Department of Environment and Conservation

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 2210/1

Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: **Voran Holdings Pty Ltd (Trustee for The Freeheart Trust)**

1.3. Property details

Property: LOT 3001 ON PLAN 44913 (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:
0.4		Mechanical Removal	Road construction or maintenance

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 909: Grasslands, high grass savanna woodland; bloodwood, stringybark & woolybutt over upland tall grass & curly spinifex on sandplain (Hopkins et al, 2001).	The clearing is for the purpose of construction of an access road. The area has been previously disturbed by the original access track and ongoing vehicle movements.	Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994)	The description of the vegetation to be cleared was obtained from the application (DEC TRIM Ref: DOC39816) and aerial photography (Kununurra 50cm 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 Beard Vegetation Association 909 (Hopkins et al, 2001). The vegetation on-site consists of Mitchell grass and spinifex grassland savannas, with bloodwood, stringybark and woolybutt species (Hopkins et al, 2001). This vegetation types occur throughout the immediate vicinity of the local area.

The application area is within an existing vehicle track. This vegetation of this area is likely to have been impacted upon by the continuous use of the track and the alteration to hydrological regimes after its original creation, therefore the biodiversity is likely to have been degraded.

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

Methodology

Hopkins et al (2001);
FloraBase (2008);
GIS Database:
- Pre-European Vegetation
- Kununurra 50cm Orthomosaic

(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 priority 4 listed Little Bittern (Ixobrychus minutus) (Wildlife Conservation (Specially Protected Fauna) Notice 2006(2)) has been recorded within the local area (10km radius). The Little Bittern inhabits dense reeds and rushes bordering swamps and creeks (Simpson & Day, 2004).

This habitat may be present at the creek crossing within the application area. As the creek crossing has experienced historical disturbance from vehicle movement, any vegetation within the crossing is likely to be degraded and no longer significant habitat for fauna.

Additionally, the proposed clearing is for a small area located within vegetation that remains relatively undisturbed, therefore abundant habitat remains for fauna.

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

Methodology Wildlife Conservation (Specially Protected Fauna) Notice 2006(2);
Simpson & Day (2004);
SAC Bio Datasets (220108);
GIS Database:
- Kununurra 50cm Orthomosaic

(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 four recorded occurrences of priority flora within the local area (10km radius). These are Fuirena nudiflora (P1), Platysace saxatilis (P2), Eucalyptus ordiana (P2) and Acacia richardsii (P3). Three of the priority flora are suited to sandstone hills or outcrops (FloraBase, 2008). The soils of the application area do not consist of sandstone, therefore these flora are not likely to occur within the area proposed to be cleared.

However, the habitat preferred by Fuirena nudiflora is sandy swamps (FloraBase, 2008). One recorded occurrence of this flora is located 1.8km south-east of the application area, on the same soil type and within the same vegetation type.

The application area is within an existing vehicle track. This vegetation of this area is likely to have been impacted upon by the continuous use of the track and an alteration to the hydrological regimes caused by the original installation of the track, therefore the likelihood of Fuirena nudiflora occurring within this area is limited.

The proposed clearing is unlikely to be at variance to this Principle.

Methodology SAC Bio Datasets (220108);
FloraBase (2008)

(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 Bio Datasets (220108)

(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 proposed clearing of Association 909 will not significantly reduce the remaining extent of either of these vegetation types, and the area proposed for clearing is not remnant vegetation.

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

Methodology Hopkins et al (2001);
Shepherd et al (2001);
GIS Database:
- Pre-Eurpoean Vegetation

(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

A portion of the proposed clearing passes through an ephemeral stream, for the purpose of a vehicle crossing. Therefore, the proposal is at variance to this principle.

The creek crossing has experienced historical disturbance from vehicle movement, therefore any vegetation remaining within the crossing is likely to be degraded.

Methodology

GIS Databases:
- RAMSAR, Wetlands
- ANCA, Wetlands
- Hydrography, linear
- Hydrography, linear (hierarchy)

(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 area under application is located within the Angallari Land System, with yellowish loamy or sandy soils (Stewart et al, 1970). Such soils have good drainage (Schoknecht, 2002) and the landscape is gently undulated (Northcote et al, 1960-68). As a portion of the area has already experienced degradation from the previous access track, and given the characteristics of the soils on site, it is not likely that clearing will increase land degradation.

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

Methodology

Stewart et al (1970);
Schoknecht (2002);
Northcote et al (1960-68);
GIS Database:
- Soils, Statewide
- Kimberley Land System Mapping

(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 application area is located within the Lake Argyle and Carr Boyd Ranges, Red Book classified reserve and is 5km east of Lake Kununurra, a Ramsar-listed conservation reserve. Due to the small area to be cleared, the previous disturbance to the area from the existing road alignment, and the large distance to Lake Kununurra, it is not likely that the clearing will impact on these areas.

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

Methodology

GIS Databases:
- RAMSAR, Wetlands
- ANCA, Wetlands
- 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

A portion of the proposed clearing passes through an ephemeral stream, for the purpose of a vehicle crossing. As clearing can only occur during the dry season due to access issues, it is likely that the stream will not be flowing. Also, the vehicle crossing is upgrading the current one, and the area to be cleared within the stream is very small. Therefore, any reduction in the quality of water remaining in the stream will be localised and on a small scale.

The Public Drinking Water Source Area, consisting of a P1 protection zone, is located 7.6km north of the area proposed to be cleared. Due to this large distance, the clearing is not likely to cause a deterioration in the quality of the groundwater.

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

Methodology

GIS Databases:
- Hydrography, linear
- Hydrography, linear (hierarchy)

- Public Drinking Water Source Areas (PDWSA)

(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

Due to the small area to be cleared and the ephemeral nature of the watercourse, the clearing of 7.47ha is not likely to influence the incidence or intensity of flooding in the area.

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

Methodology

GIS Database:
- Hydrography, linear
- Hydrography, linear (hierarchy)

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

Comments

The proposal is to clear for the purpose of upgrading, realigning and constructing a road to Jimbalum community, Kununurra. The area to upgrade the existing road is within a stream crossing. The proposed works are likely to reduce the impact of the current vehicle track on the watercourse, thereby improving the quality of surface water within the stream, reducing the incidence of land degradation and reducing the impacts of flooding within the local area.

The land is unallocated Crown land, part Reserve 35289 vested for the purpose of 'natural regeneration' however does not have a management order. The purpose of the access road is to provide formal, legal access to the Packsaddle Freehold Area by the Jimbalum community. The construction of the road is approved development under the Ord Final Agreement, a registered Indigenous Land Use Agreement from the national Native Title Tribunal.

The Department for Planning and Infrastructure has granted authority to the proponent to access the land and apply for the clearing permit. The road reserve, to be known as Lot 6001 on Plan 57348, has not been created. A portion of Lot 3003 on Plan 44914 will be excised to create the road reserve.

No submissions were received for this application.

The area under application has been subject to three referrals to the Environmental Protection Authority. None of the referrals is specific to the proposal under assessment.

The proposed works require a Bed and Banks Permit under the Rights in Water and Irrigation Act 1914 from the Department of Water. This permit will be granted by DoW (DOC50880). A Water Licence is not required.

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

There is a Native Title Claim over the area under application. The Department of Environment and Conservation's advertising of the application in the West Australian newspaper constitutes legal notification of the native title representative body for the purpose of the future act procedures under the Native Title Act 1993. No response was received from the representative body.

The proposed clearing occurs in an area that is covered by two Registered Indigenous Heritage Sites. 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.

Methodology

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

4. Assessor's comments

Purpose	Method	Applied area (ha)/ trees	Comment
Road construction o maintenance	Mechanical Removal	0.4	The proposed clearing was found to be at variance to principle f and is not likely to be at variance to all other principles.

5. References

FloraBase (2007) FloraBase the Western Australian Flora 19/02/2008 http://florabase.calm.wa.gov.au/browse/profile/ DEC

TRIM Ref: DOC46403
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.
Simpson, K. and Day, N (2004) Field Guide to the Birds of Australia. 7th Edition. Penguin Books Ltd.
Stewart, G.A., Perry, R.A., Paterson, S.J., Sleeman, J.R. and Traves, D.M. (1970) Part II. Land Systems of the Ord-Victoria Area. In: Lands of the Ord-Victoria Area, W.A. and N.T. Land Research Series 28. Commonwealth Scientific and Industrial Research Organization, Australia.
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)