



1. Application details

1.1. Permit application details

Permit application No.: 199/1

Permit type: Area Permit

1.2. Proponent details

Proponent's name: Serenity Stone Pty Ltd

1.3. Property details

Property: M4/89
L04/33

Local Government Area: Shire Of Derby-West Kimberley

Colloquial name: 500m off Gibb River Road, 130km from Derby

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
6.5		Mechanical Removal	Mining

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 #736 - Mosaic: Grasslands, curly spinifex, low tree savanna; snappy gum & Eucalyptus perfoliata over Plectrachne pungens / Grasslands; sparse low tree savanna; Adansonia gregorii over Plectrachne bynoei (Hopkins et al. 2004, Shepherd et al. 2004).	The vegetation of the site comprises upper and middle storey native species with the lower storey predominantly hummock and tussock grasses (Martinick, 1988).	Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery 1994)	The surrounding land use of quarrying has resulted in significant disturbance in the vicinity to the local vegetation. No flora of conservation significance was recorded by the consultants (Martinick, 1988). The flora found within the project area are generally wide spread within the surrounding local area and hold no particular local or regional conservation significance (Martinick, 1988).

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 surrounding land use of quarrying has resulted in significant disturbance in the vicinity to the local vegetation. No flora of conservation significance was recorded by the consultants (Martinick, 1988). The flora found within the project area are generally widespread within the surrounding local area and hold no particular local or regional conservation significance (Martinick, 1988). It is therefore unlikely to represent an area of outstanding biological diversity.

Methodology Martinick, 1988

(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**
Large trees and hummock grasses may provide some habitat for fauna species, however, the level of previous disturbance is likely to limit the habitat value of the site. (Martinick, 1988).

Methodology Martinick, 1988

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

Comments **Proposal is not likely to be at variance to this Principle**
No Declared Rare or Priority Flora species were surveyed within the project area (Martinick, 1988)

Methodology Martinick, 1988
GIS Database: Declared Rare and Priority Flora Lists - CALM 13/08/04

(d) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of a significant ecological community.

Comments **Proposal is not likely to be at variance to this Principle**
There are no known Threatened Ecological Communities within the area proposed for clearing.

Methodology GIS Database: Threatened Ecological Communities - CALM 15/07/03

(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 vegetation under application is Beard Vegetation Association 736 (Hopkins et al, 2001) of which there is ~100% of the pre-European extent remaining (Sheperd et al. 2001).

Methodology Hopkins et al. 2001; Sheperd 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**
The vegetation to be cleared is not associated with a wetland or watercourse.

Methodology GIS Database: RAMSAR, Wetlands - CALM 21/10/02
GIS Database: Hydrography, linear - DOE 1/2/04

(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**
From the information provided, there has been some level of land degradation noted on site (environs Kimberley, 2004). However, the proponents have indicated that rehabilitation of the site following cessation of quarrying activities will be undertaken.

DAWA advice indicates that the clearing is not likely to cause appreciable on or off site land degradation, subject to the implementation of appropriate management strategies to minimise any resultant water runoff.

It is therefore unlikely that significant land degradation will arise as a result of the vegetation clearing.

Methodology environs Kimberley Submission, 2004; Permit application; DAWA (2004)

(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 project area is not adjacent to any existing or proposed conservation reserves.

Methodology GIS Database: CALM Managed Lands and Waters - CALM 1/06/04

(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**
It is unlikely that the vegetation clearing will have a significant impact on ground or surface water quality.

Methodology GIS Database: Hydrography, linear - DOE 1/2/04

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

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

The region within which the project area is located receives an average annual rainfall of 900mm. Rainfall events drive seasonal flooding therefore it is unlikely that the clearing of 6.5ha will have a significant impact on flood regimes in the local area.

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

Planning instrument or other matter.

Comments Proposal is not at variance to this Principle

Appeal result from Minister for the Environment: Dismissed such that the level of assessment remains at Not Assessed - Public Advice Given, Managed Under Part V.

Submission received from environs Kimberley. Concerns relate to activities previously performed at the site. These include the lack of rehabilitation, visibility of quarrying and dumps from a tourist perspective, soil erosion and weed invasion on access tracks and abandonment of previously extracted granite. Also concerned about the lack of adequate detailed information within the management plan.

The Kimberley Land Council raised concerns that the clearing of significant areas of vegetation may be a matter which affects native title, through the future act processes of the Native Title Act 1993.

The Shire of Derby-West Kimberley indicated support for the proposal on the condition that the area is rehabilitated following quarrying activities and that vegetation be retained to 'screen' the site from the roadway.

Methodology Office of the Appeals Convenor, Appeal Number 26 of 2004, 30 November 2004;
environs Kimberley Submission (2004);
Kimberley Land Council Submission (2004);
Shire of Derby-West Kimberley Submission (2004)

4. Assessor's recommendations

Purpose	Method	Applied area (ha)/ trees	Decision	Comment / recommendation
Mining	Mechanical Removal	6.5	Grant	Conditions to be included as part of DoIR tenement conditions. 1. That rehabilitation be undertaken on a progressive basis or on completion of quarrying activities. 2. That vegetation at the perimeter of the application area be retained to screen quarrying activities from view of traffic on the Gibb River Road. 3. That appropriately surfaced access tracks and drains are necessary to minimise surface water runoff. The concern of the Kimberley Land Council is clarified by advice received from the State Solicitor's Office that indicate the granting of the permit would not be invalidated by the Native Title Act 1993.

5. References

DAWA (2004) Land degradation assessment report. Office of the Commissioner of Soil and Land Conservation, Department of Agriculture Western Australia. DoE TRIM ref KNI502

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, BJ (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.

WG Martinick & Associates (1988). Notice of Intent to quarry various rocks in the West Kimberley Region. Prepared for Black Swan Quarries Pty Limited.