



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 4532/3
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Argyle Diamonds Limited

1.3. Property details

Property: Diamond (Argyle Diamonds 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	Infrastructure and Operational Maintenance

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 20 December 2012

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 aridista & ribbon grass on sandy plains;
- 820** - Grasslands, high grass savanna sparse low tree; snappy gum (*Eucalyptus brevifolia*) 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 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

W1 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 argyrea* 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;

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. *Angustifolia*; and

Sedgelands

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

Clearing Description	Argyle Diamonds Limited is proposing to clear up to 50 hectares of native vegetation within the application area at a rate of 10 hectares per year for infrastructure and operational maintenance (Argyle Diamonds Limited, 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.
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	The application area is located in the Ord Victoria Plains and Victoria Bonaparte bioregions of Western Australia and is situated approximately 113 kilometres south-west of Kununurra. Vegetation condition has been determined using aerial imagery and the results of a flora survey conducted over the application area by Mattiske (2004). Clearing permit CPS 4532/1 was granted by the Department of Mines and Petroleum (DMP) on 13 October 2011 and authorised the clearing of up to 50 hectares of native vegetation within an area totalling approximately 1,900 hectares. On 2 August 2012, CPS 4532/1 was amended for the purpose of changing the annual reporting date from 31 July to 30 September each year. Argyle Diamonds Limited has applied to amend CPS 4532/2 for the purpose of increasing the permit boundary from approximately 1,900 hectares to 2,608 hectares. The purpose of the clearing is infrastructure and operational maintenance, part of the additional area will be cleared to be used as a landfill site.

3. Assessment of application against clearing principles

Comments

There are no flora or fauna of conservation significance within the proposed amendment application area.

The proposed amendment is not likely to have any significant environmental impacts above those already assessed under Clearing Permit CPS 4532/2. Therefore, the assessment against the clearing principles has not changed and can be found in clearing permit decision report CPS 4532/2.

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 and Conservation 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 clearing permit application was advertised on 24 December 2012 by the Department of Mines and Petroleum inviting submissions from the public. No submissions were received in relation to the application.

Methodology

GIS Database:

- Aboriginal Sites of Significance
- Native Title Claims - Determined by the Federal Court
- Native Title Claims - Registered with the NNTT
- Native Title Claims - Filed at the Federal Court

4. References

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

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.