



## CLEARING PERMIT

*Granted under section 51E of the Environmental Protection Act 1986*

<b>Purpose Permit number:</b>	CPS 7315/1
<b>Permit Holder:</b>	Noonkanbah Rural Enterprises Pty Ltd
<b>Duration of Permit:</b>	11 May 2017 to 11 May 2022

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 a pilot irrigation area for cropping.

**2. Land on which clearing is to be done**

Lot 255 on Deposited Plan 220190, Mount Hardman

**3. Area of Clearing**

The Permit Holder must not clear more than four hectares of native vegetation within the area cross hatched yellow on attached Plan 7315/1.

**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. Avoid, minimise etc. clearing**

In determining the amount of native vegetation to be cleared authorised under this Permit, the Permit Holder must have regard to the following principles, set out in order of preference:

- (a) avoid the clearing of native vegetation;
- (b) minimise the amount of native vegetation to be cleared; and
- (c) reduce the impact of clearing on any environmental value.

**6. Weed control**

When undertaking any clearing authorised under this Permit, the Permit Holder must take the following steps to minimise the risk of the introduction and spread of *weeds*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared; and
- (b) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

## DEFINITIONS

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

*weed/s* mean any plant -

- (a) that is a declared pest under section 22 of the *Biosecurity and Agriculture Management Act 2007*; or
- (b) published in a Department of Parks and Wildlife Regional Weed Rankings Summary, regardless of ranking; or
- (c) not indigenous to the area concerned.

*S. Weighell*

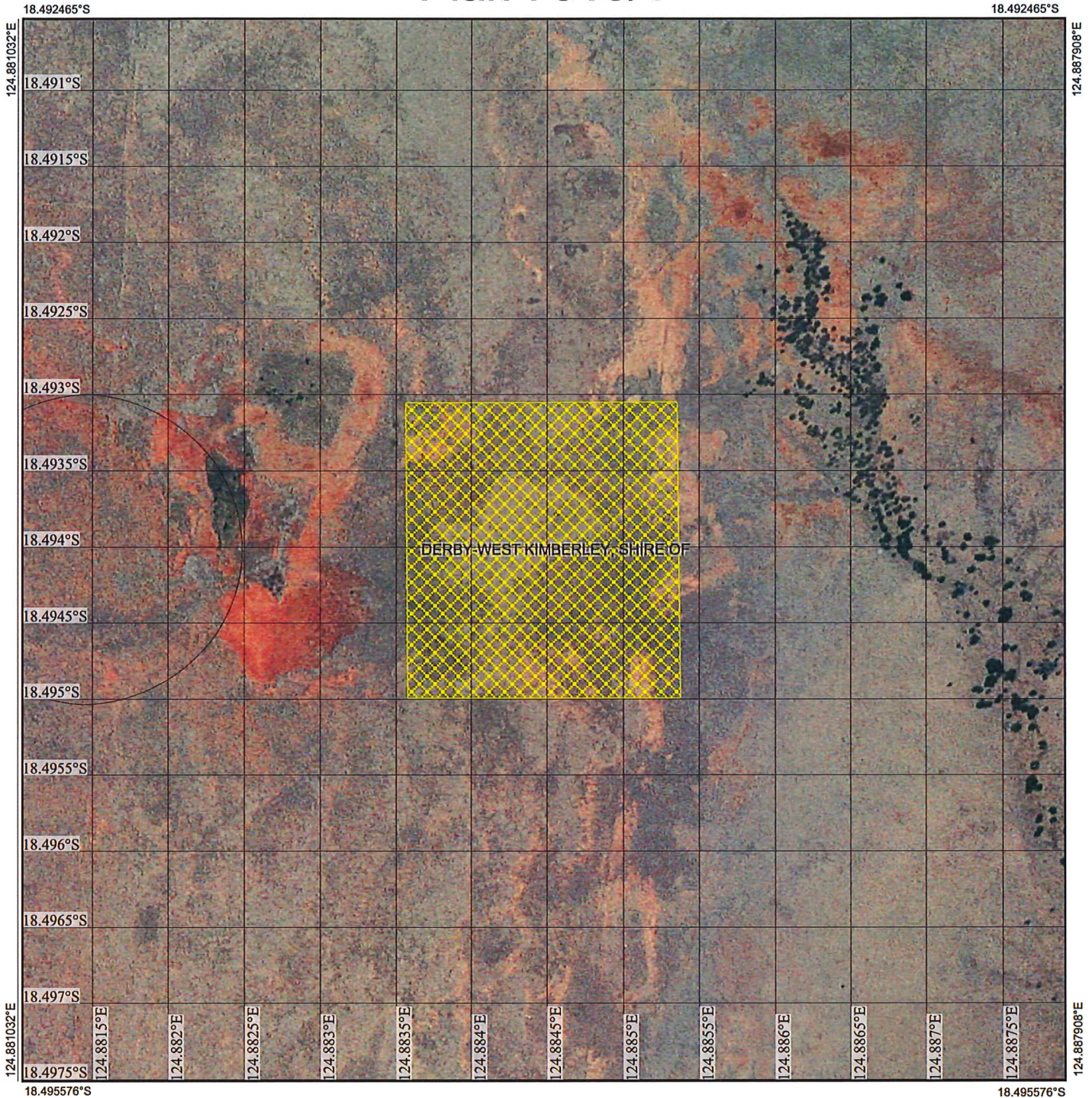
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Simon Weighell  
A/MANAGER  
CLEARING REGULATION






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

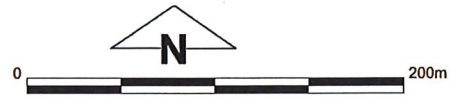
11 April 2017

# Plan 7315/1



## Legend

-  Roads
-  Imagery
-  Clearing Instruments Activities
-  Local Government Authority
-  Cadastre



1:3,848  
 (Approximate when reproduced at A4)  
 GDA 94 (Lat/Long)  
 Geocentric Datum of Australia 1994

*S. Weigbell* Date *11/4/17*

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



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## 1. Application details

### 1.1. Permit application details

Permit application No.: 7315/1

Permit type: Area Permit

### 1.2. Applicant details

Applicant's name: Noonkanbah Rural Enterprises Pty Ltd

### 1.3. Property details

Property: LOT 255 ON DEPOSITED PLAN 220190, MOUNT HARDMAN  
 Local Government Authority: Shire of Derby-West Kimberley  
 DER Region: North West  
 DPaW District: West Kimberley  
 LCDC: West Kimberley  
 Localities: Mount Hardman

### 1.4. Application

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

### 1.5. Decision on application

Decision on Permit Application: Granted

Decision Date: 11 April 2017

Reasons for Decision: The clearing permit application was received on 7 October 2016 and has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986*. It has been concluded that the proposed clearing is not at variance to clearing principle (h) and is not likely to be at variance to the remaining clearing principles.

The Delegated Officer determined that the proposed clearing may increase the risk of weeds being introduced or spread into adjacent native vegetation. Weed management measures will minimise impacts to adjacent vegetation. State policies and other relevant policies have been taken into consideration in the decision to grant a clearing permit.

## 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 707 is described as grasslands, tall bunch grass savanna sparse low tree; <i>Bauhinia</i> & coolabah over ribbon/blue grass on black soil (Shepherd et al., 2001).	The application is for the clearing of four hectares of native vegetation within Lot 255 on Deposited Plan 220190, Mount Hardman, for the purpose of irrigated agriculture (sorghum for cattle feed) for a pilot trial.	Degraded; Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).	The condition of the vegetation was determined via photographs provided by the applicant and advice received from the Department of Parks and Wildlife Kimberley Region (Noonkanbah Rural Enterprises Pty Ltd, 2017; Department of Parks and Wildlife, 2017).

## 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 proposes to clear up to four hectares of native vegetation within Lot 255 on Deposited Plan 220190, Mount Hardman (Noonkanbah Station), for the purpose of irrigated agriculture. The project is intended to be a pilot trial to allow the lessee to determine suitability and potential for further irrigation (Department of Lands, 2016).

The Department of Parks and Wildlife (Parks and Wildlife) has advised that the location of the application area is an active pastoral station which consequently suffers from land degradation issues from introduced herbivores. Upon review of photographs provided by the application, and in consideration of the area being significantly impacted by cattle grazing, the vegetation within the application area is considered to be in a degraded (Keighery, 1994) condition (Noonkanbah Rural Enterprises Pty Ltd, 2017; Parks and Wildlife, 2017).

One priority 1 flora species known as *Heliotropium geocharis* has been recorded within the local area located approximately 38 kilometres from the application area. This species is described as an erect annual, herb that grows up to 0.5 metres high, flowers between January to April, and prefers black alluvial soils and plains (Western Australian Herbarium, 1998-). It is not likely the application area would provide suitable habitat for this species, given the soils under application have been mapped by the Department of Agriculture and Food Western Australia (DAFWA) as the Djada System (Map Unit 331Dj) described as active flood-plains with levees and levee back slopes (Schoknecht et al., 2004).

According to available databases, there are no priority ecological communities, threatened ecological communities (TEC) or rare flora mapped within the local area (50 kilometre radius).

The vegetation within the application area may provide suitable habitat for six avian fauna species protected under international agreement, as discussed under Principle (b). However, the application area is not likely to represent significant habitat for conservation significant fauna given the highly mobile nature of these species and that the extensively vegetated local area is likely to provide habitat that is of a better condition than that of the application area.

The disturbance caused by the proposed clearing may introduce or spread weeds into adjacent areas of remnant vegetation. Weed management practices will assist to minimise this risk.

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

**Methodology**    References:  
Department of Lands (2016)  
Parks and Wildlife (2017)  
Keighery (1994)  
Noonkanbah Rural Enterprises Pty Ltd (2017)  
Schoknecht et al (2004)  
Western Australian Herbarium (1998-)

GIS Databases:  
SAC Bio Datasets (Accessed April 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 total of thirteen conservation significant fauna have been recorded within 50 kilometres of the application area (Department of Parks and Wildlife (Parks and Wildlife), 2007-). Of the species recorded, six avian fauna species protected under international agreement may utilise the application area; including rainbow bee-eater (*Merops ornatus*), cattle egret (*Ardea ibis*), Eastern great egret (*Ardea modesta*), white-bellied sea-eagle (*Haliaeetus leucogaster*), glossy ibis (*Plegadis falcinellus*) and common greenshank (*Tringa nebularia*) (Parks and Wildlife, 2007-).

The rainbow bee-eater is known to occur in numerous habitats including open forests and woodlands, shrublands, in cleared or semi-cleared habitats such as areas of human habitation and farmland. It prefers open, cleared or lightly-timbered areas that are often, but not always in close proximity to permanent water (Department of the Environment and Energy, 2017a). The application area may provide suitable habitat for this species.

The cattle egret has been recorded within a range of habitats including tropical and temperate grasslands, wooded lands and terrestrial wetlands (Department of the Environment and Energy, 2017b). This species is commonly associated with the habitats of farm animals, particularly with cattle (Department of the Environment and Energy, 2017b). Given the application area is located within an active pastoral station and the vegetation type within the application area, habitat for this species may occur within the application area.

The Eastern great egret has been known to occur within a wide range of terrestrial and coastal wetland habitats (Department of the Environment and Energy, 2017c). These include damp or flooded grasslands, pastures or agricultural lands and drainage channels. Given the proposed clearing occurs within pastoral land and a minor drainage depression occurs adjacent to the application area, suitable habitat for this species may occur within the application area.

The white bellied sea-eagle inhabits coastal habitats (especially those close to the sea-shore) and around terrestrial habitats including coastal dunes, tidal flats, grassland, heathland, woodland, forest and urban areas (Department of the Environment and Energy, 2017d). The application area may provide suitable habitat for this species.

The prime habitat for the Glossy Ibis is within inland and northern floodplains that comprise of drying Top End grass/sedge swamps and Channel Country grass/forb meadows (Department of the Environment and Energy, 2017e). They are also occasionally found in wooded swamps, artificial wetlands (such as irrigated fields) and in mangroves. The application area may provide suitable habitat for this species.

The Common Greenshank occurs in a range of terrestrial wetlands (permanent and ephemeral), artificial wetlands (including inundated rice crops and bores, sewage farms and salt works dams) and sheltered coastal habitats (Department of the Environment and Energy, 2017f). Given the presence of a drainage depression and supply bore adjacent to the application area, suitable habitat may occur within the application area.

While the above listed conservation significant avian fauna species may utilise habitat within the application area for opportunistic foraging, the area under application is unlikely to provide significant habitat given the mobile nature of these species, and that the extensively vegetated local area will provide habitat that is of a better condition than the area under application.

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

**Methodology** References:  
Parks and Wildlife (2007-)  
Department of the Environment and Energy (2017a)  
Department of the Environment and Energy (2017b)  
Department of the Environment and Energy (2017c)  
Department of the Environment and Energy (2017d)  
Department of the Environment and Energy (2017e)  
Department of the Environment and Energy (2017f)

GIS Databases:  
SAC Bio Datasets (Accessed April 2017)

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

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

A search of Parks and Wildlife's rare flora database revealed that there are no records of rare flora that have been recorded within the local area.

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

**Methodology** GIS Databases:  
SAC Bio Datasets (Accessed April 2017)

**(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 TEC's mapped within the local area. Therefore the application area is not likely to comprise the whole or part of, or be necessary for the maintenance of a TEC.

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

**Methodology** GIS Databases:  
SAC Bio Datasets (Accessed April 2017)

**(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 likely to be 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 the table below, the remaining extents of native vegetation within the local area, local government authority, the IBRA bioregion and the mapped vegetation association are above the minimum 30 per cent representation threshold. The application area is unlikely to be significant as a remnant within an extensively cleared area.

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

	Pre-European (ha)	Current Extent (ha)	Remaining (%)	Extent in Parks and Wildlife Managed Lands (%)
<b>IBRA Bioregion*</b>				
Dampierland	8,343,939	8,319,872	99.7	1
<b>Local government authority*</b>				
Shire of Derby-West Kimberley	11,955,916	11,897,912	99.5	4
<b>Beard Vegetation Association in Bioregion*</b>				
707	206,793	206,793	100	0
<b>Local area</b>				
50 kilometre radius			100	

**Methodology** References:  
Commonwealth of Australia (2001)  
\*Government of Western Australia (2016)

**(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 not likely to be at variance to this Principle**

According to available databases, the application area does not occur within any major wetlands or waterways. The closest watercourse is the Fitzroy River that is located approximately 3.3 kilometres south of the application area (Parks and Wildlife, 2017). A tree-lined minor drainage depression that drains to the south into the Fitzroy River occurs approximately 50 metres east of the application area (Commissioner of Soil and Land Conservation (CSLC), 2016; Parks and Wildlife, 2017).

Noting the above, it is considered that the proposed clearing is unlikely to impact upon vegetation growing in association with watercourses or wetlands.

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

**Methodology** References:  
CSLC (2016)  
Parks and Wildlife (2017)

GIS Databases:  
Hydrography, linear  
Hydrography, hierachy

**(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 soils within the application area have been mapped at a regional scale by DAFWA and are comprised of soil landscape unit Djada System (Map Unit 331Dj), as discussed in Principle (a) (Schoknecht et al., 2004). The Commissioner of Soil and Land Conservation advised that the soils within the application area are likely to be self-mulching clays that are suitable for the intended irrigated agriculture pilot (CSLC, 2016).

The north eastern corner of the application area occurs 50 metres from a tree-lined minor drainage depression that drains to the south into the Fitzroy River (CSLC, 2016; Parks and Wildlife, 2017). A buffer of 50 metres from this drainage depression area is considered appropriate in removing the potential impacts of the proposed clearing to this hydrological feature (CSLC, 2016; Parks and Wildlife, 2017).

The CSLC has advised that appreciable land degradation in the form of salinity, waterlogging, flooding and eutrophication are unlikely to occur as a result of the proposed clearing (CSLC, 2016).

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

**Methodology** References:  
CSLC (2016)  
Parks and Wildlife (2017)  
Schoknecht et al (2004)

GIS Databases:  
Soils, Statewide  
Groundwater salinity

**(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 is not at variance to this Principle**  
According to available databases, there are no conservation areas mapped within the local area. Given this, the proposed clearing will not impact upon the environmental values of any conservation areas.

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

**Methodology**    GIS Databases:  
Parks and Wildlife 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**      **Proposed clearing is not likely to be at variance to this Principle**  
As discussed in Principle (g), the north eastern corner of the application area occurs approximately 50 metres from a tree-lined minor drainage depression that drains to the south into the Fitzroy River (CSLC, 2016; Parks and Wildlife, 2017).

The Department of Water (DoW) has advised that best management practices should be employed during clearing and adequate separation distances be maintained between the application area and natural waterways and wetlands to minimise the risk of water quality degradation (DoW, 2016). A buffer of approximately 50 metres is considered an adequate distance between the application area and the drainage depression area to minimise the risk of water quality degradation to this hydrological feature (CSLC, 2016; Parks and Wildlife, 2017).

Groundwater salinity within the application area has been mapped as brackish to moderately saline at between 1000-3000 milligrams per litre Total Dissolved Solids. Given the extensive vegetative cover surrounding the application area, it is not likely the proposed clearing will lead to a perceptible rise in the water table and thus an increase in groundwater salinity levels.

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

**Methodology**    References:  
CSLC (2016)  
Parks and Wildlife (2017)  
DoW (2016)

GIS Databases:  
Hydrography, linear  
Groundwater Salinity, Statewide

**(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**  
The CSLC has advised that land degradation in the form of flooding is unlikely to occur as a result of the proposed clearing (CSLC, 2016).

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

**Methodology**    References:  
CSLC (2016)



## Planning instruments and other relevant matters.

**Comments** The application area for the original clearing permit application occurred approximately 50 metres east of the current application area. It was identified during assessment that clearing within the north eastern portion of the initial application area would impact upon a minor drainage depression and result in land degradation in the form of soil erosion in this part of the application area, which may result in increased sedimentation and associated turbidity, particularly during high rainfall periods. The applicant agreed to amend the application area by realigning the area to the west with the inclusion of a 50 metre buffer to remove the potential impacts of the proposed clearing to the drainage depression.

The application area is located within the Noonkanbah station pastoral lease. The Pastoral Lands Board has received an application from the lessees of Noonkanbah station requesting a diversification permit under the *Land Administration Act 1997* in order to carry out this activity (Department of Lands, 2017).

The application area is located within the Canning-Kimberley groundwater area and the Fitzroy River and Tributaries surface water area, both of which are proclaimed under the *Rights in Water and Irrigation Act 1914*. The DoW has advised that the applicant has applied for a 5C licence to take 80,000 kilolitres per annum of groundwater for the irrigation of up to four hectares of fodder crops (DoW, 2016). The DoW has advised that the assessment of the groundwater licence has been finalised and that a licence will be issued once the Pastoral Diversification Permit has been granted (DoW, 2016).

The DoW has advised that the applicant should adopt best management practices during the proposed clearing and agricultural operation to minimise the risk of water quality degradation (DoW, 2016). DoW further advise that the applicant maintain adequate separation distances between agriculture operations and waterways that are in close proximity to the application area. It is recommended that the applicant follow best management practices outlined in the DoW's Water Quality Protection Notes '*Tropical Agriculture*' and '*Vegetation buffers to sensitive water resources*' (DoW, 2016).

DoW has also advised that the proposed land use is considered to be acceptable with regard to major flooding, however that critical infrastructure should be located above 75 metres Australian Height Datum to ensure adequate flood protection (DoW, 2016).

The Shire of Derby West Kimberley (the Shire) has advised that the proposed development is considered to be consistent with the future planning for the area as set out within the Local Planning Strategy (Shire of Derby West Kimberley, 2016). The Shire has advised that planning approval is not required for the proposed land use under Interim Development Order No.8 (IDO No.8) as the land use is considered to be a 'Permitted' use under Part 6, cl. (e) of IDO No.8 (Shire of Derby West Kimberley, 2016).

The application area falls within a Native Title Claimant area. The claimants, the Yungngora people, and their representing body, the Kimberley Land Council Aboriginal Corporation, have been notified pursuant to Section 24GB of the *Native Title Act 1993*, of this application to clear native vegetation. To date no response has been received.

Two Aboriginal Sites of Significance described as 'Umbambur (PEA HILL COMPLEX)' and 'Seismic Line' have been mapped within the application area. It is the responsibility of the applicant to ensure that no Aboriginal Sites of Significance are damaged through the clearing process. It is recommended the applicant liaise with the Department of Aboriginal Affairs regarding obligations under the *Aboriginal Heritage Act 1972*.

The application was advertised in *The West Australian* newspaper on 7 November 2016 for a 21 day public submission period. There were no public submissions received.

**Methodology** References:  
Department of Lands (2017)  
DoW (2016)  
Shire of Derby West Kimberley (2016)

GIS Databases:  
Aboriginal Sites of Significance  
Native Title

## 4. References

- Commissioner of Soil and Land Conservation (CSLC) (2016) Land Degradation Advice for clearing permit application CPS 7315/1 received 30 November 2016; Department of Agriculture and Food Western Australia (DER ref: A1334942).
- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- Department of Lands (2016) Application for Diversification Permit Land Administration Act 1997 received from Pastoral Lands Board. Department of Lands, Western Australia (DER Ref: A1364263).
- Department of Lands (2017) Advice for Diversification Permit Land Administration Act 1997 received from Pastoral Lands Board. Department of Lands, Western Australia (DER Ref: A1364262).
- Department of Parks and Wildlife (Parks and Wildlife) (2007-) NatureMap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife. URL: <http://naturemap.dpaw.wa.gov.au/>. Accessed 07/04/2017
- Department of Parks and Wildlife (2017) Regional advice received in relation to clearing permit application CPS 7315/1, received 6 January 2017. Department of Parks and Wildlife, Western Australia (DER Ref: A1364256).
- Department of the Environment and Energy (2017a) Merops ornatus in Species Profile and Threats Database, Department of CPS 7315/1 11 April 2017 Page 6 of 7

the Environment, Canberra.  
Department of the Environment and Energy (2017b) *Ardea ibis* – Cattle Egret in Species Profile and Threats Database, Department of the Environment, Canberra.  
Department of the Environment and Energy (2017c) *Ardea modesta* – Eastern Great Egret in Species Profile and Threats Database, Department of the Environment, Canberra.  
Department of the Environment and Energy (2017d) *Haliaeetus leucogaster* - White-bellied Sea-Eagle in Species Profile and Threats Database, Department of the Environment, Canberra.  
Department of the Environment and Energy (2017e) *Plegadis falcinellus* – Glossy Ibis in Species Profile and Threats Database, Department of the Environment, Canberra.  
Department of the Environment and Energy (2017f) *Tringa nebularia* - Common Greenshank, Greenshank in Species Profile and Threats Database, Department of the Environment, Canberra.  
Department of Water (DoW) (2016) Advice received in relation to clearing permit application CPS 7315/1, received 24 November 2016. Department of Water, Western Australia (DER Ref: A1328635).  
Government of Western Australia (2016). 2016 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of October 2016. WA Department of Parks and Wildlife, 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.  
Noonkanbah Rural Enterprises Pty Ltd (2017) Additional information provided by the applicant for Clearing Permit CPS 7315/1. Western Australia (DER Ref: A1369945).  
Schoknecht, N., Tille, P. and Purdie, B. (2004) Soil-landscape mapping in South-Western Australia – Overview of Methodology and outputs' Resource Management Technical Report No. 280. Department of Agriculture.  
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.  
Shire of Derby West Kimberley (2016) Response: Application to clear native vegetation permit CPS 7315/1 – Lot 255 on Deposited Plan 220190. Noonkanbah Station. Shire of Derby West Kimberley, Western Australia (DER Ref: A1324146).  
Western Australian Herbarium (1998- ) FloraBase - The Western Australian Flora. Department of Parks and Wildlife. <http://florabase.dpaw.wa.gov.au/> (Accessed 07/04/2017).