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

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 5830/1
Permit type: Area Permit

1.2. Proponent details

Proponent's name: **Imerys Talc Australia Pty Ltd**

1.3. Property details

Property: M70/243
Local Government Area: Shire of Three Springs
Colloquial name: Three Springs Talc Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
1.6		Mechanical Removal	Stockpile Area

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 7 November 2013

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description	Clearing Description	Vegetation Condition	Comment
Beard vegetation associations have been mapped for the whole of Western Australia. One Beard vegetation association is located within the application area (Government of Western Australia, 2013; GIS Database): 352: Medium woodland; York gum A flora survey has not been conducted over the application area. Botanical consultant Jennifer Borger (Borger) conducted a flora survey over other areas of the Three Springs Talc Project in 2008. Borger (2008) generally described the vegetation as regrowth on cleared agricultural land. The vegetation is primarily annual grasses and broad leaf weeds, with some Eucalyptus loxophleba and Maireana brevifolia (Borger, 2008). Photos of the application area provided by the proponent shows that the area is dominated by weed species with very little native vegetation cover (Imerys, 2013).	Three Springs Talc Project. Imerys Talc Australia Pty Ltd (Imerys) proposes to clear a 1.6 hectare area of native vegetation for the purpose of a stockpile area. The proposal is approximately 10 kilometres east northeast of Three Springs, in the Shire of Three Springs.	Completely Degraded: No longer intact; completely/almost completely without native species (Keighery 1994)	The vegetation condition was assessed by Borger (2008). The purpose of the clearing is to extend the existing stockpile area by approximately 80 metres.

3. Assessment of application against clearing principles

Comments

The application area is located within the Merredin subregion of the Avon Wheatbelt Interim Biogeographic Regionalisation for Australia (IBRA) bioregion (GIS Database). A flora survey has not been undertaken over the application area however one has been undertaken over other parts of the Three Springs Talc Project by Borger (2008). These areas were found to be previously cleared agricultural land with sparse regrowth of native vegetation amongst pastoral weeds (Borger, 2008). Photos of the application area provided by the proponent (Imerys, 2013) confirm that the area proposed to be cleared contains very little native vegetation.

Beard vegetation association 352: medium woodland; York gum occurs within the application area (GIS Database). Approximately 17% of this vegetation association remains in the State (Government of Western

Australia, 2013). Although this is below the “threshold level” recommended by the Environmental Protection Authority for retaining biodiversity (EPA, 2000), it should be noted that the application area has been cleared to establish farmland and mainly consists of non-native pasture species and some minor native regrowth (Imerys, 2013). The area applied to be cleared does not represent a significant remnant of native vegetation.

According to available databases, there are no known records of Threatened or Priority flora within or in close proximity to the application area (GIS Database). The flora survey of the adjacent areas conducted by Borger (2008) did not record any Threatened or Priority flora species. Given the highly degraded nature of the vegetation within the application area, it is considered unlikely that any conservation significant flora species are present.

No Threatened or Priority Ecological Communities were recorded within the application area (GIS Database).

A fauna survey has not been undertaken over the application area. Rio Tinto Pty Ltd undertook an inspection of the Three Springs Talc Project in 2008 and found no significant fauna habitats (Rio Tinto Pty Ltd, 2008). Photos of the application area provided by the proponent (Imerys, 2013) shows that the area is relatively denuded of native vegetation and is not likely to provide significant fauna habitat.

There are no watercourses or wetland areas within the application area (GIS Database). The small scale clearing of predominantly pasture species is not likely to impact the quality of surface or groundwater water, nor likely to cause or exacerbate the incidence or intensity of flooding. The area is relatively flat (GIS Database) and the risk of land degradation is considered to be minimal.

The application area is not located within a conservation area (GIS Database).

Based on the above the proposed clearing is not likely to be at variance to Principles (a), (b), (c), (d), (g), (h), (i) and (j) and is not at variance to Principles (e) and (f).

Methodology

Borger (2008)
EPA (2000)
Government of Western Australia (2012)
Imerys (2013)
Rio Tinto Pty Ltd (2008)
GIS Database:
- DEC Tenure
- IBRA WA (Regions - Sub Regions)
- Hygrography, Linear
- Pre-European Vegetation
- Threatened and Priority Flora
- Threatened Ecological Communities
- Threatened Fauna
- Topographic Contours, Statewide

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

Comments

There are two native title claims (WC1997/072 and WC2004/002) over the application area (GIS Database). These claims have been registered with the National Native Title Tribunal on behalf of the claimant group. However, the mining tenure has been granted in accordance with the future act regime of the Native Title Act 1993 and the nature of the act (ie. 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 is one registered Aboriginal Site of Significance occuring over 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 (formerly 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 14 October 2013 by the Department of Mines and Petroleum inviting submissions from the public. There were no submissions received.

Methodology

GIS Database:
- Aboriginal Sites of Significance
- Native Title Claims - Registerd with the NNTT

4. References

Borger (2008) Beneficiation Plant Project Vegetation Survey for Luzenac Australia Pty Ltd, Three Springs Talc Operation, Western Australia

EPA (2000) Environmental protection of native vegetation in Western Australia. Clearing of native vegetation, with particular reference to the agricultural area. Position Statement No. 2. December 2000. Environmental Protection Authority, Western Australia.

Government of Western Australia. (2013). 2012 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of October 2012. WA Department of Environment and Conservation, Perth.

Imerys (2013) Supporting information for clearing permit application CPS 5830/1. Unpublished Report.

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

Rio Tinto Pty Ltd (2008) Supporting information for clearing permit application CPS 2554/1. Unpublished Report.

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.