Department of Environment and Conservation

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 1700/1

Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Leigh Weppner

1.3. Property details

Property: LOT 330 ON PLAN 211565 (KUNUNURRA 6743)
LOT 333 ON PLAN 211565 (KUNUNURRA 6743)

Local Government Area: Shire Of Wyndham-East Kimberley

Colloquial name:

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
170		Cutting	Horticulture

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
The application area is dominated by 'Kimberley Heather' Calytrix exstipulata. The upper storey consists of various Eucalyptus and Corymbia spp. The middle storey is made up of dense Acacia and in more open areas 'Largeleaf Kurrajong' Brachychiton tuberculatus and Erythrina vespertilio are prevalent. Other vegetation present, includes the 'Kapok' Cochlospermum fraseri, Grevillea pyramidalis, Grevillea refracta and Gardenia spp. Jacksonia forrestii, Melaleuca viridiflora, Bauhinia cunninghamii and Planchonia careya (Brolgas Environment, 2007).	The property has been largely undisturbed by cattle and fire for the last 3 years. Erosion has occurred around the boundary of the property where ripping and grading was the practiced method for firebreaks by the previous landowner (Brolgas Environment, 2007).	Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery 1994)	The description of the vegetation to be cleared was obtained from a consultant's report (TRIM Ref: DOC19929).

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 within the proposal area is comprised of a single, relatively uniform community represented by Beard Vegetation Association 909 (Hopkins et al, 2001). The vegetation on-site is comprised of Kimberley Heather vegetation, with an upper storey of Eucalyptus and Corymbia species (Brolgas Environment, 2007). This vegetation type occurs throughout the immediate vicinity of the local area, and the application area has experienced disturbance from cattle grazing, bush fires and historical clearing for fire breaks (Brolgas Environment, 2007). The proponent intends on slashing the understorey species whilst retaining the remaining vegetation (Brolgas Environment, 2007), therefore the impact of the clearing on biodiversity is reduced.

Given the extensive range of similar habitat within the surrounding area as that under application, the proposed clearing is unlikely to significantly impact upon the biodiversity of the area.

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

Methodology Hopkins et al (2001);
Brolgas Environment (2007);
SAC Biodatasets (220208)

(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**
The declared threatened Orange Leaf-nosed Bat (Rhinonicteris aurantius) and the Flock Bronzewing (Phaps histrionica) (P4)) (Wildlife Conservation (Specially Protected Fauna) Notice 2006(2)) have been recorded within the local area (10km radius). The Orange Leaf-nosed Bat is known to roost in caves, and the Flock Bronzewing prefers a habitat of open woodland and treeless grass plains (Simpson & Day, 2004).

The area under application has experienced disturbance from cattle grazing, fire regimes and clearing for fire breaks (Brolgas Environment, 2007). Additionally, the habitat within the application area is extensively represented in the local area.

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

Methodology Wildlife Conservation (Specially Protected Fauna) Notice 2006(2);
Simpson & Day (2004);
Brolgas Environment (2007);
SAC Biodatasets (220208);
GIS Database:
- Pre-European Vegetation - DA 01/01

(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**
There are no recorded occurrences of declared rare or priority flora within the local area (10km radius).

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

Methodology SAC Biodatasets (220208)

(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**
There are no recorded occurrences of threatened or priority ecological communities within the local area (10km radius).

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

Methodology SAC Biodatasets (220208)

(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 909 (Hopkins et al 2001). Approximately 2.3% of Association 909 is located within IUCN Class I-IV and DEC managed reserves (Shepherd et al, 2001). There is 280,625ha of this Association remaining, approximately 99.6% of the pre-European extent (Shepherd et al, 2001), which indicates it is well represented in the natural environment.

The clearing of 170 ha of vegetation is a significant area to be cleared. However, the proponent has committed to retaining all trees on site and limiting clearing to slashing of understorey species (Brolgas Environment, 2007), so this vegetation association will not be greatly impacted. Therefore, the proposal is not likely to be at variance to this Principle.

Methodology Hopkins et al (2001);
Shepherd et al (2001);
Brolgas Environment (2007);
SAC Biodatasets (220208)

(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 at variance to this Principle

There are a couple of minor, ephemeral watercourses within the application area, therefore the proposal is at variance to this principle.

These watercourses are subject to seasonal rainfall and the vegetation composition is similar to the surrounding area. As the proponent has committed to retaining all trees on site and limiting clearing to slashing of understorey species (Brolgas Environment, 2007), any impacts upon the vegetation within the watercourses will be minimal.

Methodology

Brolgas Environment (2007);
GIS Databases:
- Hydrography linear (hierarchy)
- Hydrography linear
- Ramsar, wetlands
- ANCA, Wetlands

(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 proposal site consists of skeletal sandy soils and a clay component at depth (DAFWA, 2007). Land degradation is not expected to occur from wind and water erosion due to the low slope of the area, given, the proponent remains committed to retaining all trees on site and limiting clearing to slashing of understorey species (Brolgas Environment, 2007; DAFWA, 2008). As understorey species provide the majority of soil stability on skeletal sandy soils, particularly grass species, erosion will be minimised (DAFWA, 2007).

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

Methodology

DAFWA (2007);
DAFWA (2008);
Brolgas Environment (2007);
GIS Database:
- Soils, Statewide

(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 at variance to this Principle

Mirima National Park is located 10.5km south west of the application area, however the large distance will ensure that clearing will not impact upon the park.

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

Methodology

GIS Database:
- CALM Managed Lands and Waters

(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

There are a couple of minor, ephemeral watercourses within the application area that are subject to seasonal rainfall. The watercourses are quite small, the quantity of water flow minor and the proponent has committed to retaining all trees on site and limiting clearing to slashing of understorey species (Brolgas Environment, 2007), so sedimentation of water will be minimised.

The application area is located within the Canning Kimberley groundwater sub-area, proclaimed under the Rights in Water and Irrigation Act 1914. There are no Public Drinking Water Source Areas within a 10km radius.

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

Methodology

GIS database:
- Public Drinking Water Source Areas (PDWSA)
- Hydrography linear (hierarchy)
- Hydrography linear

(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

The area surrounding the proposal area is relatively flat and experiences approximately 900mm of rainfall annually. The low gradients, a lack of significant watercourses and heavy seasonal rainfall can cause sheet flooding within the area. The clearing is not likely to influence the intensity or incidence of flooding in this area.

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

Methodology

GIS Database
- Rainfall, Mean Annual - BOM 02/03/07
- Topographic Contours - DOLA 02/03/07
- Hydrography Linear - DOW 02/03/07

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

Comments

The proponent holds a current crown lease for the property with the Department for Planning and Infrastructure for the purpose of cultivation and grazing. The proposed activity is consistent with the permitted use of the lease agreement.

Irrigation is required for the plantation proposed on the property. The water is sourced from an existing bore which is currently used for domestic purposes. The proponent applied for a ground water licence from the Department of Water (DoW). DoW returned the application due to insufficient information (DEC TRIM REF: DOC50167)

The proponent intends on keeping bees. In accordance with section 8 of the Beekeepers Act 1963, the proponent must register as a bee keeper with the Department of Agriculture and Food WA.

No submissions were received for this application.

The application area has been subject to three previous referrals to the Environmental Protection Authority. None of these referrals are related to the proposal, however one is in relation to the Kununurra-Wyndham Area Development Strategy (CRN136082). The proposal is not at variance to this strategy.

The proposed works are not listed as a Prescribed Premises under the Environmental Protection Regulations 1987, therefore no licences or works approvals are required.

There are two native title claims over the area under application, by the Miriuwung Gajerrong peoples. However as the purpose of the clearing permit is consistent with the purpose of the lease, the issuing of a clearing permit does not constitute a future act under the Native Title Act 1993.

There are no recorded Aboriginal Sites of Significance present within the area proposed to be cleared.

Methodology

GIS Databases:
- Native Title Claims
- Aboriginal Sites of Significance
- Environmental Impact Assessments

4. Assessor's comments

Comment

The proposed clearing was found to be at variance to principle f, not likely to be at variance to principles a, b, c, d, e, g and j, and not at variance to principle h.

5. References

Brolgas Environment (2007) Development and Management Plan for Lot 330/333 for lessee Leigh Weppner with Permitted Use of Cultivation and Grazing (DEC TRIM Ref: DOC19929).

DAFWA (2007) Land degradation assessment report. Office of the Commissioner of Soil and Land Conservation, Department of Agriculture and Food Western Australia. (DEC TRIM ref DOC17744)

DAFWA (2008) Deaprtment of Agriculture and Food Western Australia Advice. Office of the Commissioner of Soil and Land Conservation, Department of Agriculture and Food Western Australia. (DEC TRIM ref DOC49694)

DoW (2008) Department of Water Information. Department of Water (DEC TRIM Ref DOC50167)

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.

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.
Simpson, K. and Day, N (2004) Field Guide to the Birds of Australia. 7th Edition. Penguin Books Ltd.
Wildlife Conservation (Specially Protected Fauna) Notice 2006(2)

6. Glossary

Term	Meaning
BCS	Biodiversity Coordination Section of DEC
CALM	Department of Conservation and Land Management (now BCS)
DAFWA	Department of Agriculture and Food
DEC	Department of Environment and Conservation
DEP	Department of Environmental Protection (now DEC)
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 DEC)