



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 6562/1  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: Peter Scott Connolly

### 1.3. Property details

Property: Miscellaneous Licence 04/70  
Local Government Area: Shire of Derby/West Kimberley  
Colloquial name: Langey Crossing South Project

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
5.1		Mechanical Removal	Stockpiling and Associated Activities

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 11 June 2015

## 2. Site Information

### 2.1. Existing environment and information

#### 2.1.1. Description of the native vegetation under application

The clearing permit application area has been broadly mapped as Beard vegetation associations:

**759:** Grasslands, tall bunch grass savanna woodland, coolabah over ribbon/blue grass (*Botriochloa* spp.)

**7001:** Shrublands, pindan; *Acacia eripoda* & *A. tumida* shrubland with scattered low cabbage gum & *Eucalyptus setosa* over ribbon & curly spinifex.

A desktop flora and vegetation assessment conducted by E M Connolly (2015) over the application area described the vegetation as:

Pindan vegetation made up of *Acacia ancistrocarpa* and *Acacia eripoda* dominated associations.

#### Clearing Description

Langey Crossing South Project.

Peter Scott Connolly proposes to clear up to 5.1 hectares of native vegetation within a total boundary of approximately 18.5 hectares for the purpose of stockpiling and associated activities. The project is located approximately 55 kilometres south of Derby, in the Shire of Derby/West Kimberley.

#### Vegetation Condition

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

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Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994);

#### Comment

Vegetation condition was determined by the assessing officer using vegetation descriptions, aerial imagery and the Keighery scale.

## 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 application area is located within the Fitzroy Trough sub-region of the Dampierland Interim Biogeographic Regionalisation for Australia (IBRA) bioregion (GIS Database). The Fitzroy Trough subregion is dominated by tall bunch savanna grasslands and Pindan shrubland (GIS Database).

A threatened and priority flora search was requested by E M Connolly from the Department of Parks and Wildlife in August 2014 (E M Connolly, 2015). The flora search recorded 3 threatened flora species and 30 priority flora species within 50 kilometres of the application area (E M Connolly, 2015). Most of these flora species were recorded from the Western Kimberley region within the Dampier Peninsula.

No threatened flora, priority flora or vegetation associations of restricted distribution were recorded within the application area during the flora and vegetation desktop assessment (E M Connolly, 2015; GIS Database).

No introduced flora species (weeds) were recorded within the application area however, it is likely that weeds do occur within the local area (E M Connolly, 2015). Potential impacts on biological diversity from weeds may be minimised by the implementation of a weed management condition.

The application area is not located within a Threatened or Priority Ecological Community (GIS Database).

A threatened and priority fauna search was requested by E M Connolly from the Department of Parks and Wildlife in August 2014 (E M Connolly, 2015). The fauna search recorded 38 threatened and 8 priority fauna species within 50 kilometres of the application area (E M Connolly, 2015). None of these fauna species are expected to be restricted to the application area or rely exclusively on fauna habitats present within the application area.

Based on the above, the proposed clearing is not likely to be at variance to this Principle.

**Methodology** E M Connolly (2015)  
GIS Database:  
- IBRA WA (Regions - Sub Regions)  
- Threatened and Priority Flora  
- Threatened Fauna  
- Threatened Ecological Sites Buffered

**(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 threatened and priority fauna search was requested by E M Connolly from the Department of Parks and Wildlife in August 2014 (E M Connolly, 2015). The fauna search recorded 38 threatened and 8 priority fauna species within 50 kilometers of the application area (E M Connolly, 2015). None of these fauna species are expected to be restricted to the application area or rely exclusively on fauna habitats present within the application area.

The fauna habitats within the application area were not considered to be unique and extended beyond the proposed application area (GIS Database). Therefore, the proposed clearing is unlikely to have a significant impact on habitat critical for the survival of fauna indigenous to Western Australia.

Based on the above, the proposed clearing is not likely to be at variance to this Principle.

**Methodology** E M Connolly (2015)  
GIS Database:  
- IBRA WA (Regions - Sub Regions)  
- Pre-European Vegetation

**(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 records of threatened flora within the application area (GIS Database).

The flora and vegetation desktop assessment conducted by E M Connolly (2015) did not record any threatened flora species within the application area.

Based on the above, the proposed clearing is not likely to be at variance to this Principle.

**Methodology** E M Connolly (2015)  
GIS Database:  
- Threatened and Priority Flora

**(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**

The application area is not located within a recorded Threatened Ecological Community (TEC) (E M Connolly 2015; GIS Database).

Based on the above, the proposed clearing is not likely to be at variance to this Principle.

**Methodology** E M Connolly (2015)  
GIS Database:  
- Threatened Ecological Sites Buffered

**(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 at variance to this Principle**

The application area falls within the Dampierland Interim Biogeographic Regionalisation of Australia (IBRA) bioregion in which approximately 99% of the pre-European vegetation remains (see table) (GIS Database; Government of Western Australia, 2013).

The vegetation of the application area has been mapped as the following Beard vegetation associations (GIS Database):

**759:** Grasslands, tall bunch grass savanna woodland, coolabah over ribbon/blue grass (*Botriochloa* spp.)  
**7001:** Shrublands, pindan; *Acacia eripoda* & *A. tumida* shrubland with scattered low cabbage gum & *Eucalyptus setosa* over ribbon & curly spinifex.

Approximately 99% of vegetation association 759 and 7001 remains at state and bioregion level (Government of Western Australia, 2013). Therefore, the area proposed to be cleared is unlikely to represent a significant remnant of native vegetation within an area that has been extensively cleared.

	Pre-European area (ha)*	Current extent (ha)*	Remaining %*	Conservation Status**	Pre-European % in DPaW Managed Lands
IBRA Bioregion - Dampierland	8,343,938.96	8,319,872.30	~99.71	Least Concern	1.27
Beard vegetation associations - State					
759	44,970.76	44,688.38	~99.37	Least Concern	0
7001	422,036.46	422,036.46	~99.94	Least Concern	0
Beard vegetation associations - Bioregion					
759	44,768.97	44,589.44	~99.60	Least Concern	10.26
7001	422,036.46	422,036.46	~99.99	Least Concern	0

\* Government of Western Australia (2013)

\*\* Department of Natural Resources and Environment (2002)

Based on the above, the proposed clearing is not at variance to this Principle.

**Methodology** Department of Natural Resources and Environment (2002)  
Government of Western Australia (2013)  
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 Proposal is not likely to be at variance to this Principle**

There are no permanent water bodies or watercourses within the application area (GIS Database).

Based on the above, the proposed clearing is not likely to be at variance to this Principle.

**Methodology** E M Connolly (2015)  
GIS Database:  
- Hydrography, linear

**(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 soil type within the application area is described as quaternary sand, silt and minor gravel units (GIS Database).

A number of management measures will be implemented to minimise the risk of erosion and aid in rehabilitation of the cleared area. These include:

- Upon completion of the project all cleared areas will be rehabilitated in a timely manner by respreading the topsoil and vegetation material that has been stockpiled.
- Rehabilitated areas will be monitored twice annually for total of five years following the completion of the project.
- Any signs of land degradation following rehabilitation will be remediated immediately by further rehabilitation.

Given the small scale, proposed management measures and the relatively low impact of the proposed clearing for stockpiling activities, it is unlikely that the clearing will cause appreciable land degradation.

Based on the above, the proposed clearing is not likely to be at variance to this Principle.

**Methodology** GIS Database:  
- Rangeland Land System Mapping  
- 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 likely to be at variance to this Principle**  
The application area does not lie within any conservation areas (GIS Database).

The nearest conservation area is Coulomb Point Nature Reserve which lies approximately 120 kilometres north west of the application area (GIS Database). Given the distance between the application area and the Nature Reserve, the proposed clearing is not likely to impact the environmental values of this conservation area.

Based on the above, the proposed clearing is not likely to be at variance to this Principle.

**Methodology** GIS Database:  
- DPaW Tenure

**(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 application area is not located within a Public Drinking Water Source Area (PDWSA) and there are no permanent water bodies or watercourses within the application area (GIS Database).

Groundwater salinity within the application area is between 1,000 and 3,000 milligrams/Litre Total Dissolved Solids (TDS) which is considered to be brackish (GIS Database). The proposed clearing is not likely to cause groundwater or surface water quality within the application area to alter significantly.

Based on the above, the proposed clearing is not likely to be at variance to this Principle.

**Methodology** GIS Database:  
- Groundwater Salinity, Statewide  
- Hydrography, linear  
- Public Drinking Water Source Areas (PDWSAs)

**(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 Kimberley region has a tropical monsoon climate with two dominant seasons (BoM, 2015). Hot and humid conditions characterise a 'tropical summer' season extending over the months from November to April (BoM, 2015). The region receives about 90% of its rainfall during the tropical summer or wet season, when low pressure systems and unstable air characterise much of the weather pattern (BoM, 2015). From May to October the Kimberley is influenced by high pressure systems and a predominantly south easterly airflow from the continent's interior (BoM, 2015). This brings the dry season, typified by sunny days and cooler nights (BoM, 2015).

There are no permanent water bodies or watercourses within the application area and the proposed clearing will occur during the dry season therefore, it is unlikely to cause or exacerbate the incidence of flooding or localised waterlogging.

Based on the above, the proposed clearing is not likely to be at variance to this Principle.

**Methodology** BoM (2015)  
GIS Database:  
- Hydrography, linear

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

##### Comments

There is one Native Title Claim (WC1999/025) over the application area (GIS Database). This claim has been filed at the federal court on behalf of the claimant groups. The mining tenure has been granted in accordance with the future act regime of the *Native Title Act 1993* and the nature of the act (i.e. the proposed clearing activity) has been provided for in that process, therefore the granting of a clearing permit is not a future act under the *Native Title Act 1993*.

There are no Aboriginal Sites of Significance within the application area (GIS Database). 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.

It is the proponent's responsibility to liaise with the Department of Environment Regulation, the Department of Water, and the Department of Parks and Wildlife, to determine whether a Works Approval, Water Licence, Bed and Banks Permit, or any other licences or approvals are required for the proposed works.

The clearing permit application was advertised on 18 May 2015 by the Department of Mines and Petroleum inviting submissions from the public. No submissions were received in relation to the application.

**Methodology** GIS Database:  
- Aboriginal Sites of Significance  
- Native Title Claims, Determined by the Federal Court  
- Native Title Claims, Filed at the Federal Court  
- Native Title Claims, Registered with the NNTT

#### 4. References

- BoM (2015) Bureau of Meteorology (WWW Document). Retrieved from <http://www.bom.gov.au> on 26 May 2015.
- 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.
- E M Connolly (2015) Land Clearing Assessment Information Report for Clearing Purpose Permit, April 2015. Report prepared by E M Connolly, Western Australia.
- Government of Western Australia (2013) 2012 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of October 2012. WA Department of Environment and Conservation, Perth.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.

#### 5. Glossary

##### Acronyms:

<b>BoM</b>	Bureau of Meteorology, Australian Government
<b>DAA</b>	Department of Aboriginal Affairs, Western Australia
<b>DAFWA</b>	Department of Agriculture and Food, Western Australia
<b>DEC</b>	Department of Environment and Conservation, Western Australia (now DPaW and DER)
<b>DER</b>	Department of Environment Regulation, Western Australia
<b>DMP</b>	Department of Mines and Petroleum, Western Australia
<b>DRF</b>	Declared Rare Flora
<b>DotE</b>	Department of the Environment, Australian Government
<b>DoW</b>	Department of Water, Western Australia
<b>DPaW</b>	Department of Parks and Wildlife, Western Australia
<b>DSEWPaC</b>	Department of Sustainability, Environment, Water, Population and Communities (now DotE)
<b>EPA</b>	Environmental Protection Authority, Western Australia
<b>EP Act</b>	<i>Environmental Protection Act 1986</i> , Western Australia
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Federal Act)
<b>GIS</b>	Geographical Information System
<b>ha</b>	Hectare (10,000 square metres)
<b>IBRA</b>	Interim Biogeographic Regionalisation for Australia
<b>IUCN</b>	International Union for the Conservation of Nature and Natural Resources
<b>PEC</b>	Priority Ecological Community, Western Australia
<b>RIWI Act</b>	<i>Rights in Water and Irrigation Act 1914</i> , Western Australia

**Definitions:**

{DPaW (2013) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia}:-

- T Threatened species:**  
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna or the Wildlife Conservation (Rare Flora) Notice for Threatened Flora (which may also be referred to as Declared Rare Flora).  
Threatened Fauna and Flora are further recognised by DPaW according to their level of threat using IUCN Red List criteria. For example Carnaby's Cockatoo *Calyptorhynchus latirostris* is specially protected under the *Wildlife Conservation Act 1950* as a threatened species with a ranking of Endangered.  
**Rankings:**  
CR: Critically Endangered - considered to be facing an extremely high risk of extinction in the wild.  
EN: Endangered - considered to be facing a very high risk of extinction in the wild.  
VU: Vulnerable - considered to be facing a high risk of extinction in the wild.
- X Presumed Extinct species:**  
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Presumed Extinct Fauna and Wildlife Conservation (Rare Flora) Notice for Presumed Extinct Flora (which may also be referred to as Declared Rare Flora).
- IA Migratory birds protected under an international agreement:**  
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice.  
Birds that are subject to an agreement between governments of Australia and Japan, China and The Republic of Korea relating to the protection of migratory birds and birds in danger of extinction.
- S Other specially protected fauna:**  
Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 4 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- P1 Priority One - Poorly-known species:**  
Species that are known from one or a few collections or sight records (generally less than five), all on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, Shire, rail reserves and Main Roads WA road, gravel and soil reserves, and active mineral leases and under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes.
- P2 Priority Two - Poorly-known species:**  
Species that are known from one or a few collections or sight records, some of which are on lands not under imminent threat of habitat destruction or degradation, e.g. national parks, conservation parks, nature reserves, State forest, unallocated Crown land, water reserves, etc. Species may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes.
- P3 Priority Three - Poorly-known species:**  
Species that are known from collections or sight records from several localities not under imminent threat, or from few but widespread localities with either large population size or significant remaining areas of apparently suitable habitat, much of it not under imminent threat. Species may be included if they are comparatively well known from several localities but do not meet adequacy of survey requirements and known threatening processes exist that could affect them.
- P4 Priority Four - Rare, Near Threatened and other species in need of monitoring:**  
(a) Rare. Species that are considered to have been adequately surveyed, or for which sufficient knowledge is available, and that are considered not currently threatened or in need of special protection, but could be if present circumstances change. These species are usually represented on conservation lands.  
(b) Near Threatened. Species that are considered to have been adequately surveyed and that do not qualify for Conservation Dependent, but that are close to qualifying for Vulnerable.  
(c) Species that have been removed from the list of threatened species during the past five years for reasons other than taxonomy.
- P5 Priority Five - Conservation Dependent species:**  
Species that are not threatened but are subject to a specific conservation program, the cessation of which would result in the species becoming threatened within five years.