



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 1459/3
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Argyle Diamonds Ltd

1.3. Property details

Property: Diamond (Argyle Diamond Mines Joint Venture) Agreement Act 1981, Mining Lease 259SA (AM 70/259)
Local Government Area: Shire of Wyndham-East Kimberley
Colloquial name: AK1 Tailings Storage Facility Expansion

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
173.4		Mechanical Removal	Expansion of Tailings Storage Facility

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 5 December 2013

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description Beard vegetation associations have been mapped for the whole of Western Australia. Two Beard vegetation associations have been mapped within the application area:

819: Grasslands, tall bunch grass savanna low tree; cabbage gum & silver-leaved box over *Aristida* & ribbon grass on sandy plains; and

833: Grasslands, short bunch grass savanna sparse low tree; scattered snappy gum over arid short grass on plains (Government of Western Australia, 2013; GIS Database).

The application area was surveyed by Mattiske Consulting in March 2004 (Mattiske Consulting Pty Ltd, 2004). The following vegetation types were identified within the application area:

Hummock Grasslands

HG1: Hummock grassland of *Triodia bitextura* and *Triodia bynoei* with emergent *Eucalyptus brevifolia*, *Corymbia confertiflora*, *Corymbia opaca*, *Eucalyptus pruinosa*, *Bauhinia cunninghamii* over *Acacia argyraea* and *Acacia hemignosta*;

HG2: Hummock grassland of *Triodia bitextura* and *Triodia bynoei* with emergent *Corymbia confertiflora*, *Corymbia opaca*, *Eucalyptus brevifolia*, *Eucalyptus pruinosa*, *Bauhinia cunninghamii* and *Terminalia canescens*;

HG3: Hummock grassland of *Triodia bitextura* and *Triodia bynoei* with emergent denser pockets of *Terminalia canescens* and *Cochlospermum fraseri*, with the occasional *Corymbia confertiflora* and *Eucalyptus brevifolia*;

Woodlands

W2: Low open woodland of *Melaleuca minutifolia* and *Eucalyptus pruinosa* over *Triodia bitextura*;

W3: Low open woodland of *Eucalyptus brevifolia* over pockets of *Acacia argyraea* and *Eriachne ciliata*;

W4: Open woodland and low open woodland of *Terminalia platyptera*, *Terminalia arostrata*, *Adansonia gregorii*, *Buchanania obovata* and *Bauhinia cunninghamii*;

W5: Mixture of open woodland and low open woodland of *Adansonia gregorii*, *Buchanania obovata*, *Bauhinia cunninghamii* and *Eucalyptus brevifolia* over patches of *Typha domingensis*, *Heteropogon contortus*, *Cenchrus elymoides* and *Chloris truncata*;

W6: Low open woodland of *Melaleuca minutifolia* over patches of *Typha domingensis*;

W7: Low open woodland of *Bauhinia cunninghamii* and *Eucalyptus pruinosa* over mixed grasses and herbs;

Sedgelands

S1: Sedgelands of *Typha domingensis* with emergent *Adansonia gregorii*, *Melaleuca viridiflora* and *Lophostemon grandiflorus* subsp. *riparius* (Mattiske Consulting Pty Ltd, 2004).

Clearing Description AK1 Tailings Storage Facility. Argyle Diamonds Ltd is proposing to clear up to 173.4 hectares of native vegetation within a boundary of approximately 546 hectares for the purpose of expanding the AK1 Tailings Storage Facility (TSF). The project is located approximately 200 kilometres south west of Kununurra within the Shire of Wyndham-East Kimberley.

Vegetation Condition Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994);
To
Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).

Comment The vegetation within the areas to be cleared has been disturbed and degraded by pastoral activities and mining operations due to its proximity to the AK1 TSF. The vegetation condition was derived from a vegetation survey conducted by Mattiske Consulting Pty Ltd (2004).

Clearing permit CPS 1459/1 was granted by the Department of Mines and Petroleum (DMP) on 2 June 2011 and was valid from 2 June 2011 to 14 October 2014. The clearing permit authorised the clearing of 126.4 hectares of native vegetation. An application to amend the permit was received by DMP on 27 February 2012 to increase the amount of clearing authorised by 47 hectares and extend the clearing permit boundary. Clearing Permit CPS 1459/2 was granted on 17 May 2012.

An application to amend CPS 1459/2 was received on 17 October 2013 to remove Condition 6 from the clearing permit. During the amendment process it was also identified that an extension to the duration of the permit was required.

3. Assessment of application against clearing principles

Comments

This amendment is required to remove Condition 6 from clearing permit CPS 1459/2 and extend the duration of the permit. Condition 6 requires that no clearing occurs during the wet season between 1 December and 31 March. The initial assessment of this clearing permit in September 2006 identified under Principle (g) that there may be a soil erosion risk associated with large scale clearing during the wet season.

Argyle Diamonds Ltd has identified that sedimentation ponds and the TSF are designed to capture runoff from clearing within the majority of the permit boundary. Argyle Diamonds Ltd has advised that its internal clearing authorisation process will continue to ensure adequate sediment runoff control measures are in place prior to any clearing during the wetter months (Rio Tinto, 2013). It is therefore unlikely that the removal of this condition will significantly increase the risk of soil erosion / sedimentation.

The amendment of this clearing permit is not likely to have any significant environmental impacts. The assessment of the remaining clearing principles is consistent with the assessment in clearing permit decision report CPS 1459/2.

Methodology Rio Tinto (2013)

Planning instrument, Native Title, Previous EPA decision or other matter.

Comments

There are no Native Title Claims over the area under application (GIS Database). 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 numerous registered Aboriginal Sites of Significance within the application area (GIS Database). It is the proponent's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no Aboriginal sites of significance are damaged through the clearing process.

It is the proponent's responsibility to liaise with the Department of Environment Regulation and the Department of Water, to determine whether a Works Approval, Water Licence, Bed and Banks Permit, or any other licences or approvals are required for the proposed works.

Methodology GIS Database:
- Aboriginal Sites of Significance
- Native Title Claims – Determined by the Federal Court
- Native Title Claims – Filed at the Federal Court
- Native Title Claims – Registered with the NNTT

4. References

Rio Tinto (2013) - Amendment to CPS 1459/2. Supporting information for a clearing permit amendment application, dated October 2013.

5. Glossary

Acronyms:

BoM	Bureau of Meteorology, Australian Government
CALM	Department of Conservation and Land Management (now DEC), Western Australia
DAFWA	Department of Agriculture and Food, Western Australia
DEC	Department of Environment and Conservation, Western Australia
DEH	Department of Environment and Heritage (federal based in Canberra) previously Environment Australia
DEP	Department of Environment Protection (now DEC), Western Australia
DIA	Department of Indigenous Affairs
DLI	Department of Land Information, Western Australia
DMP	Department of Mines and Petroleum, Western Australia
DoE	Department of Environment (now DEC), Western Australia
DoIR	Department of Industry and Resources (now DMP), Western Australia
DOLA	Department of Land Administration, Western Australia
DoW	Department of Water
EP Act	Environmental Protection Act 1986, Western Australia
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999 (Federal Act)
GIS	Geographical Information System
ha	Hectare (10,000 square metres)
IBRA	Interim Biogeographic Regionalisation for Australia
IUCN	International Union for the Conservation of Nature and Natural Resources – commonly known as the World Conservation Union
RIWI Act	Rights in Water and Irrigation Act 1914, Western Australia
s.17	Section 17 of the Environment Protection Act 1986, Western Australia
TEC	Threatened Ecological Community

Definitions:

{Atkins, K (2005). *Declared rare and priority flora list for Western Australia, 22 February 2005*. Department of Conservation and Land Management, Como, Western Australia} :-

- P1** **Priority One - Poorly Known taxa:** taxa which are known from one or a few (generally <5) populations which are under threat, either due to small population size, or being on lands under immediate threat, e.g. road verges, urban areas, farmland, active mineral leases, etc., or the plants are under threat, e.g. from disease, grazing by feral animals, etc. May include taxa with threatened populations on protected lands. Such taxa are under consideration for declaration as 'rare flora', but are in urgent need of further survey.
- P2** **Priority Two - Poorly Known taxa:** taxa which are known from one or a few (generally <5) populations, at least some of which are not believed to be under immediate threat (i.e. not currently endangered). Such taxa are under consideration for declaration as 'rare flora', but are in urgent need of further survey.
- P3** **Priority Three - Poorly Known taxa:** taxa which are known from several populations, at least some of which are not believed to be under immediate threat (i.e. not currently endangered). Such taxa are under consideration for declaration as 'rare flora', but are in need of further survey.
- P4** **Priority Four – Rare taxa:** taxa which are considered to have been adequately surveyed and which, whilst being rare (in Australia), are not currently threatened by any identifiable factors. These taxa require monitoring every 5–10 years.
- R** **Declared Rare Flora – Extant taxa (= Threatened Flora = Endangered + Vulnerable):** taxa which have been adequately searched for, and are deemed to be in the wild either rare, in danger of extinction, or otherwise in need of special protection, and have been gazetted as such, following approval by the Minister for the Environment, after recommendation by the State's Endangered Flora Consultative Committee.
- X** **Declared Rare Flora - Presumed Extinct taxa:** taxa which have not been collected, or otherwise verified, over the past 50 years despite thorough searching, or of which all known wild populations have been destroyed more recently, and have been gazetted as such, following approval by the Minister for the Environment, after recommendation by the State's Endangered Flora Consultative Committee.

{Wildlife Conservation (Specially Protected Fauna) Notice 2005} [Wildlife Conservation Act 1950] :-

- Schedule 1** **Schedule 1 – Fauna that is rare or likely to become extinct:** being fauna that is rare or likely to become extinct, are declared to be fauna that is need of special protection.

- Schedule 2** **Schedule 2 – Fauna that is presumed to be extinct:** being fauna that is presumed to be extinct, are declared to be fauna that is need of special protection.
- Schedule 3** **Schedule 3 – Birds protected under an international agreement:** being birds that are subject to an agreement between the governments of Australia and Japan relating to the protection of migratory birds and birds in danger of extinction, are declared to be fauna that is need of special protection.
- Schedule 4** **Schedule 4 – Other specially protected fauna:** being fauna that is declared to be fauna that is in need of special protection, otherwise than for the reasons mentioned in Schedules 1, 2 or 3.

{CALM (2005). *Priority Codes for Fauna*. Department of Conservation and Land Management, Como, Western Australia} :-

- P1** **Priority One: Taxa with few, poorly known populations on threatened lands:** Taxa which are known from few specimens or sight records from one or a few localities on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, active mineral leases. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P2** **Priority Two: Taxa with few, poorly known populations on conservation lands:** Taxa which are known from few specimens or sight records from one or a few localities on lands not under immediate threat of habitat destruction or degradation, e.g. national parks, conservation parks, nature reserves, State forest, vacant Crown land, water reserves, etc. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P3** **Priority Three: Taxa with several, poorly known populations, some on conservation lands:** Taxa which are known from few specimens or sight records from several localities, some of which are on lands not under immediate threat of habitat destruction or degradation. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P4** **Priority Four: Taxa in need of monitoring:** Taxa which are considered to have been adequately surveyed, or for which sufficient knowledge is available, and which are considered not currently threatened or in need of special protection, but could be if present circumstances change. These taxa are usually represented on conservation lands.
- P5** **Priority Five: Taxa in need of monitoring:** Taxa which are not considered threatened but are subject to a specific conservation program, the cessation of which would result in the species becoming threatened within five years.

Categories of threatened species (*Environment Protection and Biodiversity Conservation Act 1999*)

- EX** **Extinct:** A native species for which there is no reasonable doubt that the last member of the species has died.
- EX(W)** **Extinct in the wild:** A native species which:
 (a) is known only to survive in cultivation, in captivity or as a naturalised population well outside its past range; or
 (b) has not been recorded in its known and/or expected habitat, at appropriate seasons, anywhere in its past range, despite exhaustive surveys over a time frame appropriate to its life cycle and form.
- CR** **Critically Endangered:** A native species which is facing an extremely high risk of extinction in the wild in the immediate future, as determined in accordance with the prescribed criteria.
- EN** **Endangered:** A native species which:
 (a) is not critically endangered; and
 (b) is facing a very high risk of extinction in the wild in the near future, as determined in accordance with the prescribed criteria.
- VU** **Vulnerable:** A native species which:
 (a) is not critically endangered or endangered; and
 (b) is facing a high risk of extinction in the wild in the medium-term future, as determined in accordance with the prescribed criteria.
- CD** **Conservation Dependent:** A native species which is the focus of a specific conservation program, the cessation of which would result in the species becoming vulnerable, endangered or critically endangered within a period of 5 years.