation cover for extended periods.	May be at variance (as per CPS 9148/3)	No

Assessment against the clearing principles	Variance level	Is further consideration required?
Principle (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."* Assessment: The application area is not located within permanent watercourses, wetlands, or Public Drinking Water Sources Areas (GIS Database). There are minor, non-perennial watercourses within the application area which flow following periods of heavy rainfall (DMPE, 2026; GIS Database). The additional area proposed to be cleared contains an area known as Central Creek, this area is comprised of several poorly defined, abraded channels, within a broader floodplain (GRM, 2022). This area is indicative of a broad sheet of shallow, slow-moving runoff (GRM, 2022). Central Creek flows towards, towards Lake Yindarlgooda, approximately 5.8 kilometres north of the application area (GIS Database). Given there are no permanent watercourses within the application area and the nearest Public Drinking Water Sources Area is 76 kilometres northwest of the application area, the proposed clearing is unlikely to cause deterioration in the quality of surface or underground water. The applicant has stated in supporting documentation that clearing will not occurring when surface water runoff is present, and culverts or floodways will be constructed to ensure surface water flow is maintained (Black Cat, 2026).	Not likely to be at variance (as per CPS 9148/3)	No
Principle (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."* Assessment: Flooding may occur following intense rainfall events; however, the incidence or intensity of flooding is not likely to be significantly influenced by the proposed vegetation clearing. Additionally, the applicant has stated the proposed clearing would not be undertaken during times of surface water runoff, and surface water flow will be maintained (Black Cat, 2026).	Not likely to be at variance (as per CPS 9148/3)	No

Appendix C. Vegetation condition rating scale

Vegetation condition is a rating given to a defined area of vegetation to categorise and rank disturbance related to human activities. The rating refers to the degree of change in the vegetation structure, density and species present in relation to undisturbed vegetation of the same type. The degree of disturbance impacts upon the vegetation's ability to regenerate. Disturbance at a site can be a cumulative effect from a number of interacting disturbance types.

Considering its location, the scale below was used to measure the condition of the vegetation proposed to be cleared. This scale has been extracted from Trudgen, M.E. (1991) *Vegetation condition scale* in National Trust (WA) 1993 Urban Bushland Policy. National Trust of Australia (WA), Wildflower Society of WA (Inc.), and the Tree Society (Inc.), Perth.

Measuring vegetation condition for the Eremaean and Northern Botanical Provinces (Trudgen, 1991)

Condition	Description
Excellent	Pristine or nearly so, no obvious signs of damage caused by human activities since European settlement.
Very good	Some relatively slight signs of damage caused by human activities since European settlement. For example, some signs of damage to tree trunks caused by repeated fire, the presence of some relatively non-aggressive weeds, or occasional vehicle tracks.
Good	More obvious signs of damage caused by human activity since European settlement, including some obvious impact on the vegetation structure such as that caused by low levels of grazing or slightly aggressive weeds.
Poor	Still retains basic vegetation structure or ability to regenerate it after very obvious impacts of human activities since European settlement, such as grazing, partial clearing, frequent fires or aggressive weeds.
Very poor	Severely impacted by grazing, very frequent fires, clearing or a combination of these activities. Scope for some regeneration but not to a state approaching good condition without intensive management. Usually with a number of weed species present including very aggressive species.
Completely degraded	Areas that are completely or almost completely without native species in the structure of their vegetation; i.e. areas that are cleared or 'parkland cleared' with their flora comprising weed or crop species with isolated native trees or shrubs.

Appendix D. Sources of information

D.1. GIS datasets

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

- Clearing Instruments Activities (Areas Approved to Clear) (DWER-076)
- Clearing Regulations - Environmentally Sensitive Areas (DWER-046)
- Clearing Regulations - Schedule One Areas (DWER-057)
- DBCA - Lands of Interest (DBCA-012)
- DBCA - Legislated Lands and Waters (DBCA-011)
- DBCA Fire History (DBCA-060)
- Directory of Important Wetlands in Australia - Western Australia (DBCA-045)
- Groundwater Salinity Statewide (DWER-026)
- IBRA Vegetation Statistics
- IBSA Survey Details (DWER-118)
- Local Government Area (LGA) Boundaries (LGATE-233)
- Localities (LGATE-234)
- Medium Scale Topo Contour (Line) (LGATE-015)
- Mineral Field Boundaries (DMIRS-005)
- Native Title (Determination) (LGATE-066)
- Native Title (NNTT) (LGATE-004)
- Native Vegetation Extent (DPIRD-005)
- Pre-European Vegetation (DPIRD-006)
- Public Drinking Water Source Areas (DWER-033)
- Regional Parks (DBCA-026)
- Reserves (LGATE-227)
- RIWI Act, Groundwater Areas (DWER-034)
- RIWI Act, Surface Water Areas and Irrigation Districts (DWER-037)
- Soil Landscape Mapping - Best Available (DPIRD-027)
- Soil Landscape Mapping - Systems (DPIRD-064)
- Townsites (LGATE-248)
- WA Now Aerial Imagery

Restricted GIS Databases used:

- Threatened and Priority Flora (TPFL)
- Threatened and Priority Flora (WAHerb)
- Threatened and Priority Fauna
- Threatened and Priority Ecological Communities
- Threatened and Priority Ecological Communities (Buffers)

D.2. References

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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)
DCCEEW	Department of Climate Change, Energy, the Environment and Water, Australian Government
DBCA	Department of Biodiversity, Conservation and Attractions, Western Australia
DEMIRS	Department of Energy, Mines, Industry Regulation and Safety (now DMPE)
DER	Department of Environment Regulation, Western Australia (now DWER)
DMIRS	Department of Mines, Industry Regulation and Safety, Western Australia (now DMPE)
DMP	Department of Mines and Petroleum, Western Australia (now DMPE)
DMPE	Department of Mines, Petroleum and Exploration
DoEE	Department of the Environment and Energy (now DCCEEW)
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	*Environmental Protection Act 1986*, Western Australia
EPA	Environmental Protection Authority, Western Australia
EPBC Act	*Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth 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 (2023) Conservation Codes for Western Australian Flora and Fauna. Department of Biodiversity, Conservation and Attractions, Western Australia:

Threatened species

T 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 the species of fauna that are listed as critically endangered, endangered or vulnerable threatened species.

Threatened flora is the species of flora that are listed as critically endangered, endangered or vulnerable threatened species.

The assessment of the conservation status of threatened species is in accordance with the BC Act listing criteria and the requirements of Ministerial Guideline Number 1 and Ministerial Guideline Number 2 that adopts the use of the International Union for Conservation of Nature (IUCN) Red List of Threatened Species Categories and Criteria, and is based on the national distribution of the species.

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.

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.

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.

Extinct species

Listed by order of the Minister as extinct under section 23(1) of the BC Act as extinct or extinct in the wild.

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).

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.

Specially protected species

SP **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).

Migratory species include birds that are subject to an agreement between the government of Australia and the governments of Japan (JAMBA), China (CAMBA) or 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.

CD **Species of special conservation interest (conservation dependent fauna)**

Species of special conservation need that are 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).

Currently only fauna are listed as species of special conservation interest.

OS **Other specially protected species**

Species 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).

Currently only fauna are listed as species otherwise in need of special protection.

Priority species

P **Priority species**

Priority is not a listing category under the BC Act. The Priority Flora and Fauna lists are maintained by the department and are published on the department's website.

All fauna and flora are protected in WA following the provisions in Part 10 of the BC Act. The protection applies even when a species is not listed as threatened or specially protected, and regardless of land tenure (State managed land (Crown land), private land, or Commonwealth land).

Species that may possibly be threatened species that do not meet the criteria for listing under the BC Act because of insufficient survey 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 prioritisation for survey and evaluation of conservation status so that consideration can be given to potential listing as threatened.

Species that are adequately known, meet criteria for near threatened, or are rare but not threatened, or that have been recently removed from the threatened species list or conservation dependent or other specially protected fauna lists for other than taxonomic reasons, are placed in Priority 4. These species require regular monitoring.

Assessment of priority status 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 – known from few locations, none on conservation lands**

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, for example, 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 for threatened listing and appear to be under immediate threat from known threatening processes. These species are in urgent need of further survey.

P2 **Priority Two - Poorly-known species – known from few locations, some on conservation lands**

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, for example, 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 for threatened listing and appear to be under threat from known threatening processes. These species are in urgent need of further survey.

P3 **Priority Three - Poorly-known species – known from several locations**

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. These species need 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 a conservation dependent specially protected species.

(c) Species that have been removed from the list of threatened species or lists of conservation dependent or other specially protected species, during the past five years for reasons other than taxonomy.

(d) Other species in need of monitoring.

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.