



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 6084/4
Permit Holder:	Mowanjum Aboriginal Corporation
Duration of Permit:	16 August 2014 – 16 August 2019

The Permit Holder is authorised to clear native vegetation subject to the following conditions of this Permit.

PART I – CLEARING AUTHORISED

1. Purpose for which clearing may be done

Clearing for the purpose of pivot irrigation and dryland cultivation of fodder crops.

2. Land on which clearing is to be done

Lot 253 on Deposited Plan 238348 (Meda 6728)

3. Area of Clearing

The Permit Holder must not clear more than 116 hectares of native vegetation within the area cross-hatched yellow on attached Plan 6084/4.

4. Application

This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

PART II – MANAGEMENT CONDITIONS

5. Vegetation management

The Permit Holder shall not clear native vegetation within 100 metres of the *riparian vegetation* of any *watercourse* or *wetland* within and/or adjacent to the area cross-hatched yellow on Plan 6084/4.

DEFINITIONS

The following meanings are given to terms used in this Permit:

riparian vegetation has the meaning given to it in Regulation 3 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004;

watercourse has the meaning given to it in section 3 of the *Rights in Water and Irrigation Act 1914*;

wetland means an area of seasonally, intermittently or permanently waterlogged or inundated land, whether natural or otherwise, and includes a lake, swamp, marsh, spring, dampland, tidal flat or estuary.

A handwritten signature in blue ink, appearing to read "Emma Bramwell", written over a horizontal line.

Emma Bramwell
A/ MANAGER
CLEARING REGULATION

*Officer delegated under Section 20
of the Environmental Protection Act 1986*

18 August 2017

Plan 6084/4

123°45'0"

123°45'36"

123°46'12"

123°46'48"

-17°25'48"

-17°26'24"

-17°27'0"

-17°27'36"

-17°25'48"

-17°26'24"

-17°27'0"

-17°27'36"



123°45'0"

123°45'36"

123°46'12"

123°46'48"

Legend

 Areas approved to clear

 Cadastre

 Roads

 LGA

Copernicus Sentinel data 2017



1:20,000

MGA 94

Geocentric Datum of Australia 1994

E. Bramwell
Date 18/09/17

Officer with delegated authority under Section 20
of the Environmental Protection Act 1986



GOVERNMENT OF
WESTERN AUSTRALIA



1. Application details

1.1. Permit application details

Permit application No.: 6084/4
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Mowanjum Aboriginal Corporation

1.3. Property details

Property: LOT 253 ON PLAN 238348, MEDA
Local Government Authority: SHIRE OF DERBY-WEST KIMBERLEY
DBCA District: WEST KIMBERLEY
Localities: MEDA

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
116	-	Mechanical Removal	Agriculture

1.5. Decision on application

Decision on Application: Grant

Decision Date: 18 August 2017

Reasons for Decision: The clearing permit application has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986* (EP Act), and it has been concluded that the proposed clearing is at variance to Principle (f), may be at variance to Principles (c) and (h), and is not likely to be or is not at variance to the remaining Principles.

The Delegated Officer determined that two minor non-perennial watercourses occur within the application area, that given the lack of survey effort within the local area there is a potential for conservation significant species to occur within the application area, and that the proposed clearing may result in altered local hydrology and impact on the Mowanjum Wetland Reserve. The Delegated Officer determined that the proposed clearing of an additional 40 hectares is unlikely to result in any significant environmental impacts.

The clearing permit will include a condition requiring that the Permit Holder shall not clear native vegetation within 100 metres of the riparian vegetation of any watercourse or wetland within and/or adjacent to the application area. The applicant advised that through the licencing process under the *Rights in Water and Irrigation 1914* investigations are being conducted into the hydraulic drivers of the nearby wetland system.

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description

Beard vegetation association 764 is mapped within the application area, being Shrublands, pindan; *Acacia eriopoda* and *A. tumida* shrubland with scattered low bloodwood and *Eucalyptus setosa* over ribbon and curly spinifex (Shepherd et al., 2001).

A site inspection undertaken by the former Department of Parks and Wildlife (Parks and Wildlife) on 7 May 2014 identified the vegetation within the application area as medium open woodland/shrubland of *Acacia* sp., *Eucalyptus* sp., *Corymbia* sp. and *Bauhinia cunninghamii* over *Sida* sp., curly spinifex and other unidentified grasses of moderate density (Parks and Wildlife, 2014).

A flora and fauna survey covering an area of 208,566 hectares, including the application area, mapped the application area as *Corymbia greeniana* low closed woodland over *Acacia tumida* var. *tumida* and *Grevillea pyramidalis* tall sparse shrubland over *Sorghum timorense* and *Chrysopogon pallidus* low closed tussock grassland (Ecologia, 2015).

Description

The applicant has applied to amend Clearing Permit CPS 6084/2 by increasing the authorised clearing by 40 hectares from 76 hectares to 116 hectares of native vegetation, within a project footprint of approximately 205.86 reduced from 917 hectares, for the purpose of pivot irrigation and dryland cropping.

Vegetation Condition

Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994).

Comment

Vegetation condition was determined during a site inspection of the project footprint, undertaken by Parks and Wildlife on 7 May 2014 (Parks and Wildlife, 2014).

3. Assessment of application against clearing principles

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

Comments

Proposed clearing is not likely to be at variance to this Principle

The applicant has applied for an amendment to Clearing Permit CPS 6084/2, requesting an increase in the area of authorised clearing by 40 hectares from 76 hectares to 116 hectares of native vegetation, within a project footprint of approximately 205.86 hectares reduced from 917 hectares, for the purposes of pivot irrigation and dryland cropping.

The application area is located within the Dampierland Interim Biogeographic Regionalisation of Australia (IBRA) bioregion, which is characterised by acacia thickets with scattered trees, grasslands, and savannahs over extensive plains, ranges and gorges (Bastin and ACRIS Management Committee, 2008). The applicant previously advised in relation to application CPS 6084/3 that the application area is heavily grazed.

The Dampierland bioregion retains approximately 99 per cent of its pre-European extent of native vegetation cover (Government of Western Australia, 2016). The application area is mapped as Beard vegetation association 764, which is well-represented within the Dampierland bioregion (Government of Western Australia, 2016).

Based on aerial imagery, the local area (defined as a 20 kilometre radius around the application area) is well vegetated and retains an estimated 99 per cent of the pre-European extent of native vegetation cover.

As assessed under Principle (b), a fauna survey of a 208,566 hectare area, including the application area, determined that 88 fauna species of conservation significance have the potential to occur within the area, of which three mammals, 24 birds and 29 invertebrates have been assessed as having a medium to high likelihood of occurrence (Ecologia, 2015). Two of the mammals (the greater bilby and northern quoll) are listed as rare or likely to become extinct under the *Wildlife Conservation Act 1950* (WC Act).

A level 1 flora survey of a 208,566 hectare area, including the application area, recorded 161 flora taxa in the survey area (Ecologia, 2015). Of these taxa, eight could not be fully identified to species level or equivalent, and five priority (P) flora were identified including *Eriochloa fatmensis*, *Gomphrena cucullata*, *Goodenia sepalosa* var. *glandulosa* and *Triodia caelestialis* (Ecologia, 2015). Each of these priority species is recorded as Priority 3 by the Department of Biodiversity, Conservation and Attractions (DBCA). It was also determined that a further 10 priority flora species have a medium to high likelihood of occurrence (Ecologia, 2015).

The flora survey involved the assessment of 17 relevés within the 208,566 hectare survey area, with a survey effort of 10 person days. Given the broad nature of the flora survey it is considered to be insufficient to confirm the presence or absence of conservation significant flora within the application area.

No rare flora species, priority ecological communities (PEC) or threatened ecological communities (TEC) have been recorded within the local area. No PECs or TECs were recorded during the flora survey (Ecologia, 2015).

DBCA referred to advice provided for application CPS 6084/1, which noted that two 40 hectare trial sites could be approved in the absence of a flora survey (DBCA, 2017a). DBCA advised that if the trial sites are successful, a further clearing permit application could be considered for the remaining area, however given that there is limited survey data available for the Kimberley region when compared with the south west of the State, there is the potential for conservation significant flora to occur in the area and a flora survey of the larger area would be recommended (DBCA, 2017a). DBCA also advised that the proposed clearing of an additional 40 hectares is unlikely to have a significant impact on the conservation of priority flora (DBCA, 2017b).

As there is a lack of survey effort within the local area, there is a potential for conservation significant fauna and flora species to occur within the application area. Noting the extent of vegetation in the local area and the reduced project footprint, the clearing of an additional 40 hectares of native vegetation to construct a second trial pivot is not likely to have a significant impact on conservation significant fauna and flora, and the application area is not likely to contain a high level of biological diversity.

Given the above, the proposed clearing of an additional 40 hectares is not likely to be at variance to this Principle.

Methodology

References:
Bastin and ACRIS Management Committee (2008)
DBCA (2017a)
DBCA (2017b)
Ecologia (2015)
Government of Western Australia (2016)
Parks and Wildlife (2016)

GIS Database:
SAC bio datasets (Accessed July 2017)

(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

Proposed clearing is not likely to be at variance to this Principle

A site inspection undertaken by Parks and Wildlife identified the vegetation within the application area as medium open woodland/shrubland of *Acacia* sp., *Eucalyptus* sp., *Corymbia* sp. and *Bauhinia cunninghamii* over *Sida* sp., curly spinifex and unidentified grasses of moderate density in a good (Keighery, 1994) condition (Parks and Wildlife, 2014). The local area (20 kilometre radius) retains approximately 99 per cent native vegetation cover.

Given the extent of vegetation in the local area and significantly reduced footprint, the removal of an additional 40 hectares of native vegetation is not likely to cause habitat fragmentation on a local scale that may impede fauna movement through the landscape for species with small home ranges or low dispersal ability. DBCA advised that any clearing should be done in a single directional manner to enable any ground dwelling fauna to escape (DBCA, 2017b).

A fauna survey of a 208,566 hectare area, including the application area, mapped the fauna habitat within the application area as *Acacia* shrubland characterised by tall shrubland of *Acacia tumida* var. *tumida* and *Grevillea pyramidalis*, with thickets of *Acacia tumida* var. *tumida* in places, and a ground cover of tussock grasses on sandy soils (Ecologia, 2015). The fauna survey determined that 88 fauna species of conservation significance have the potential to occur within the area, of which three mammals, 24 birds and 29 invertebrates have been assessed as having a medium to high likelihood of occurrence within the surveyed area (Ecologia, 2015). Two of these mammals are listed as rare or likely to become extinct under the WC Act.

The greater bilby (*Macrotis lagotis*) is listed as vulnerable under the WC Act and *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). The fauna survey determined that suitable habitat for this species occurs within the survey area (*Acacia* shrubland) and that there are a number of recent regional records of this species (Ecologia, 2015).

The greater bilby once occurred across 70 per cent of mainland Australia, but has now disappeared from up to 90 per cent of its historical range and occurs in fragmented populations in south-western Queensland, drier areas of the Northern Territory and northern Western Australia (Pavey, 2006; Narayan et al., 2014). In Western Australia, the species occurs in a portion of the Gibson Desert and Great Sandy Desert bioregions, portions of the Pilbara bioregion, the Dampierland bioregion along Eighty Mile Beach and north to Beagle Bay, and in the Central Kimberley and Ord-Victoria Plains bioregions south of the Fitzroy and Margaret Rivers (Pavey, 2006). The range of the greater bilby is declining northwards, with significant contraction into the Kimberley from the Northern Territory occurring in the past 20 years (DBCA, 2017b).

DBCA advised that the application area contains suitable habitat for the greater bilby, and that populations are known from similar vegetation, landform and soil types elsewhere in the Dampierland bioregion (DBCA, 2017b). DBCA advised that based on current knowledge of greater bilby home ranges, the application area may contain at least two females and/or part of a male individual's home range (DBCA, 2017b). Noting the extent of native vegetation of similar type and quality in the local area, the proposed clearing of an additional 40 hectares is not likely to impact on the ability of individuals to move within the landscape and the application area is not likely to comprise significant habitat for this species.

The northern quoll (*Dasyurus hallucatus*) is listed as endangered under the WC Act and EPBC Act. There are several recent records (2001-16) of the species within the local area (Parks and Wildlife, 2016). The fauna survey determined that the species may use the grassy savannah and open savannah woodland habitat types for foraging and dispersal (Ecologia, 2015). The applicant previously advised in relation to application CPS 6084/3 that no evidence of the northern quoll has been found on the property.

The current distribution of the northern quoll is discontinuous across northern Australia. In Western Australia the northern quoll has been recorded from many areas in the Kimberley and several areas in the Pilbara (Hill and Ward, 2010). Northern quolls do not have highly specific habitat requirements, they occur in a variety of habitats across their range (Hill and Ward, 2010). Daytime den sites provide important shelter and protection for northern quolls from predators and weather (Hill and Ward, 2010). Habitat critical to the survival of the species is outlined as that where northern quolls are least exposed to threats or least likely to be in the future; rocky areas and offshore islands form the prime critical habitat for this species (Hill and Ward, 2010).

The Parks and Wildlife site inspection did not record suitable den sites for the northern quoll within the application area. Noting the extent of native vegetation of similar type and quality in the local area, the proposed clearing of an additional 40 hectares is not likely to impact on the ability of individuals to move through the landscape and the application area is not likely to comprise significant habitat for this species.

The fauna survey recorded the avian species rainbow bee-eater (*Merops ornatus*, listed as migratory under the WC Act), bush stone-curlew (*Burhinus grallarius*, listed as Priority 4) and pictorella mannikin (*Heteromunia pectoralis*, listed as Priority 4) (Ecologia, 2015). DBCA advised that the rainbow bee-eater has been recorded east of the application area and may occur within the application area, and recommended surveys for nesting sites (DBCA, 2017b). These species may utilise habitat within the application area for opportunistic foraging, however given their mobile nature and noting the extent of native vegetation of similar type and quality in the local area, the application area is not likely to comprise significant habitat for this species.

Given the above, the proposed clearing of an additional 40 hectares is not likely to be at variance to this Principle.

Methodology References:
DBCA (2017b)
Ecologia (2015)
Hill and Ward (2010)
Keighery (1994)
Narayan et al. (2014)
Parks and Wildlife (2014)
Parks and Wildlife (2016)
Pavey (2006)

GIS Databases:
SAC bio datasets (Accessed July 2017)

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

Comments Proposed clearing may be at variance to this Principle

According to available databases, no rare flora species have been recorded within the local area (20 kilometre radius). As assessed under Principle (a), DBCA advised that there is limited survey data available for the Kimberley region when compared with the south west of the State, and as such there is the potential for conservation significant flora to occur in the local area (DBCA, 2017a).

A level 1 flora survey of a 208,566 hectare area, including the application area, did not record any rare flora species (Ecologia, 2015). The flora survey involved the assessment of 17 relevés within the survey area, with a survey effort of 10 person days. Given the broad nature of the flora survey it is considered to be insufficient to confirm the presence or absence of rare flora within the application area.

The Beard vegetation association mapped within the application area is well-represented within the local area (Government of Western Australia, 2016). It is understood that the Beard mapping within this region was undertaken at a broad scale of 1:1,000,000 and may therefore not identify local vegetation communities.

In the absence of suitable on-ground surveys to confirm otherwise, the application area may contain rare flora.

Given the above, the proposed clearing of an additional 40 hectares may be at variance to this Principle.

Methodology References
DBCA (2017a)
Ecologia (2015)
Government of Western Australia (2016)

GIS Databases:
SAC bio datasets (Accessed August 2016)

(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 Proposed clearing is not likely to be at variance to this Principle

According to available databases, there are no known TECs within the local area (20 kilometre radius). The nearest TEC is the 'Assemblages of Big Springs organic mound springs', located approximately 46 kilometres north of the application area.

The vegetation within the application area is not representative of a TEC. A site inspection undertaken by Parks and Wildlife did not identify a TEC within the application area (Parks and Wildlife, 2014). A broad flora survey covering a 208,566 hectare area, including the application area, did not record a TEC (Ecologia, 2015).

Given the above, the proposed clearing of an additional 40 hectares is not likely to be at variance to this Principle.

Methodology References:
Ecologia (2015)
Parks and Wildlife (2014)

GIS Database:
SAC bio datasets (Accessed August 2016)

(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

Proposed clearing is not at variance to this Principle

The national objectives and targets for biodiversity conservation in Australia has a target to prevent clearance of ecological communities with an extent below 30 percent of that present pre-1750, below which species loss appears to accelerate exponentially at an ecosystem level (Commonwealth of Australia, 2001).

As indicated in Table 1, the bioregion, local government and mapped vegetation association retain more than the recommended 30 per cent representation threshold. Based on aerial imagery, the local area (20 kilometre radius) is well vegetated and retains an estimated 99 per cent native vegetation cover. On this basis, the application area is not significant as a remnant of native vegetation within an area that has been extensively cleared.

Given the above, the proposed clearing of an additional 40 hectares is not at variance to this Principle.

Table 1: Vegetation Extents

	Pre-European (ha)	Current Extent (ha)	Remaining (%)	Extent in DBCA Managed Lands (%)
IBRA Bioregion*				
Dampierland	8,343,939	8,319,873	99	2
Local government*				
Shire of Derby-West Kimberley	11,955,816	11,897,912	99	4
Beard vegetation association in Bioregion*				
764	53,248	51,955	98	0

Methodology

References:

Commonwealth of Australia (2001)

*Government of Western Australia (2016)

GIS Database:

IBRA WA (Regions - Sub Regions)

Pre-European 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

Proposed clearing is at variance to this Principle

Two minor non-perennial watercourses are mapped within the application area.

Parks and Wildlife advised that portions of the application area appear to contain seasonally inundated wetlands and drainage lines (Parks and Wildlife, 2016). DBCA advised that any clearing in seasonally inundated areas should be avoided (DBCA, 2017b).

Overland flow from the application area is likely to flow west into Mowanjum Wetland Reserve, located approximately 2.5 kilometres from the application area. This wetland reserve is valued for its fauna, flora, indigenous history and freshwater qualities (Shire of Derby-West Kimberley, 2016).

Given the above, the proposed clearing of an additional 40 hectares is at variance to this Principle.

The applicant previously advised in relation to application CPS 6084/3 that there is already a condition on Clearing Permit CPS 6084/2 requiring that watercourses are avoided and that the existing centre pivot avoids watercourses accordingly, and that through the licencing process under the *Rights in Water and Irrigation 1914* investigations are being conducted into the hydraulic drivers of the nearby wetland system.

Methodology

References:

DBCA (2017b)

Parks and Wildlife (2016)

Shire of Derby-West Kimberley (2016)

GIS Databases:

Hydrography, linear

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

Comments

Proposed clearing is not likely to be at variance to this Principle

The application area is mapped within the Camelgooda and Waganut land systems (DAFWA, 2014):

- the Camelgooda land system is described as extensive dune fields, pindan and other low woodlands, and occurs within the eastern portion of the application area (the location of the additional 40 hectares of proposed clearing); and
- the Waganut land system is described as low lying sandplains and dune fields with through going drainage supporting pindan acacia shrublands with emergent eucalypt trees, and occurs within the western portion of the application area.

The Commissioner of Soil and Land Conservation (CSLC) advised that the sandy soils within the application area are inherently susceptible to wind erosion (CSLC, 2016). The former Department of Agriculture and Food Western Australia (DAFWA) advised that the risk of wind erosion will be increased during the initial clearing and development phases when native vegetation is removed to allow planting for irrigated production (DAFWA, 2014).

The risk of wind erosion can be managed by carefully planning the timing of ground disturbing operations, irrigation and management after baling or grazing and retention of sufficient stubble for at least 50 per cent ground cover (CSLC, 2016).

DAFWA advised that the deep free-draining soils identified within the majority of the application area have a low salt storage capacity and salinity is unlikely to occur either as a result of the proposed land clearing or subsequent agricultural use (DAFWA, 2014). The CSLC advised that the risk of salinity or eutrophication occurring as a result of the proposed clearing is low (CSLC, 2016).

The applicant previously advised in relation to application CPS 6984/3 that the management of risk associated with irrigated fodder operations will continue, that there is no evidence of erosion from the clearing done a year ago for the first pivot, and that it has been demonstrated that the clearing has not caused land degradation. The applicant also previously advised that clearing was closely followed by land preparation, irrigation and seeding which has controlled any risk of land degradation, and was of the view that the retention of native vegetation around the cleared areas also mitigates land degradation risks.

Given the above, the proposed clearing of an additional 40 hectares is not likely to be at variance to this Principle.

Methodology

References:
CSLC (2016)
DAFWA (2014)

GIS Databases:
Imagery
Rangeland 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

Proposed clearing may be at variance to this Principle

According to available databases, no DBCA-managed lands occur within the local area (20 kilometre radius).

As assessed under Principle (f), overland flow from the application area is likely to flow west into Mowanjum Wetland Reserve, located approximately 2.5 kilometres from the application area. This wetland reserve is valued for its fauna, flora, indigenous history and freshwater qualities (Shire of Derby-West Kimberley, 2016).

As assessed under Principle (g), the additional 40 hectares under application is located within the Camelgooda land system, which has an associated risk of wind erosion (CSLC, 2016). Noting this, the proposed clearing of an additional 40 hectares may result in altered local hydrology and impact on the Mowanjum Wetland Reserve.

Given the above, the proposed clearing of an additional 40 hectares may be at variance to this Principle.

The management actions being used by the applicant in order to ensure that the end land use does not cause land degradation are outlined in Section 4 'Applicant's Submission'.

As assessed under Principle (f), the applicant advised that through the licencing process under the *Rights in Water and Irrigation 1914* investigations are being conducted into the hydraulic drivers of the nearby wetland system.

Methodology

References:
CSLC (2016)
Shire of Derby-West Kimberley (2016)

GIS Databases:
Parks and Wildlife tenure
RAMSAR, Wetlands

(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 Proposed clearing is not likely to be at variance to this Principle

The application area receives approximately 700 millimetres of rainfall a year primarily during the monsoonal wet season of November to April. With the monsoonal climate of the Kimberley, surface water flows during intense rainfall events over bare ground, may lead to water erosion.

The CSLC advised that the risk of land degradation in the forms of water erosion, waterlogging or eutrophication as a result of the proposed clearing is likely to be low (CSLC, 2016). Given this, it is considered that the proposed clearing is unlikely to impact on the quality of surface water.

The CSLC advised that given the low salt storage capacity of soils identified within the majority of the application area, salinity is unlikely to occur as a result of the proposed clearing (CSLC, 2016). Given this, it is considered that the proposed clearing is unlikely to impact on the quality of groundwater.

Given the above, the proposed clearing of an additional 40 hectares is not likely to be at variance to this Principle.

Methodology References:
CSLC (2016)

GIS Databases:
Groundwater salinity, statewide
Hydrography, linear
Mean annual rainfall

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

Comments Proposed clearing is not likely to be at variance to this Principle

As assessed under Principle (g), the additional 40 hectares under application is located within the Camelgooda land system, comprising deep free-draining sandy soils with a low risk of water erosion and waterlogging (DAFWA, 2014; CSLC, 2016).

As assessed under Principle (i), the application area receives approximately 700 millimetres of rainfall a year primarily during the monsoonal wet season of November to April.

Noting that the risk of standing water and water erosion is associated with high rainfall events and that local runoff is likely to be for short durations, it is considered that the proposed clearing is unlikely to cause or exacerbate the incidence or intensity of flooding.

Given the above, the proposed clearing of an additional 40 hectares is not likely to be at variance to this Principle.

Methodology References
CSLC (2016)
DAFWA (2014)

GIS Database:
Mean annual rainfall

Planning instruments and other relevant matters.

Comments Background

On 16 April 2014, the applicant applied to clear 800 hectares of native vegetation for irrigated agriculture (Application CPS 6084/1). This application was amended during assessment to 76 hectares in order to establish two pivots for an agricultural trial. Clearing Permit CPS 6084/1 was granted on 17 July 2014.

The decision to grant Clearing Permit CPS 6084/1 was appealed by a third party on the grounds of impacts to watercourses, wetlands and biodiversity, potential to cause land degradation, and other matters. On 7 October 2014, the then Minister for Environment dismissed the appeal and noted that any future clearing permit received as part of any proposed expansion would be assessed on its merits and that it was open to the Department to require further information such as flora and fauna surveys as part of its assessment.

On 9 September 2015, the applicant applied to amend Clearing Permit CPS 6084/1 by changing the purpose of the authorised clearing to include dryland cultivation of fodder crops (CPS 6084/2). On 3 December 2016, Clearing Permit CPS 6084/2 was granted, replacing Clearing Permit CPS 6084/1.

On 1 June 2016, the applicant applied to amend Clearing Permit CPS 6084/2 to increase the area of authorised clearing by 147 hectares from 76 hectares to 223 hectares, and to increase the project footprint by 417 hectares from 917 hectares to 1,334 hectares. On 20 October 2016, DER made a decision to refuse to grant a clearing permit for amendment application CPS 6084/3.

The applicant appealed the Department's decision in relation to application CPS 6084/3. On 23 June 2017, the Minister for Environment dismissed the appeal, noting that it was open to the applicant to submit a fresh clearing permit application which addresses the environmental issues raised in the assessment, particularly the advice of Parks and Wildlife that targeted flora, vegetation and fauna surveys would be required to determine the extent of any potential impacts from clearing at the scale proposed in the application.

The current application for an amendment to Clearing Permit CPS 6084/2, requesting an increase in the area of authorised clearing by 40 hectares from 76 hectares to 116 hectares, within a project footprint of approximately 205.86 hectares reduced from 917 hectares. The applicant advised that the additional 40 hectares is required to complete the second pivot for the agricultural trial.

Relevant planning and other matters

The applicant previously advised in relation to application CPS 6084/3 that the project should be viewed in the context of the need for this type of development in the Kimberley to advance regional communities in particular indigenous communities, and as identified by the State Government through the Council of Australian Governments, Regional Blueprints and projects like Water for Food.

The application area is located within the Canning-Kimberley Groundwater Area proclaimed under the *Rights in Water and Irrigation Act 1914*. The former Department of Water (DoW) advised that the applicant currently holds an existing groundwater licence for 0.75 gigalitres, and has applied for an amendment of this licence to 2.75 gigalitres (DoW, 2016).

DoW has previously advised that it is working with the applicant to identify a potential groundwater source (DoW, 2014). There are a number of options available to provide water for the development, including deeper aquifers with no nearby surface connections (DoW, 2014). The final production bore will be designed to deliver a sustainable supply within the normal water licence constraints of having no significant impact on the environment or the groundwater resources (DoW, 2014).

DAFWA has previously identified two species proposed to be planted, *Centrosema pascuorum* Benth. and Rhodes grass (*Chloris gayana* Kunth.), as having a 'medium' and 'high' weed risk rating (DAFWA, 2014). DAFWA recommended a cleared but not fertilised buffer zone of at least four metres be maintained surrounding these species, and that this area should be treated annually to remain free of vegetation and inspected at a minimum of six month intervals (DAFWA, 2014).

The Shire of Derby-West Kimberley advised that it does not raise any objections to the proposed amendment of Clearing Permit CPS 6084/2 to increase the clearing size by 40 hectares on the basis that all other statutory approvals are obtained from the respective decision makers, and that no further approval is required to be obtained from the Council for the proposed works to commence (Shire of Derby West Kimberley, 2017).

The application was advertised on the Department of Water and Environmental Regulation's website on 14 July 2017 for a 14 day submission period. One public submission was received in relation to this application, objecting to any amendment of Clearing Permit CPS 6084/2 without a proper assessment of flora and fauna being undertaken along with a thorough analysis of the environmental impacts (Submission, 2017). The concerns raised have been addressed in the assessment against the Principles.

Native title notification was sent to the Kimberley Land Council, the Warrwa Combined claimant, and the Nyikina Mangala claimant, pursuant to the *Native Title Act 1993* (Cth). In relation to a previous application CPS 6084/3, the Warrwa Combined claimant did not object to the proposed clearing provided that the permit holder engages Warrwa monitors during clearing.

Methodology References:
DAFWA (2014)
DER (2016)
DoW (2014)
DoW (2016)
Shire of Derby-West Kimberley (2017)
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4. References

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- Shire of Derby-West Kimberley (2016) Advice received from the Shire of Derby West Kimberley on 27 June 2016 in relation to clearing permit application CPS 6084/3. DWER ref: A1120630.
- Shire of Derby-West Kimberley (2017) Advice received from the Shire of Derby West Kimberley on 14 July 2017 in relation to clearing permit application CPS 6084/4. DWER ref: A1486103.
- Submission (2017) Public submission received on 21 July 2017 in relation to clearing permit application CPS 6084/4. DWER ref: A1485108.