



GOVERNMENT OF
WESTERN AUSTRALIA

CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 7467/1
File Number: 2017/000204-1
Duration of Permit: 3 June 2017 to 3 June 2019

PERMIT HOLDER

Baulu-Wah Aboriginal Corporation

LAND ON WHICH CLEARING IS TO BE DONE

Lot 44 on Deposited Plan 91637, Ord River.

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 2.8 hectares of native understorey vegetation within the area cross hatched yellow on attached Plan 7467/1.

CONDITIONS

1. Tree Retention

The Permit Holder shall retain trees found within the area cross hatched yellow on attached Plan 7467/1.

2. Weed control

When undertaking any clearing or other activity 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;
- (b) ensure that no *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared;
- (c) 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:

fill means material used to increase the ground level, or fill a hollow;

mulch means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation;

weed/s means 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.

Mathew Gannaway
MANAGER
CLEARING REGULATION




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

5 May 2017

Plan 7467/1




Legend

-  Roads
-  LGA
-  Cadastre
- Virtual Mosaic (LGATE-V001)
-  Areas approved to clear



MGA 94
Geocentric Datum of Australia 1994

1:3,044

 Date 5/5/2017
Matthew Gannaway

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.: 7467/1
Permit type: Area Permit

1.2. Applicant details

Applicant's name: Baulu-Wah Aboriginal Corporation

1.3. Property details

Property: Lot 44 on Deposited Plan 91637, Ord River
Local Government Authority: Shire of Halls Creek
DER Region: North West
DPaW District: East Kimberley
Localities: Ord River

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant

Decision Date: 5 May 2017

Reasons for Decision: The clearing permit application was received on 27 February 2017 and has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986*, and it has been concluded that the proposed clearing may be at variance to Principle (f) and is not likely to be at variance to any of the remaining clearing principles.

Through assessment it was determined that the clearing may cause the spread of weeds into adjacent areas of remnant vegetation. To mitigate the spread of weeds, a weed management condition has been placed on the permit. The weed management condition requires that the movement of machines and other vehicles is restricted to the limits of the area to be cleared, and requires that earth-moving machinery is clean of weeds when entering and exiting the clearing area.

The application area is within close proximity to the Bow River. To mitigate potential impacts to the Bow River via the removal of riparian vegetation, a condition has been placed on the permit that requires trees to be retained within the area to be cleared. The applicant is therefore only permitted to remove understorey vegetation, which is largely in the form of native and exotic grasses.

In determining to grant a clearing permit subject to conditions, the Delegated Officer found that the proposed clearing is unlikely to lead to an unacceptable risk to the environment.

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 808 is described as grasslands, curly spinifex, low tree savanna; snappy gum over curly spinifex (Shepherd et al., 2001).	The application proposes to clear up to 2.8 hectares of native vegetation within Lot 44 on Deposited Plan 91637, Ord River, for the purpose of constructing a camp ground.	Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994) To Completely Degraded; No longer intact, completely/almost completely without native species (Keighery, 1994).	The condition and description of the vegetation within the application area was determined via a review of aerial imagery and a Level 1 Fauna Survey (Biota Environmental Sciences, 2015). The majority of the vegetation within the application area comprises savanna woodland (Biota Environmental Sciences, 2015). The applicant has advised that no trees will be cleared within the application area. The applicant's intention is to remove understorey vegetation (largely grasses) to allow for the preparation of the camp sites and to reduce the risk of bush fires.

3. Assessment of application against clearing principles

Comments

The applicant proposes to clear 2.8 hectares of native understorey vegetation within Lot 44 on Deposited Plan 91637, Ord River, for the purpose of constructing a camp ground. The applicant has advised that no trees will be cleared within the application area, with understorey vegetation (largely grasses) proposed for clearing to allow for the preparation of the camp sites and bushfire protection.

A Level 1 Fauna Survey identified that the application area largely comprises savanna woodland habitat, which consists of scattered river gum (*Eucalyptus camaldulensis*), bauhinia (*Bauhinia cunninghamii*) and wrinkle-leaved ghost gum (*Corymbia flavescens*) trees over grassy understorey dominated by black spear grass (*Heteropogon contortus*). The dominance of black spear grass and other exotic grasses is likely the result of extensive cattle grazing and seasonal burning (Biota Environmental Sciences, 2015).

The photographs and vegetation description within the fauna survey indicate that the application area is in a degraded to completely degraded (Keighery, 1994) condition (Biota Environmental Sciences, 2015).

The local area considered in the assessment of this application is defined as a 50 kilometre radius measured from the perimeter of the cleared area. The local area is extensively vegetated and contains approximately 99 per cent native vegetation cover.

The fauna survey identified that the habitats present in the application area are unlikely to support populations of any fauna species of conservation significance, and none were identified during the survey (Biota Environmental Sciences, 2015). The fauna survey indicates that the dominance of black spear grass provides little variation in understorey or potential foraging habitat for fauna (Biota Environmental Sciences, 2015). Noting this, the proposed retention of large trees, and the presence of a greater diversity of habitat types that have undergone lesser disturbance within the local area (including within Punalulu Conservation Reserve and Punalulu National Park which comprise approximately 331,000 hectares), the application area is not likely to comprise significant habitat for fauna.

Given the degraded to completely degraded (Keighery, 1994) condition of the vegetation within the application area, high prevalence of weed species (Biota Environmental Services, 2015), extent of native vegetation in the local area and relatively small size of the application area, the proposed clearing is not likely to impact on priority flora, or a priority ecological community.

According to available datasets there are no records of Threatened flora or Threatened Ecological Communities within the local area.

The southern boundary of the application area is approximately 10 to 15 metres from the Bow River, which is a tributary of the Ord River. The application area may include vegetation that is growing in association with this watercourse and the Department of Parks and Wildlife (Parks and Wildlife) advised that "a 50 metre buffer of riparian vegetation should be maintained within the clearing footprint to minimise potential impacts such as sedimentation and erosion to the Bow River as well as preserving fauna habitat and other riparian values" (Parks and Wildlife, 2017).

The initial application area included the bank of the Bow River, however the applicant has amended the application area to provide a minimum 10 metre buffer to the watercourse, excluding the mapped river bank to reduce the impact on riparian vegetation and water quality (sedimentation). The applicant has advised that the clearing of grasses will occur via slashing, which will minimise soil disturbance, and given that no trees will be cleared, it is unlikely that the proposed clearing will impact significantly on riparian vegetation or the values of the Bow River.

Noting that all trees will be retained within the application area, the proposed clearing is not likely to result in appreciable land degradation or flooding.

The closest conservation area to the application area is Punalulu Conservation Reserve and Punalulu National Park (World Heritage Area) located approximately 26 kilometres south east of the application area. Noting the size of the application area and distance to the Reserve and National Park, the proposed clearing is unlikely to impact on their conservation values.

Parks and Wildlife advised that "the site should be managed to minimise the introduction of weed species and to control any new weed incursions to ensure weeds do not spread downstream from the site" (Parks and Wildlife, 2017). Weed management measures will assist in mitigating this risk.

Given the above, the proposed clearing may be at variance to Principle (f) and is not likely to be at variance to the remaining clearing Principles.

Methodology

References:

Biota Environmental Services (2015)
Keighery (1994)
Parks and Wildlife (2017)

GIS Databases:

SAC Bio Datasets (Accessed April 2017)
Kimberley Remnant Vegetation
Parks and Wildlife Tenure
Hydrography, Hierarchy

Planning instruments and other relevant matters.

- Comments** The clearing permit application was advertised in the *West Australian* newspaper on 13 March 2017, by the Department of Environment Regulation inviting submissions from the public within a 21 day period. No submissions from the public were received.
- The proposed clearing is located within the Canning-Kimberley groundwater area, the Ord Irrigation District and the Ord River and Tributaries surface water area, all of which are proclaimed under the *Rights in Water and Irrigation Act 1914* (RIWI Act).
- The Department of Water (DoW) advised that “for any take and use of surface or groundwater a licence will be required, however the DoW has not received an application yet. Additionally, if the proponent needs to disturb the bed and banks of a watercourse, it will need to apply for a permit to interfere with the bed and banks of a watercourse under section 17 of the RIWI Act...” (DoW, 2017).
- DoW further advised that “Clearing of riparian vegetation along the banks of the Bow River and tributary is not recommended and may cause loss of habitat or instability of river banks. The DoW recommends that appropriate width buffers are established between riparian vegetation and the clearing extent. Buffers should be developed based on the biological and physical characteristics of the foreshore area. The clearing permit boundaries should then be adjusted to exclude these riparian areas and buffers” (DoW, 2017).
- The DoW recommends that the applicant refers to the following best management practice guidelines (DoW, 2017):
- Tracks and trails near sensitive water resources [WQPN 81]; and
 - Vegetation buffers to sensitive water resources [WQPN 6].
- As assessed under Section 3, the applicant has amended the application area to provide a minimum 10 metre buffer to Bow River, excluding the mapped river bank to reduce the impact on riparian vegetation and water quality (sedimentation). The applicant has advised that the clearing of grasses will occur via slashing, which will minimise soil disturbance, and given that no trees will be cleared, it is unlikely that the proposed clearing will impact significantly on riparian vegetation or the values of the Bow River.
- The Shire of Halls Creek advised that the “Council does not object to the granting of a clearing permit to Baulu-Wah Aboriginal Corporation for the clearing of the identified [2.8] hectares of land on Lot 44 DP91637, Ord River, for the purpose of constructing a camp ground, on condition that the Aboriginal Lands Trust is consulted and has no objections. The application is consistent with the paragraph ‘Nature based camping’ clause 5.2.16 – Tourism, of the Shire of Halls Creek Local Planning Strategy 2016...” (Shire of Halls Creek, 2017).
- The Shire of Halls Creek further advised that “planning approvals and thereafter building permits will be required for the construction of the campsite, together with a bushfire attack management plan. The Shire has not received any planning applications, though Tourism WA [on behalf of the applicant] has discussed the project with Shire officers” (Shire of Halls Creek, 2017). The applicant will be required to obtain these approvals prior to clearing.
- Methodology** References:
DoW (2017)
Shire of Halls Creek (2017)

4. References

- Biota Environmental Services (2015). Violet Valley Level 1 Fauna Survey. Additional Information for Clearing Permit Application CPS 7467/1 (DER Ref A137528).
- Department of Parks and Wildlife (Parks and Wildlife) (2017). Direct Interest Response to Clearing Permit Application CPS 7467/1, received 13 April 2017. Department of Parks and Wildlife, Western Australia (DER Ref A1412849).
- Department of Water (DoW) (2017). Direct Interest Response to Clearing Permit Application CPS 7467/1, received 27 March 2017. Department of Water, Western Australia (DER Ref A1398337)
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Shepherd, D.P., Beeston, G.R. and Hopkins, A.J.M. (2001) Native Vegetation in Western Australia, Extent, Type and Status. Resource Management Technical Report 249. Department of Agriculture, Western Australia.
- Shire of Halls Creek (2017) Direct Interest Response to Clearing Permit Application CPS 7467/1, received 27 April 2017. Shire of Halls Creek (DER Ref A1418953).