



## 1. Application details

### 1.1. Permit application details

Permit application No.: 1139/1  
Permit type: Area Permit

### 1.2. Proponent details

Proponent's name: EDL NGD (WA) Pty Ltd

### 1.3. Property details

Property: LOT 314 ON PLAN 220931 ( FITZROY CROSSING 6765)  
Local Government Area: Shire Of Derby-West Kimberley  
Colloquial name:

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
3.05		Mechanical Removal	Building or Structure

## 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 Association 709: Hummock grasslands, shrub steppe: <i>Acacia impressa</i> over <i>Triodia intermedia</i> (winged, lobed spinifex) on stony laterite (Hopkins et al, 2001).	The vegetation of the site contains an understorey of grasses and a mid storey of shrubs. The area has been dissected by a dirt access track from the nearby existing residential area of Mindi Rardi and there is evidence of fire damage, however disturbance to the area is quite minimal.	Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery 1994)	The description of the vegetation under application was obtained from a consultant's report containing site photos (DoE TRIM Ref: KNI1451).

## 3. Assessment of application against clearing principles

### (a) Native vegetation should not be cleared if it comprises a high level of biological diversity.

**Comments**      **Proposal is not likely to be at variance to this Principle**

The vegetation at the site is comprised of a single, relatively uniform community, represented by Beard Vegetation Association 709. Species likely to be present include *Acacia impressa* over *Triodia intermedia* (winged, lobed spinifex) (Hopkins et al, 2001). This community type is illustrated by site photos of the area under application (EDL NDG (WA) Pty Ltd, 2006). The area has experienced minor degradation from vehicle tracks and fire damage.

This Association is well represented in the undeveloped area to the south of the site, which has not been subject to disturbance. Hence, the area surrounding the area under application is likely to be similar or have higher biological diversity than the proposal area.

Therefore, the proposal is not likely to be at variance to this Principle.

**Methodology**      Hopkins et al (2001);  
EDL NDG (WA) Pty Ltd (2006);  
GIS Database:  
- Fitzroy Crossing 20cm Orthomosaic - DOLA 05/01

**(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.**

**Comments Proposal is not likely to be at variance to this Principle**

No known Threatened Fauna were located within the area proposed to be cleared during a desktop survey.

A desktop survey indicated the possibility of 17 Threatened Fauna existing within a 50 kilometre radius of the area applied to clear. These include birds, fish, mammal, mollusc and reptile species with classifications varying from Priority 1,2 and 4 to Schedule 1. The closest Threatened Fauna was recorded as recently as 2003, a Priority 4 bird species approximately 1 kilometre to the east of the proposal area. The area proposed to be cleared is well vegetated and has not been significantly disturbed, making the area a suitable habitat for native fauna.

The clearing of 3.05 hectares of vegetation is not likely to significantly impact the fauna of the area, priority or otherwise, due to the small area to be cleared. Additionally, the areas surrounding the site are well vegetated and undisturbed which will provide habitat for any fauna displaced during the clearing process.

Therefore, the proposal is not likely to be at variance to this principle.

It is also recognised that the proponent will implement a Flora and Fauna Management Procedure. Procedures include fencing the construction area to prevent fauna movement into the disturbance site and immediately contacting local wildlife rescue services should any fauna be injured (EDL NDG (WA) Pty Ltd, 2006).

**Methodology** EDL NDG (WA) Pty Ltd (2006);  
GIS Database:  
- Threatened Fauna - CALM 30/9/05  
- Fitzroy Crossing 20cm Orthomosaic - DOLA 05/01

**(c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.**

**Comments Proposal is not likely to be at variance to this Principle**

No Declared Rare or Priority Flora were located within the area proposed to be cleared, nor within a 50km radius of the area during a desktop survey. Given the close proximity to Fitzroy Crossing, the previous disturbance to the site and the small area to be cleared, it is unlikely that the area under application is necessary for the continued existence of rare flora.

Therefore the proposal is not likely to be at variance to this principle.

**Methodology** GIS Database:  
- Declared Rare and Priority Flora List - CALM 01/07/05

**(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.**

**Comments Proposal is not likely to be at variance to this Principle**

No known Threatened Ecological Communities within the area proposed to be cleared, nor within a 50km radius of the area during a desktop survey.

Therefore, the proposal is not likely to be at variance to this principle.

**Methodology** GIS Database:  
- Threatened Ecological Communities - CALM 12/4/05

**(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.**

**Comments Proposal is not likely to be at variance to this Principle**

The area applied to clear is a component of Beard Vegetation Association 709 (Hopkins et al, 2001). Approximately 1.6% of this Association is located within IUCN Class I-IV Reserves (Shepherd et al, 2001). There is approximately 99% of the pre-European extent of this Association remaining (Shepherd et al, 2001), which indicates it is well represented in the natural environment. Therefore, this Association is of least concern for biodiversity conservation (Department of Natural Resources and Environment, 2002).

Clearing of 3.05 hectares of vegetation will not significantly reduce the remaining extent of this Association, therefore the proposal is not likely to be at variance to this principle.

**Methodology** Hopkins et al (2001);  
Shepherd et al (2001);  
Department of Natural Resources and Environment (2002);  
GIS Database:  
- Pre-European Vegetation - DA 01/01

**(f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.**

**Comments Proposal is not at variance to this Principle**

The area proposed to be cleared is located 200m south west of a minor tributary to the Fitzroy River. No RAMSAR or ANCA wetlands were located within a 50 kilometre radius of the area.

The proposal is not growing in association with a water course or wetland and is therefore not at variance to this principle.

It is noted the proponent will implement a Surface Water Management Plan which involves the installation of a site drainage system to prevent uncontrolled, off-site water movement in relation to the construction and ongoing processes of the proposed power station (EDL NDG (WA) Pty Ltd, 2006).

**Methodology** EDL NDG (WA) Pty Ltd (2006);  
GIS Database:  
- Hydrography, linear (hierarchy) - DOE 13/4/05  
- RAMSAR, Wetlands - CALM 14/02/03  
- ANCA, Wetlands - CALM 08/01

**(g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.**

**Comments Proposal is not likely to be at variance to this Principle**

The clearing is likely to be blade down, resulting in removal of all root systems that currently stabilise soils and prevent erosion. The soils on site are shallow stony and sometimes gravelly soils (Northcote et al, 1960-68) so have a low potential for erosion (Schoknecht, 2002). Therefore the proposed clearing is not likely to cause appreciable land degradation.

It is noted that the proponent will implement a Soil Erosion Management Plan which involves the installation of a site drainage system to prevent erosion in relation to the construction and ongoing processes of the proposed power station (EDL NDG (WA) Pty Ltd, 2006).

**Methodology** Northcote et al (1960-68);  
Schoknecht (2002);  
EDL NDG (WA) Pty Ltd (2006);  
GIS Database:  
- Soils, Statewide - DA 11/99

**(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.**

**Comments Proposal is not likely to be at variance to this Principle**

The Geikie Gorge Conservation Park and National Park are located approximately 12 kilometres north east and Brooking Gorge Conservation Park is located approximately 16 kilometres north east of the proposal area.

The distance between the Parks and the proposal area is considered adequate for separation of these activities and it is unlikely that the proposed clearing will impact on the Parks.

Therefore, this proposal is not likely to be at variance to this Principle.

**Methodology** GIS Database:  
- CALM Managed Lands and Waters - CALM 1/07/05

**(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.**

**Comments Proposal is not likely to be at variance to this Principle**

The proposal is located within the Canning-Kimberley Groundwater Area proclaimed under the *Rights in Water and Irrigation Act 1914*. A minor tributary to the Fitzroy River is located 200m north east of the proposal area. The Public Drinking Water Source Protection Area, consisting of P1 and P3 protection zones, lies approximately 300 metres north of the area.

Due to the size of the proposed clearing and the distance to rivers and Public Drinking Water Source Protection Areas it is unlikely the clearing will cause deterioration in the quality of surface or underground water.

It is also noted that the proponent will implement a Surface Water Management Plan which involves the installation of a site drainage system to prevent uncontrolled, off-site water movement erosion in relation to the construction and ongoing processes of the proposed power station (EDL NDG (WA) Pty Ltd, 2006).

**Methodology** EDL NDG (WA) Pty Ltd (2006);  
GIS Database:

- Groundwater Subareas - WRC 10/10/00
- Hydrography, linear (hierarchy) - DOE 13/4/05
- Public Drinking Water Source Areas (PDWSAs) - DOE 07/02/06

**(j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.**

**Comments Proposal is not likely to be at variance to this Principle**

Flooding occurs seasonally over the December to March period, where the flood height and duration are lengthy and extreme. The clearing of 3.05 hectares of vegetation is not likely to increase the incidence or intensity of these naturally occurring flood events.

Therefore, the proposal is not likely to be at variance to this Principle.

**Methodology** GIS Database:

- Rainfall, Mean Annual - BOM 30/09/01

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

**Comments**

No objections were lodged against the clearing proposal.

EDL NDG (WA) Pty Ltd holds a sub-lease over the area from Western Power Corporation. The land is leased to Western Power by the Aboriginal Lands Trust. The land is zoned for Community Purposes/Public Utility and is consistent with planning intent as outlined in Fitzroy Futures documentation.

There are no Native Title Claims over the area under application.

The proposed clearing occurs in an area that is covered by the following Registered Indigenous Heritage Site: Sacred Store and Site (ID 12233). 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.

A Works Approval covering the same area under application has been issued for the construction of the power station, under the *Environmental Protection Act 1986*. A Licence will be required prior to operation of the power station.

Water is not required for the operation of the power station, however is required for ablution facilities and emergency showers. This water will be trucked to the facility from off site sources, therefore a Water Licence under the *Rights in Water and Irrigation Act 1914* is not required.

The area under application has been subject to four referrals to the Environmental Protection Authority. Three of these referrals are not related to the proposal under assessment. The fourth referral applies to the power station, however it was not assessed (CRN 210928). Advice given directed the management of the proposal to Part V of the *Environmental Protection Act 1986*, under which this clearing application and the works approval and licence falls. Therefore the proposal is not at variance to this advice.

**Methodology** GIS Databases:

- Native Title Claims - DLI 7/11/05
- Aboriginal Sites of Significance - DIA
- Environmental Impact Assessments - DOE 24/02/06

#### 4. Assessor's recommendations

Purpose	Method	Applied area (ha)/ trees	Decision	Comment / recommendation
Building or Structure	Mechanical Removal	3.05	Grant	<p>Assessable criteria have been addressed and no objections were raised. The proposal was found not likely to be at variance to all principles, supported by the proposed implementation of the following internal management plans:</p> <ul style="list-style-type: none"><li>• Flora and Fauna Management Plan</li><li>• Soil and Groundwater Management Plan</li><li>• Surface Water and Soil Erosion Management Plan.</li></ul> <p>The Assessing Officer therefore recommends the proponent adhere to these Plans, among others, as specified in Energy Developments (2006) West Kimberley Power Project Construction Environmental Management Plan 2060-STD-00-PC-001 Revision C.</p>

The Assessing Officer recommends that the permit should be granted.

The applicant will be required to obtain a licence under the *Environmental Protection Act 1986* prior to commencing operations of the power station, and liaise with the Department of Indigenous Affairs in relation to the Sites of Aboriginal Significance.

#### 5. References

- Department of Natural Resources and Environment (2002) Biodiversity Action Planning. Action planning for native biodiversity at multiple scales; catchment bioregional, landscape, local. Department of Natural Resources and Environment, Victoria.
- EDL NDG (WA) Pty Ltd (2006) Supporting Information for Land Clearing Permit Application. Fitzroy Crossing Power Station West Kimberley Power Project Fitzroy Crossing, Western Australia. Revision 1. DoE TRIM Ref: KNI1451
- Energy Developments (2006) West Kimberley Power Project Construction Environmental Management Plan 2060-STD-00-PC-001 Revision C. TRIM Ref: DOC1307
- Hopkins, A.J.M., Beeston, G.R. and Harvey J.M. (2001) A database on the vegetation of Western Australia. Stage 1. CALMScience after J. S. Beard, late 1960's to early 1980's Vegetation Survey of Western Australia, UWA Press.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Northcote, K. H. with Beckmann G G, Bettenay E., Churchward H. M., van Dijk D. C., Dimmock G. M., Hubble G. D., Isbell R. F., McArthur W. M., Murtha G. G., Nicolls K. D., Paton T. R., Thompson C. H., Webb A. A. and Wright M. J. (1960-68): 'Atlas of Australian Soils, Sheets 1 to 10, with explanatory data'. CSIRO and Melbourne University Press: Melbourne.
- Schoknecht N. (2002) Soil Groups of Western Australia. A simple guide to the main soils of Western Australia. Resource Management Technical Report 246. Edition 3.
- Shepherd, D.P., Beeston, G.R. and Hopkins, A.J.M. (2001) Native Vegetation in Western Australia, Extent, Type and Status. Resource Management Technical Report 249. Department of Agriculture, Western Australia.

#### 6. Glossary

Term	Meaning
CALM	Department of Conservation and Land Management
DAWA	Department of Agriculture
DEP	Department of Environmental Protection (now DoE)
DoE	Department of Environment
DoIR	Department of Industry and Resources
DRF	Declared Rare Flora
EPP	Environmental Protection Policy
GIS	Geographical Information System
ha	Hectare (10,000 square metres)
TEC	Threatened Ecological Community
WRC	Water and Rivers Commission (now DoE)