Government of **Western Australia**
Department of **Mines and Petroleum**

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 4532/5
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: **Argyle Diamonds Limited**

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: Argyle Diamond Mine

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
50		Mechanical Removal	Mineral Exploration, Infrastructure and Operational Maintenance

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 24 December 2015

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. The vegetation of the application area is broadly mapped as Beard vegetation associations:

65 - Grasslands, tall bunch grass savanna, sparse low tree, terminalia; mitchell grass (*Astrebla pectinata* & spp.);

126 - Bare areas; freshwater lakes;

808 - Grasslands, curly spinifex, low tree savanna; snappy gum over curly spinifex;

819 - Grasslands, tall bunch grass savanna low tree; cabbage gum & silverleaved box over aristida & ribbon grass on sandy plains;

820 - Grasslands, high grass savanna sparse low tree; snappy gum (*Eucalyptus brevifofia*) over upland tall grass & curly spinifex on granite;

825 - Grasslands, high grass savanna woodland; cabbage gum & *Eucalyptus foelscheana* over upland tall grass & curly spinifex on basalt;

827 - Hummock grasslands, low tree steppe; terminalia over *Triodia wiseana* on limestone; and

833 - Grasslands, short bunch grass savanna sparse low tree; scattered Snappy Gum over arid short grass on plains (GIS Database).

A flora survey conducted by Mattiske (2004), which includes a significant portion of the application area, identified the following vegetation complexes 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 arygraea* and *Acacia hemignosta*;

HG2 Hummock Grassland of *Triodia bitextura* and *Triodia bynoei* with emergent *Corymbia confertiflora*, *Corymbia opaca*, *Eucalyptus brevifolia*, *Eucalyptus pruinosa*, *Bauhinia cunninghamfi* and *Terminafia 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

Wl Low Open Woodland of *Terminalia canescens* with *Corymbia confertiflora*, *Eucalyptus brevifolia*, *Terminalia oblongata* subsp, *volucris* and *Eucalyptus pruinosa* over patches of *Triodia bitextura* and *Heteropogon contortus*;

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 *Terminafia platyptera*, *Terminalia arostrata*, *Adansonia gregorii*, *Buchanania obovata* and *Bauhinia cunninghamfi*;

W5 Mixture of Open Woodland and Low Open Woodland of *Adansonia gregorii*, *Buchanania obovata*, *Bauhinia cunninghamfi* 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;
W8 Low Woodland of *Cochlospermum fraseri*, *Eucalyptus brevifolia*, *Eucalyptus pruinosa* and *Corymbia opaca* over *Triodia bitextura* and *Cyperus cunninghamii* subsp, *cunninghamii*;
W9 Low Open Woodland of *Corymbia opaca*, *Eucalyptus brevifolia*, *Eucalyptus pruinosa* and *Cochlospermum fraseri* over *Ptilotus spicatus* subsp, *spicatus*, *Cleome viscosa* and *Phyllanthus maderaspatensis var. Angusfifolia*; and

Sedgelands
S1 Sedgelands of *Typha domingensis* with emergent *Adansonia gregorii*, *Melaleuca viridiflora* and *Lophostemon grandiflora* var. *Riparius*.

Clearing Description

Argyle Diamond Mine.
Argyle Diamonds Limited is proposing to clear up to 50 hectares of native vegetation within a boundary of approximately 2,696 hectares for the purposes of Mineral Exploration, Infrastructure and Operational Maintenance. The project is located approximately 200 kilometres south west of Kununurra within the Shire of Wyndham-East Kimberley.

Vegetation Condition

Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994);

To

Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).

Comment

Argyle Diamonds Limited is proposing to clear up to 50 hectares of native vegetation within the application area at a maximum rate of 10 hectares per year for infrastructure and operational maintenance (Argyle Diamonds, 2011). Infrastructure and operational maintenance will include, but is not limited to: track clearing, monitoring site clearance, pipeline facilities access, fenceline maintenance, firebreaks, clearance of vegetation with the potential to block culverts and dam wall vegetation removal. The vegetation and topsoil will be stockpiled for use in rehabilitation.

Clearing permit CPS 4532/1 was granted by the Department of Mines and Petroleum on 13 October 2011. The clearing permit authorised the clearing of 50 hectares of native vegetation within a total boundary of 1,900 hectares. CPS 4532/1 was amended on 2 August 2012 for the purpose of changing the annual reporting date from 31 July to 30 September each year. On 27 December 2012, CPS 4532/2 was amended for the purpose of increasing the permit boundary from approximately 1,900 hectares to 2,608 hectares and changing the purpose of the clearing to infrastructure and operational maintenance. CPS 4532/3 was amended on the 6 February 2014, to increase the permit boundary by 18.34 hectares to approximately 2,626 hectares.

Argyle Diamonds Limited has applied to amend CPS 4532/4 to increase the permit boundary from 2,626 hectares to 2,696 hectares.

3. Assessment of application against clearing principles

Comments

This amendment is to increase the permit boundary to allow clearing for infrastructure and operational maintenance associated with gauging stations, fence-lines and firebreaks. The permit boundary will increase by 70 hectares to approximately 2,696 hectares. The total authorised clearing area will remain at 50 hectares.

No Threatened flora, Threatened Ecological Communities, Priority flora, Priority Ecological Communities or significant fauna have been identified within the amended boundary area (Argyle Diamonds, 2011).

The proposed amendment is not likely to have any significant environmental impacts above those already assessed under Clearing Permit CPS 4532/1. Therefore, the assessment against the clearing principles has not changed and can be found in clearing permit decision report CPS 4532/1.

Methodology Argyle Diamonds (2011)

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

Comments

There are no Native Title claims over the area under application. 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 several 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, the Department of Parks and Wildlife 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.

The amended application was advertised on 23 November 2015 by the Department of Mines and Petroleum inviting submissions from the public. There were no submissions received.

Methodology DAA (2015)
GIS Database:
- Aboriginal Sites of Significance

4. References

Argyle Diamonds (2011) Lease Clearing for Infrastructure and Operational Maintenance Application supporting documentation, July 2011.

DAA (2015) Aboriginal Heritage Inquiry System, Government of Western Australia, Department of Aboriginal Affairs, Perth, viewed 14 November 2015 < http://maps.dia.wa.gov.au/AHIS2/>.

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

Mattiske (2004) Flora and Vegetation Survey, Expansion of Waste Dumps and Area Associated with Underground Expansion near Limestone Creek. Unpublished report prepared for Argyle Diamond Mines Pty Ltd, March, 2004.

5. Glossary

Acronyms:

BoM	Bureau of Meteorology, Australian Government
DAA	Department of Aboriginal Affairs, Western Australia
DAFWA	Department of Agriculture and Food, Western Australia
DEC	Department of Environment and Conservation, Western Australia (now DPaW and DER)
DER	Department of Environment Regulation, Western Australia
DMP	Department of Mines and Petroleum, Western Australia
DRF	Declared Rare Flora
DotE	Department of the Environment, Australian Government
DoW	Department of Water, Western Australia
DPaW	Department of Parks and Wildlife, Western Australia
DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities (now DotE)
EPA	Environmental Protection Authority, Western Australia
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
PEC	Priority Ecological Community, Western Australia
RIWI Act	*Rights in Water and Irrigation Act 1914*, Western Australia
TEC	Threatened Ecological Community

Definitions:

{DPaW (2015) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia}:-

T **Threatened species:**
Published as Specially Protected under the *Wildlife Conservation Act 1950,* listed under Schedules 1 to 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora (which may also be referred to as Declared Rare Flora).

Threatened fauna is that subset of 'Specially Protected Fauna' declared to be 'likely to become extinct' pursuant to section 14(4) of the Wildlife Conservation Act.

Threatened flora is flora that has been declared to be 'likely to become extinct or is rare, or otherwise in need of special protection', pursuant to section 23F(2) of the Wildlife Conservation Act.

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. Published as Specially Protected under the *Wildlife Conservation Act 1950,* in Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.

EN **Endangered species**
Threatened species considered to be facing a very high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950,* in Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.

VU **Vulnerable species**
Threatened species considered to be facing a high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950,* in Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.

EX **Presumed extinct species**
Species which have been adequately searched for and there is no reasonable doubt that the last individual has died. Published as Specially Protected under the *Wildlife Conservation Act 1950,* in Schedule 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Presumed Extinct Fauna and Wildlife Conservation (Rare Flora) Notice for Presumed Extinct Flora.

IA **Migratory birds protected under an international agreement**
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 the Bonn Convention, relating to the protection of migratory birds. Published as Specially Protected under the *Wildlife Conservation Act 1950,* in Schedule 5 of the Wildlife Conservation (Specially Protected Fauna) Notice.

CD **Conservation dependent fauna**
Fauna of special conservation need being species dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened. Published as Specially Protected under the *Wildlife Conservation Act 1950,* in Schedule 6 of the Wildlife Conservation (Specially Protected Fauna) Notice.

OS **Other specially protected fauna**
Fauna otherwise in need of special protection to ensure their conservation. Published as Specially Protected under the *Wildlife Conservation Act 1950,* in Schedule 7 of the Wildlife Conservation (Specially Protected Fauna) Notice.

P **Priority species**
Species which are poorly known; or
Species that are adequately known, are rare but not threatened, and 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 indigenous to Western Australia.

(c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare 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 clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.