



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 6411/1  
Permit type: Purpose Permit

### 1.2. Proponent details

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

### 1.3. Property details

Property: Mining Lease 70/101  
Mining Lease 70/918  
Local Government Area: Shire of Three Springs  
Colloquial name: Three Springs Talc Mine

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
2.39		Mechanical Removal	Extension of Waste Dump

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 19 February 2015

## 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
<p>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):</p> <p>352: Medium woodland; York gum</p> <p>A flora survey was undertaken over the application area by botanical consultant Jennifer Borger (Borger) in 2008. Borger generally described the vegetation as regrowth on cleared agricultural land (Borger, 2008). The vegetation is primarily annual grasses and broad leaf weeds, with some <i>Eucalyptus loxophleba</i> and <i>Maireana brevifolia</i> (Borger, 2008).</p> <p>The area under application was previously cleared under expired clearing permit CPS 2554/2 by Luzenac Australia Pty Ltd between 2008 and 2012. Photographs of the application area provided by the proponent indicate that the current vegetation is similar to that described by Borger.</p>	<p>Three Springs Talc Mine. Imerys Talc Australia Pty Ltd (Imerys) proposes to clear 2.39 hectares of native vegetation within a total boundary of approximately 2.39 hectares for the purpose of extending a waste dump. The proposal is approximately 10 kilometres east northeast of Three Springs, in the Shire of Three Springs.</p>	<p>Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994).</p>	<p>The vegetation condition was assessed by Borger (2008) and the assessing officer.</p> <p>The purpose of the clearing is to extend the existing stockpile area by approximately 20 metres.</p>

## 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). The area under application was cleared between 2008 and 2012 under clearing permit CPS 2554/2 by Luzenac Australia Pty Ltd (Luzenac). Prior to this, a flora survey of the Three Springs Talc Mine by Borger (2008) found the vegetation to be sparse regrowth of native vegetation amongst pastoral species (Borger, 2008). Photographs of the application area provided by the proponent confirm that the area proposed to be cleared contains sparse regrowth from the clearing conducted by Luzenac and extensive weeds (Imerys, 2014). There are no records of Threatened or Priority flora species, Threatened or Priority Ecological Communities or conservation significant fauna within or

adjacent to the application area (Borger, 2008; DEC, 2015; GIS Database).

The application area does not fall within a conservation area (GIS Database). The application area is located within an active mine site, therefore the proposed clearing is not likely to impact on surface or groundwater quality or lead to land degradation.

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)  
DEC (2015)  
Imerys (2014)  
GIS Database:  
- DEC Tenure  
- IBRA WA (Regions - Sub Regions)  
- Threatened and Priority Flora  
- Threatened Ecological Communities  
- Threatened Fauna

## 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 occurring 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, the Department of Water, and the Department of Parks and Wildlife, 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 26 January 2015 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 - Registered with the NNTT

## 4. References

- Borger (2008) Beneficiation Plant Project Vegetation Survey for Luzenac Australia Pty Ltd, Three Springs Talc Operation, Western Australia.
- DEC (2015) NatureMap: Mapping Western Australia's Biodiversity. Department of Environment and Conservation. <http://naturemap.dec.wa.gov.au/>.
- Imerys (2014) Supporting information for clearing permit application CPS 6411/1. 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.

## 5. Glossary

### Acronyms:

<b>BoM</b>	Bureau of Meteorology, Australian Government
<b>DAA</b>	Department of Aboriginal Affairs, Western Australia
<b>DAFWA</b>	Department of Agriculture and Food, Western Australia
<b>DEC</b>	Department of Environment and Conservation, Western Australia (now DPaW and DER)
<b>DER</b>	Department of Environment Regulation, Western Australia
<b>DMP</b>	Department of Mines and Petroleum, Western Australia
<b>DRF</b>	Declared Rare Flora
<b>DotE</b>	Department of the Environment, Australian Government
<b>DoW</b>	Department of Water, Western Australia
<b>DPaW</b>	Department of Parks and Wildlife, Western Australia

<b>DSEWPaC</b>	Department of Sustainability, Environment, Water, Population and Communities (now DotE)
<b>EPA</b>	Environmental Protection Authority, Western Australia
<b>EP Act</b>	<i>Environmental Protection Act 1986</i> , Western Australia
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Federal Act)
<b>GIS</b>	Geographical Information System
<b>ha</b>	Hectare (10,000 square metres)
<b>IBRA</b>	Interim Biogeographic Regionalisation for Australia
<b>IUCN</b>	International Union for the Conservation of Nature and Natural Resources – commonly known as the World Conservation Union
<b>PEC</b>	Priority Ecological Community, Western Australia
<b>RIWI Act</b>	<i>Rights in Water and Irrigation Act 1914</i> , Western Australia
<b>s.17</b>	Section 17 of <i>the Environment Protection Act 1986</i> , Western Australia
<b>TEC</b>	Threatened Ecological Community

## **Definitions:**

{DPaW (2013) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia}:-

- T**      **Threatened species:**  
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna or the Wildlife Conservation (Rare Flora) Notice for Threatened Flora (which may also be referred to as Declared Rare Flora).  
  
Threatened Fauna and Flora are further recognised by DPaW according to their level of threat using IUCN Red List criteria. For example Carnaby's Cockatoo *Calyptorhynchus latirostris* is specially protected under the *Wildlife Conservation Act 1950* as a threatened species with a ranking of Endangered.  
  
Rankings:  
CR: Critically Endangered - considered to be facing an extremely high risk of extinction in the wild.  
EN: Endangered - considered to be facing a very high risk of extinction in the wild.  
VU: Vulnerable - considered to be facing a high risk of extinction in the wild.
- X**      **Presumed Extinct species:**  
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Presumed Extinct Fauna and Wildlife Conservation (Rare Flora) Notice for Presumed Extinct Flora (which may also be referred to as Declared Rare Flora).
- IA**      **Migratory birds protected under an international agreement:**  
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice.  
Birds that are subject to an agreement between governments of Australia and Japan, China and The Republic of Korea relating to the protection of migratory birds and birds in danger of extinction.
- S**      **Other specially protected fauna:**  
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 4 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- P1**      **Priority One - Poorly-known species:**  
Species that are known from one or a few collections or sight records (generally less than five), all on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, Shire, rail reserves and Main Roads WA road, gravel and soil reserves, and active mineral leases and under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes.
- P2**      **Priority Two - Poorly-known species:**  
Species that are known from one or a few collections or sight records, some of which are on lands not under imminent threat of habitat destruction or degradation, e.g. national parks, conservation parks, nature reserves, State forest, unallocated Crown land, water reserves, etc. Species may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes.
- P3**      **Priority Three - Poorly-known species:**  
Species that are known from collections or sight records from several localities not under imminent threat, or from few but widespread localities 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 localities but do not meet adequacy of survey requirements and known threatening processes exist that could affect them.
- 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 do not qualify for Conservation Dependent, but that are close to qualifying for Vulnerable.  
(c)      Species that have been removed from the list of threatened species during the past five

years for reasons other than taxonomy.

**P5**

**Priority Five - Conservation Dependent species:**

Species that are not threatened but are subject to a specific conservation program, the cessation of which would result in the species becoming threatened within five 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.