



1. Application details

1.1. Permit application details

Permit application No.: 1931/1
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Ingle Pty Ltd

1.3. Property details

Property: UNALLOCATED CROWN LAND
Colloquial name:

1.4. Application

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

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description

Lake Kununurra is a man made wetland where due to constantly maintained water levels, native aquatic vegetation has become well established.

The aquatic environment consists of a variety of plants including *Nymphoides indica*, *Cyperus difformis*, *Typha* spp., *Chara* spp. and two unidentified plants. The terrestrial environment has been seeded with grass, but lacks significant ground cover (Department of Environment and Conservation, 2007).

Clearing Description

The clearing is approximately 0.06ha for remedial work. The clearing will be conducted by mechanical means to a depth of 1.2m below the waterline.

The area applied for clearing is on the banks of Lily Creek Lagoon, which joins Lake Kununurra. However the original vegetation has been cleared due to development of the site for the purposes of a resort and caravan park some time ago (Department of Environment and Conservation, 2007).

Vegetation Condition

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

Comment

The description of the vegetation under application was obtained during a site visit by DEC staff on 30/07/07 (DEC TRIM ref: DOC 29958)

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**

Lake Kununurra is a man made wetland and native vegetation has become established in the lake as a result of stable water levels. The lake is recognised as having a high level of biological diversity.

The proposal area has been previously cleared and the level of biodiversity has been affected in some way due to this clearing. The proposed works are for the purpose of remediation and it is not likely to have a further impact on the biodiversity of the proposal area.

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

Methodology SAC Biodatasets (24/07/07)
GIS Database
- Pre-European Vegetation
- Clearing Regulations Environmentally Sensitive Areas

(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

Majority of the aquatic vegetation to be cleared has been significantly disturbed or altered. What is present was observed to provide a feeding habitat for bird and fish species, however extensive areas of aquatic vegetation exist outside of the application area that would also serve this purpose (DEC, 2007).

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

Methodology DEC (2007);
SAC Biodatasets (24/07/07);
GIS Database;
-Clearing Regulations Environmentally Sensitive Areas

(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 recorded occurrences of declared rare or priority flora within the proposal area.

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

Methodology SAC Biodatasets (24/07/07)

(d) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community.

Comments Proposal is not likely to be at variance to this Principle

There are no recorded occurrences of threatened or priority ecological communities within the proposal area.

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

Methodology SAC Biodatasets (24/07/07)

(e) Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.

Comments Proposal is not likely to be at variance to this Principle

The State Government is committed to the National Objectives and Targets for Biodiversity Conservation which includes a target that prevents clearance of ecological communities with a current extent below 30% of the pre-European settlement extent (Department of Natural Resources and Environment, 2002)

Clearing of 0.06ha of vegetation will not significantly reduce the remaining extent of aquatic vegetation within Lily Creek lagoon and the area proposed for clearing is not remanent vegetation.

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

Methodology Department of Natural Resources and Environment (2002);
GIS Database;
- Interim Biogeographic Regionalisation of Australia (subregions)
- 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 at variance to this Principle

The application for clearing will occur within Lily Creek Lagoon a Ramsar and ANCA listed wetland therefore the proposal is at variance to this Principle.

However the application area has been previously disturbed and some damage has occurred due to historical excavation works. The proposal under application is small and the intention is that the proposed works are to rehabilitate the damage which occurred from the previous clearing. Therefore the proposed clearing of 0.06ha is not likely to have a negative impact on the Ramsar values of this wetland.

Methodology GIS Database;
- Hydrography, linear (hierarchy)
- Ramsar Wetlands
- ANCA Wetlands
- CALM Managed Lands and Waters

(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 proposal area has previously been disturbed by the infilling of the water to create new land. This new land is experiencing the effects of erosion within the application area, however it is intended that the proposed remediation work will prevent further affects of erosion (DEC, 2007).

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

Methodology DEC (2007);
GIS Database
- Cadastre (23/07/07/)

(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**

Mirima National Park is adjacent to the Lake near the town of Kununurra. The park is upstream of the Lake therefore remediation work is unlikely to impact on the conservation reserve.

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

Methodology GIS Database;
- CALM Managed lands
- CALM Regional Parks
- Proposed National Parks
- CALM proposed 2015 pastoral lease exclusions
- Agreement to Reserve

(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 Public Drinking Water Source Area is located approximately 1km north west of the proposed area. The containment of the clearing within Lily Creek Lagoon will ensure protection of the water source.

The disturbance that has already occurred at the site has resulted in low levels of erosion and sedimentation. The remedial works will reduce these factors and prevent potential deterioration of the water quality.

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

Methodology GIS Database;
- 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**

Lake Kununurra is subject to flooding during high rainfall events in the wet season. Water levels at Kununurra Diversion Dam are monitored and discharge rates are increased to prevent the potential for flooding.

The proposed clearing of 0.06ha is not likely to influence the intensity or incidence of flooding in the area.

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

Methodology GIS Database;
- Topographic contours, Statewide - DOLA 12/09/02

Planning instrument, Native Title, RIWI Act Licence, EP Act Licence, Works Approval, Previous EPA decision or other matter.

Comments

Much of the Lake is Unallocated Crown Land for which the Department of Planning and Infrastructure (DPI) has responsibility. The department has shown support for this remediation work.

The Shire of Wyndham East Kimberley (SWEK) and the Department of Water (DoW) are co-vestees of Crown Reserve 41812 surrounding much of the Lake Kununurra and co-lesors to the proponent. Both departments have given their support and direction for the remediation work within the proposal area.

As this proposal is for the rehabilitation of the area and the proponent has received approval from the vested government agencies to conduct the works. A Bed and Banks permit is not required for this work in accordance with the *Rights in Water and Irrigation Act 1914*.

The area under assessment has been subject to four previous referrals to the Environmental Protection Authority. None of these referrals relate directly to the proposal. Two of these referrals relate to the Town Planning Scheme for Kununurra; however the proposal is not at variance to this scheme.

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

Native Title claims for the Mirriwung Gajerroong people were determined during the negotiations for the Ord Stage II horticultural initiative.

There are three recorded Aboriginal Sites of Significance within the proposal area. These are Gunanurreng - Ord River (15153), Lily Creek 8 (14897) and Mirima - Dumun. Gum (12982). 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.

Methodology

- GIS Database;
- Native Title Claims
- Aboriginal Sites of Significance
- Environmental Impact Assessments

4. Assessor's comments

Purpose	Method Applied	Area (ha)/ trees	Comment
Restoration	Mechanica Removal	0.06	Assessable criteria have been addressed and no objections were raised. The proposal was found at variance to Principle f and is not likely to be at variance to all other principles.

5. References

- Department of Environment and Conservation (2007) Site Inspection Report (DEC TRIM ref DOC29958)
- 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.
- Hopkins, A.J.M., Beeston, G.R. and Harvey J.M. (2001) A database on the vegetation of Western Australia. Stage 1. CALMScience after J. S. Beard, late 1960's to early 1980's Vegetation Survey of Western Australia, UWA Press.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- 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.

6. Glossary

Term	Meaning
BCS	Biodiversity Coordination Section of DEC
CALM	Department of Conservation and Land Management (now DEC)
DAFWA	Department of Agriculture and Food
DEC	Department of Environment and Conservation
DEP	Department of Environmental Protection (now DEC)
DoE	Department of Environment (now DEC)
DoIR	Department of Industry and Resources
DoW	Department of Water
DRF	Declared Rare Flora
EPP	Environmental Protection Policy
GIS	Geographical Information System
ha	Hectare (10,000 square metres)
TEC	Threatened Ecological Community
WRC	Water and Rivers Commission (now DoW)

