Department of Environment and Conservation

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 1838/1

Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: **Department of Housing and Works**

1.3. Property details

Property: CROWN RESERVE 9656 (FITZROY CROSSING 6765)
UNALLOCATED CROWN LAND (FITZROY CROSSING 6765)
FITZROY CROSSING TOWNSITE LOT 104 (House No. 29 FALLON 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:
5		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 Association 709: Hummock grasslands, shrub steppe; Acacia impressa over Triodia intermedia on stony laterite (Hopkins et al, 2001).	The clearing is approximately 5ha for the development of a new school and grounds at Fitzroy Crossing. Site photos show the vegetation on site consists of open hummock grasslands with Triodia intermedia and some Acacia impressa, with outcrops of sandy and rocky areas.	Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery 1994)	The description of the vegetation under application was obtained from site photographs (DEC TRIM ref: DOC25368) and aerial photographs (Fitzroy Crossing 20cm orthomosaic).

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 709 (Hopkins, et al, 2001). Species likely to be present include Acacia impressa and Triodia intermedia (Shepherd et al, 2001). This community type is illustrated by site photos of the area under application. This association is well represented in the undeveloped areas surrounding the site, which have not been subject to disturbance. Hence, the surrounding areas are likely to have similar biological diversity than the proposal area.

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

Methodology

SAC Biodatasets (06/06/07);
GIS Database:
- Pre-European Vegetation - DA 01/01
- Clearing Regulations Environmentally Sensitive Areas

(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

A desk top study found that there are no recorded occurrences of threatened fauna taxa within the area that is proposed to be cleared.

A Priority 4 fauna species was located during this desk top study which is approximately 300m from the location of the current school. The Star Finch (Neochmia ruficauda) is mostly restricted to vegetation near watercourses and swamps; grassy flats with few bushes and low trees, rushes (Pizzey, 2003). The area proposed to be cleared does not contain habitat suitable for this species.

The area proposed to be cleared is not considered to be significant habitat for fauna as this habitat type is not limited to the site proposed for clearing and is extensively represented in the local and wider area.

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

Methodology

Pizzey (2003);
SAC Biodatasets (06/06/07);
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 proposal area.

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

Methodology

SAC Biodatasets (06/06/07)

(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

A desk top study found that there are no recorded occurrences of threatened or priority ecological communities within the proposal area.

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

Methodology

SAC Biodatasets (06/06/07)

(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 State Government is committed to the National Objectives and Targets for Biodiversity Conservation which includes a target that prevents clearance of ecological communities with a current extent below 30% of the pre-European settlement extent (Department of Natural Resources and Environment, 2002)

The area applied to clear is a component of Beard Vegetation Association 709 (Hopkins et al, 2001). Approximately 0.7% of this Association is located within IUCN Class I-IV and CALM managed reserves (Shepherd et al, 2001). There is 75,847 ha of this Association remaining, approximately 99.3% of the pre-European extent (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 5ha is of vegetation will not significantly reduce the remaining extent of this vegetation association and the area proposed for clearing is not remnant vegetation.

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

Methodology

Department of Natural Resources and Environment (2002);
Hopkins et al (2001);
Shepherd et al (2001);
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 likely to be at variance to this Principle

There are no wetlands or watercourses within the area proposed for clearing.

A minor, ephemeral watercourse is situated 3km to the east of the proposal site. The proposal is sufficiently distanced from this watercourse so it is not likely to impact upon it.

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

Methodology

GIS Database:
- Hydrography, linear (hierarchy) - DOW
- Ramsar, Wetlands - CALM 14/02/03
- ANCA, Wetlands - CALM 08/01
- CALM Managed Lands and Waters - CALM 1/07/05

(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 site consists of sandstone plateaux and hills (Speck et al, 1964) with a high amount of rock outcrop, and shallow, stony and gravely soils (Northcote et al, 1960-68). Although this soil type has a low water permeability rate, thus increasing water run-off, it also has a low potential for erosion (Schoknecht, 2002).

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

Methodology

Speck et al (1964);
Northcote et al (1960-68);
Schoknecht (2002);
GIS Database:
- Soils, Statewide ý 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

There are no areas of conservation within or adjacent to the area proposed for clearing.

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

Methodology

GIS Database:
- CALM Managed Lands and Waters - CALM 1/07/05
- CALM Regional Parks - CALM 12/04/02
- Proposed National Parks
- CALM proposed 2015 pastoral lease exclusions
- Agreement to Reserve

(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 area is located within the Canning-Kimberley groundwater sub-area, proclaimed under the Rights in Water and Irrigation Act 1914. The Public Drinking Water Source Area, consisting of a P3 protection zone, lies over the area proposed to be cleared. However, the intended school is an acceptable land use within this zone (Department of Environment, 2004), therefore it is unlikely that the proposal will cause deterioration in the quality of the groundwater.

A minor, ephemeral watercourse is situated 3km to the east of the proposal site. The proposal is sufficiently distanced from this watercourse so it is not likely to impact upon it.

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

Methodology

Department of Environment (2004);
GIS Database:
- Public Drinking Water Source Areas (PDWSAs) - DOW
- Hydrography, linear (hierarchy) - DOW

(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

Fitzroy Crossing receives approximately 600mm of rain annually. The proposed development is above the 100 year ARI flood level for the town of Fitzroy Crossing. During flood events, drainage below this level is limited, due to the high level of flood waters entering the system in a short period of time. The proposed clearing of 5ha within the application site is not likely to influence the incidence or intensity of flooding in this area.

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

Methodology

GIS Database:
- Soils, Statewide - DA 11/99
- Rainfall, Mean Annual - BOM 30/09/01
- FMD 100 Year ARI Flood Level (mAHD) - DOW

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

Comments

DET received access to Aboriginal Lands Trust Reserve 9656 with undertstanding that works could not commence untill Aboriginal Lands Trust grants an access permit for the purpose of construction. The access permit was received by DET on 11 June 2007 granting DET contractors (Coorper and Oxley) to construct district high school and associated community facilities. (TRIM Ref: DOC21187 and DOC28075).

DPI advised DEC that the land assembly over portions of Reserve 35090 (Lot 504 on DP 53729), UCL (Lot 503 on DP 53729) and closed road (Lot 506 on DP 53729) is being finalised to enable the creation of Resreve under the care contorl and management of DET. DPI further advised that they were the current owners of the UCL and authorised access to DET to commence construction on the land if required prior to the finalisation of the reserve. (TRIM Ref: DOC29278)

The area under assessment has been subject to three previous referrals to the Environmental Protection Authority. None of these referrals are related to this proposal, however CRN 112354 is in relation to the Shire of Derby West Kimberley Town Planning Scheme 6. The proposal is not at variance to this strategy.

Local authority planning and building approval from the Shire of Derby West Kimberley is not required as this proposal is a State project.

Water will be obtained from main water supply for use within the school buildings, however the proponent has not determined if the grounds will be irrigated via main water or ground water. If ground water is to be utilised, the proponent will be required to apply for a groundwater licence from the Department of Water.

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

There are no native title claims over the area proposed to be cleared. The requirements of the future act provisions of the Native Title Act 1993 have been complied with for the issuing of this clearing permit.

The proposed clearing occurs in an area that is covered by the following Registered Indigenous Heritage Sites - Kurnangki Burial (ID 429), Ngiyali Jandarri (mortuary) (ID 711), 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.

Methodology

GIS Database:
- Native Title Claims - DLI
- Aboriginal Sites of Significance - DIA
- Environmental Impact Assessments

4. Assessor's comments

Purpose	Method	Applied area (ha)/ trees	Comment
Building or Structure	Mechanical Removal	5	Assessable criteria have been addressed and no objections were raised. The proposal is not likely to be at variance to all principles. The Assessing Officer recommends that the application should be given an undertaking dependant on: * obtaining a Notice of Intention from the Department for Planning and Infrastructure to obtain a portion of Reserve 35090 and unallocated Crown land, and * obtaining a Permit to Enter a Reserve from the Aboriginal Affairs Planning Authority.

5. References

Department of Environment (2004) Water Quality Protection Note: Land Use Compatibility in Public Drinking Water Source Areas.

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.

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.

Pizzey, G & Doyle, R (1987). A Field Guide to the Birds of Australia. Collins, Sydney, Australia.

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.

Speck, N.H., Wright R.L. and Rutherford G.K. (1964) Part II Land Systems of the West Kimberley Area. In: General Report on Lands of the West Kimberley Area, W.A. Land Research Series No. 9 Commonwealth Scientific and Industrial Research Organization, Australia.

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)