



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 6616/3
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Imerys Talc Australia Pty Ltd

1.3. Property details

Property: Mining Lease 70/243
Local Government Area: Shire of Three Springs
Colloquial name: South Dump Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
15.509		Mechanical Removal	Mineral Production and Associated Activities

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 14 March 2019

2. Background

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 and are useful to look at vegetation in a regional context. One vegetation association has been mapped within the application area (GIS Database):

352: Medium woodland; York gum

A botanical survey of the application area was undertaken by Jennifer Borger Botanical Consultant (Borger, 2008) in May 2008. The vegetation within the application area was described as the following (Borger, 2008):

Area D – South Dump

The vegetation at this site supports regrowth on cleared agricultural land. Most ground cover comprises of alien grasses and broad leaf weeds with scattered blue bush (*Maireana brevifolia*), *Enchylaena* sp and *Atriplex vesicaria*. *Atriplex* and *Rhagodia drummondii* occur mainly at the old bore site on the eastern edge of the current dump, with *Eucalyptus camaldulensis* (river red gum) which were planted several years ago. There are also two rows of *E.camaldulensis* growing on the western side of the ramp. These were planted at the same time as the smaller *E.camaldulensis* growing around the bore. The *Ptilotus* cover is dominant in much of the pasture area. No threatened species or communities were found.

Clearing Description

South Dump Project.

Imerys Talc Australia Pty Ltd proposes to clear up to 15.509 hectares of native vegetation within a total boundary of approximately 15.509 hectares, for the purposes of mineral production and associated activities. The project is located approximately 9 kilometres north-east of Three Springs, in the Shire of Three Springs.

Vegetation Condition

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

To:

Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994).

Comment

Vegetation condition was determined by the assessing officer using the Keighery scale.

Clearing permit CPS 6616/1 was granted by the Department of Mines and Petroleum (now the Department of Mines, Industry Regulation and Safety) on 23 July 2015. The clearing permit authorised the clearing of 13.235 hectares of native vegetation within a total boundary of 13.24 hectares for the purpose of mineral production.

Clearing permit CPS 6616/2 was amended on 17 August 2017 for the purpose of increasing the permit boundary and the amount of authorised clearing by 1.82 hectares.

Imerys Talc Australia Pty Ltd has applied to amend CPS 6616/2, for the purpose of increasing the permit boundary and the amount of authorised clearing by 0.45 hectares.

3. Assessment of application against Clearing Principles

Comments

This amendment is to increase the permit boundary and the amount of approved clearing from 15.055 hectares to 15.509 hectares.

The proposal to clear 15.509 hectares of native vegetation within a total boundary of 15.509 hectares for the purpose of mineral production and associated activities is unlikely to have any significant environmental impacts.

The application areas occur within the Avon Wheatbelt Interim Biogeographic Regionalisation of Australia bioregion (GIS Database). The vegetation within the application area supports regrowth on cleared agricultural land. Most ground cover comprises of alien grasses and broad leaf weeds with scattered blue bush (*Maireana brevifolia*), *Enchylaena* sp and *Atriplex vesicaria* (Borger, 2008). The vegetation type identified within the application areas are well represented locally and regionally and is not considered to be critical to the survival of any indigenous fauna species (GIS Database).

No Threatened or Priority flora species and Threatened Ecological Communities or Priority Ecological Communities were recorded within the amended application areas (Borger, 2008; GIS Database).

The amended application areas are not located within any conservation area (GIS Database). There are no conservation areas within 10 kilometres of the proposed clearing area (GIS Database).

There are no permanent or non-perennial watercourses or water bodies mapped within the proposed clearing areas (GIS Database).

The land system associated with the application area has a low risk of erosion and the proposed clearing is not likely to cause a deterioration in the quality of surface or underground water or increase the incidence or intensity of flooding (GIS Database).

Borger (2008) identified several weed species during the botanical survey. Weeds have the potential to significantly change the dynamics of a natural ecosystem and lower the biodiversity of an area. Potential impacts to the biodiversity as a result of the proposed clearing may be minimised by the implementation of a weed management condition.

The proposed amendment is not likely to have any significant environmental impacts and remains consistent with the assessment contained in decision report CPS 6616/1 and 6616/2.

Methodology

Borger (2008)
Keighery (1994)

GIS Database:
- DPaW Tenure
- Hydrography, linear
- IBRA Australia
- Pre-European Vegetation
- Public Drinking Water Source Areas
- Rangeland Land System Mapping
- Threatened and Priority Flora
- Threatened Ecological Sites Buffered

Planning instrument, Native Title, RIWI Act Licence, EP Act Licence, Works Approval, Previous EPA decision or other matter.

Comments

There are two Native Title claims over the application area (WC1997/072 & WC2004/002) (DPLH, 2019). 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 (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*.

According to available databases, there are no registered Sites of Aboriginal Significance located in the area applied to clear (DPLH, 2019). It is the proponent's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no Sites of Aboriginal Significance are damaged through the clearing process.

It is the proponent's responsibility to liaise with the Department of Biodiversity Conservation and Attractions and the Department of Water and Environmental Regulation, 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 clearing permit application was advertised on 4 February 2019 by the Department of Mines, Industry Regulation and Safety inviting submissions from the public. No submissions were received.

Methodology

DPLH (2019)

4. References

- Borger, J. (2008) Vegetation survey and rare flora search for Rio Tinto Minerals Asia Pacific (now Imerys) Three Springs Talc Operation. Report prepared by Jennifer Borger Botanical Consultant for Imerys Talc Australia Pty Ltd, Three Springs, Western Australia.
- DPLH (2019) Aboriginal Heritage Inquiry System, Department of Planning, Lands and Heritage, Western Australia.<
<http://maps.dia.wa.gov.au/AHIS2/>> (Accessed 5 March 2019).
- 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:

BoM	Bureau of Meteorology, Australian Government
DAA	Department of Aboriginal Affairs, Western Australia (now DPLH)
DAFWA	Department of Agriculture and Food, Western Australia (now DPIRD)
DBCA	Department of Biodiversity Conservation and Attractions, Western Australia
DEC	Department of Environment and Conservation, Western Australia (now DBCA and DWER)
DEE	Department of the Environment and Energy, Australian Government
DER	Department of Environment Regulation, Western Australia (now DWER)
DMIRS	Department of Mines, Industry Regulation and Safety, Western Australia
DMP	Department of Mines and Petroleum, Western Australia (now DMIRS)
DPIRD	Department of Primary Industries and Regional Development, Western Australia
DPLH	Department of Planning, Lands and Heritage, Western Australia
DRF	Declared Rare Flora
DoE	Department of the Environment, Australian Government (now DEE)
DoW	Department of Water, Western Australia (now DWER)
DPaW	Department of Parks and Wildlife, Western Australia (now DBCA)
DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities (now DEE)
DWER	Department of Water and Environmental Regulation, Western Australia
EPA	Environmental Protection Authority, Western Australia
EP Act	<i>Environmental Protection Act 1986</i> , Western Australia
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (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	<i>Rights in Water and Irrigation Act 1914</i> , Western Australia
TEC	Threatened Ecological Community

Definitions:

{DBCA (2019) Conservation Codes for Western Australian Flora and Fauna. Department of Biodiversity, Conservation and Attractions, Western Australia}:-

T Threatened species:

Listed by order of the Minister as Threatened in the category of critically endangered, endangered or vulnerable under section 19(1), or is a rediscovered species to be regarded as threatened species under section 26(2) of the *Biodiversity Conservation Act 2016* (BC Act).

Threatened fauna is that subset of 'Specially Protected Fauna' listed under schedules 1 to 3 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for Threatened Fauna.

Threatened flora is that subset of 'Rare Flora' listed under schedules 1 to 3 of the *Wildlife Conservation (Rare Flora) Notice 2018* for Threatened Flora.

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 in the immediate future, as determined in accordance with criteria set out in the ministerial guidelines*”.

Listed as critically endangered under section 19(1)(a) of the BC Act in accordance with the criteria set out in section 20 and the ministerial guidelines. Published under schedule 1 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for critically endangered fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for critically endangered flora.

EN Endangered species

Threatened species considered to be “*facing a very high risk of extinction in the wild in the near future, as determined in accordance with criteria set out in the ministerial guidelines*”.

Listed as endangered under section 19(1)(b) of the BC Act in accordance with the criteria set out in section 21 and the ministerial guidelines. Published under schedule 2 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for endangered fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for endangered flora.

VU

Vulnerable species

Threatened species considered to be “*facing a high risk of extinction in the wild in the medium-term future, as determined in accordance with criteria set out in the ministerial guidelines*”.

Listed as vulnerable under section 19(1)(c) of the BC Act in accordance with the criteria set out in section 22 and the ministerial guidelines. Published under schedule 3 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for vulnerable fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for vulnerable flora.

Extinct Species:

EX

Extinct species

Species where “*there is no reasonable doubt that the last member of the species has died*”, and listing is otherwise in accordance with the ministerial guidelines (section 24 of the BC Act).

Published as presumed extinct under schedule 4 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for extinct fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for extinct flora.

EW

Extinct in the wild species

Species that “*is known only to survive in cultivation, in captivity or as a naturalised population well outside its past range; and it has not been recorded in its known habitat or expected habitat, at appropriate seasons, anywhere in its past range, despite surveys over a time frame appropriate to its life cycle and form*”, and listing is otherwise in accordance with the ministerial guidelines (section 25 of the BC Act).

Currently there are no threatened fauna or threatened flora species listed as extinct in the wild. If listing of a species as extinct in the wild occurs, then a schedule will be added to the applicable notice.

Specially protected species:

Listed by order of the Minister as specially protected under section 13(1) of the BC Act. Meeting one or more of the following categories: species of special conservation interest; migratory species; cetaceans; species subject to international agreement; or species otherwise in need of special protection.

Species that are listed as threatened species (critically endangered, endangered or vulnerable) or extinct species under the BC Act cannot also be listed as Specially Protected species.

MI

Migratory species

Fauna that periodically or occasionally visit Australia or an external Territory or the exclusive economic zone; or the species is subject of an international agreement that relates to the protection of migratory species and that binds the Commonwealth; and listing is otherwise in accordance with the ministerial guidelines (section 15 of the BC Act).

Includes 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 fauna subject to the *Convention on the Conservation of Migratory Species of Wild Animals* (Bonn Convention), an environmental treaty under the United Nations Environment Program. Migratory species listed under the BC Act are a subset of the migratory animals, that are known to visit Western Australia, protected under the international agreements or treaties, excluding species that are listed as Threatened species.

Published as migratory birds protected under an international agreement under schedule 5 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

CD

Species of special conservation interest (conservation dependent fauna)

Fauna of special conservation need being species dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened, and listing is otherwise in accordance with the ministerial guidelines (section 14 of the BC Act).

Published as conservation dependent fauna under schedule 6 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

OS

Other specially protected species

Fauna otherwise in need of special protection to ensure their conservation, and listing is otherwise in accordance with the ministerial guidelines (section 18 of the BC Act).

P **Priority species:**

Possibly threatened species that do not meet survey criteria, or are otherwise data deficient, are added to the Priority Fauna or Priority Flora Lists under Priorities 1, 2 or 3. These three categories are ranked in order of priority for survey and evaluation of conservation status so that consideration can be given to their declaration as threatened fauna or flora.

Species that are adequately known, are rare but not threatened, or meet criteria for near threatened, or that have been recently removed from the threatened species or other specially protected fauna lists for other than taxonomic reasons, are placed in Priority 4. These species 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.