



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose permit number: CPS 2925/2
Permit holder: Department of Corrective Services (State of Western Australia)
Duration of permit: 12 March 2009 – 12 March 2014

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 constructing a regional prison.

2. Land on which clearing is to be done

LOT 1434 ON PLAN 32959

3. Area of Clearing

The permit holder must not clear more than 35.403 hectares of native vegetation within the area hatched yellow on attached Plan 2925/2.

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.

5. Compliance with Assessment Sequence and Management Procedures

Prior to clearing any native vegetation under conditions 1, 2 and 3 of this Permit, the permit holder must comply with the Assessment Sequence and the Management Procedures set out in Part II of this Permit.

PART II – ASSESSMENT SEQUENCE AND MANAGEMENT PROCEDURES

6. 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.

PART III - RECORD KEEPING AND REPORTING

7. Records must be kept

The Permit Holder must maintain the following records for activities done pursuant to this Permit in relation to the clearing of native vegetation authorised under this Permit:

- (a) the species composition, structure and density of the cleared area;
- (b) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings;
- (c) the date that the area was cleared; and
- (d) the size of the area cleared (in hectares).

8. Reporting

- (a) The Permit Holder must provide to the CEO, on or before 30 June of each year, a written report of records required under condition 7 of this Permit and activities done by the Permit Holder under this Permit between 1 January and 31 December of the preceding year.
- (b) Prior to 12 December 2013, the Permit Holder must provide to the CEO a written report of records required under condition 7 of this Permit where these records have not already been provided under condition 8(a) of this Permit.

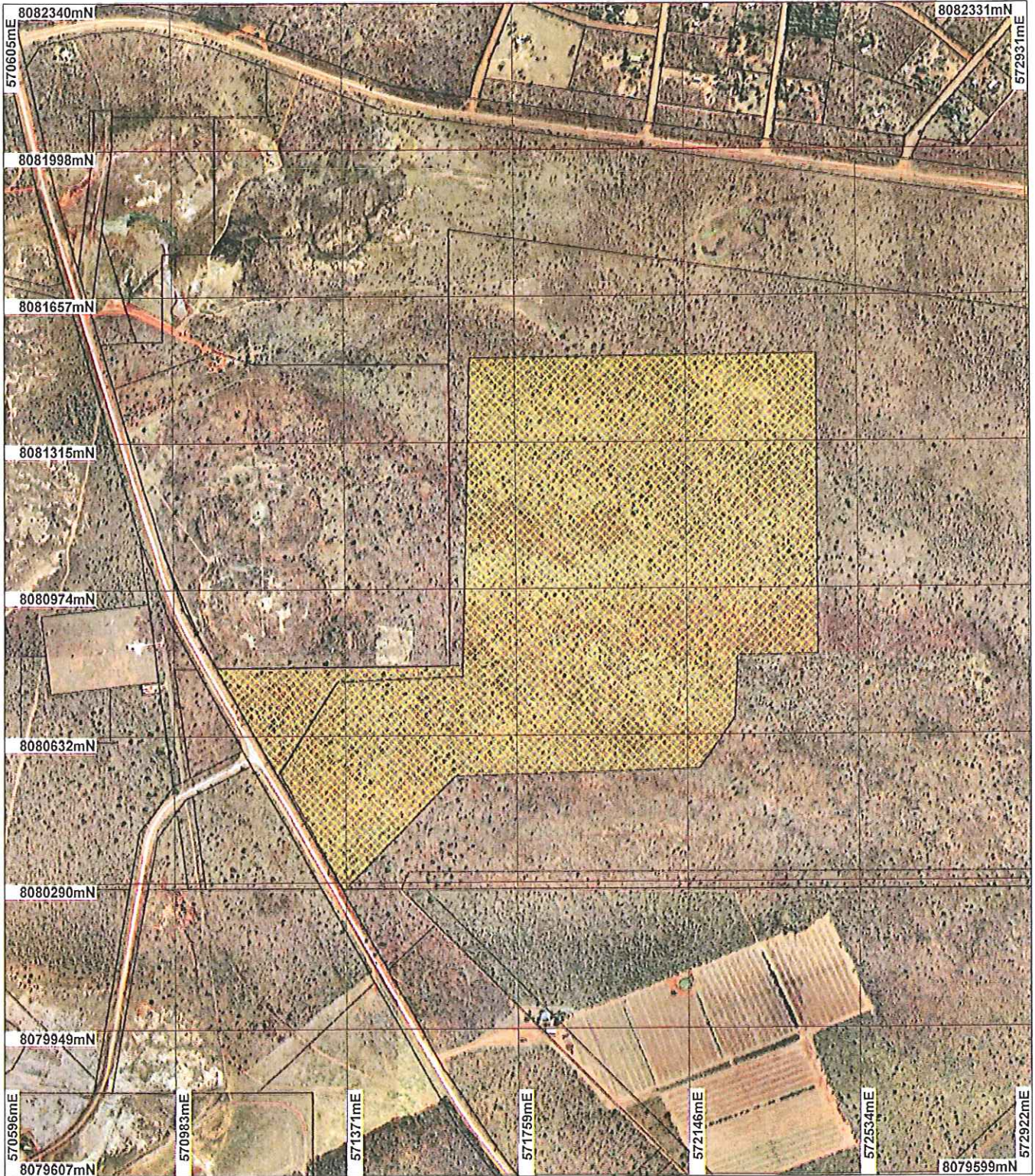


Kelly Faulkner
MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

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

10 September 2009

Plan 2925/2



LEGEND

Clearing Instruments
 Cadastre
 Derby Townsite 20cm
 Orthomosaic - Landgate



0 ————— 375 m

Scale 1:12666

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

K Faulkner Date *10/9/09*
 K. Faulkner

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.



Department of Environment and Conservation

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1. Application details

1.1. Permit application details

Permit application No.: 2925/2
 Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Department of Corrective Services

1.3. Property details

Property: LOT 1434 ON PLAN 32959 (Lot No. 1434 DERBY 6728)
 Local Government Area:
 Colloquial name:

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
35.403		Mechanical Removal	Building or Structure

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 Unit: 764 - Shrublands, pindan; Acacia eripoda & A. tumida shrubland with scattered low bloodwood & Eucalyptus setosa over ribbon & curly spinifex	The proposal is to clear 35.403 hectares of native vegetation in very good (Keighery, 1994) condition for the purpose of constructing a regional prison.	Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery 1994)	The condition of the vegetation was determined through a site survey (CPS 2925/1 Application, 2009) report submitted by the applicant and aerial photography of the applied area.

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 proposal is to clear 35.403 hectares of native vegetation in very good (Keighery, 1994) condition for the purpose of constructing a regional prison.

The local area (20km radius) is well vegetated with approximately 90% native vegetation retained with much of that vegetation in a similar or better condition than the applied area.

Given the above the area under application is not likely to have a high level of biodiversity in a local context and therefore the clearing as proposed is not likely to be at variance to this principle.

Methodology References:
 Keighery (1994)

GIS Database:
 Pre European Vegetation - DA 01/01
 SAC Bio Datasets accessed 19 January 2009

(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**
 The local area (20 km radius) is well vegetated (approximately 90% native vegetation retained) with most of the surrounding vegetation in similar or better condition as the vegetation under application.

A site survey observed Agile Wallabies within the applied area and identified numerous mammals, frogs, reptiles and birds as likely to occur and occurring within the vicinity of the applied area (CPS 2925/1 Application,

2009).

Given the extent of suitable habitat in the local area; the vegetation under application is not considered to be significant habitat for native fauna in a local context.

Methodology References:
CPS 2925/1 Application (2009)

GIS Database:
SAC Bio Datasets accessed 19 January 2009

(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 known records of rare flora occurring within the local area (20km radius).

A site survey did not observed any rare or priority flora within the applied area (CPS 2910/1 Application, 2009).

Therefore the clearing as proposed is not likely to be at variance to this principle.

Methodology References:
CPS 2925/1 Application (2009)

GIS Database:
SAC Bio Datasets accessed 19 January 2009

(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 known records of Threatened Ecological Communities (TECs) within the local area (20km radius).

Therefore the clearing as proposed is not likely to be at variance to this principle.

Methodology GIS Database:
SAC Bio Datasets accessed on 19 January 2009

(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**

	Pre-European	Current	Remaining %	% in reserves/DEC-
	area (ha)	area (ha)	extent (ha)	managed land
IBRA Bioregion **				
Dampierland	8,845,180	8,316,459	99.66	1.06
LGA				
Shire of Derby West Kimberley*	11,956,106	11,899,459	99.53	4.07
Beard vegetation associations**				
764	53,248	53,248	100.00	0.00

* (Shepherd et al., 2001; Hopkins et al., 2001)

** (Shepherd, 2007)

Given that the local area is well vegetated (approximately 90% vegetation retained) the vegetation under application is not considered to be significant in an extensively cleared landscape.

Methodology References:
Hopkins et al. (2001)
Shepherd et al. (2001)
Shepherd (2007)

GIS Database:

(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

The applied area does not include any wetlands or watercourses. The closest record is an earth dam located approximately 400m south of the applied area.

As the applied area is not in close proximity to a wetland or watercourse the vegetation under application is not likely to be growing in, or in association with, a wetland or watercourse. Therefore the clearing as proposed is not likely to be at variance to this principle.

Methodology GIS Database:
Hydrography linear - DOW 13/7/06

(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 soils within the applied area are mapped as chiefly red earthy soils which can be associated with dunes and hummocks of red sands (Northcote et al., 1968) and the local area (10km) is well vegetated (approximately 90% native vegetation retained; Shepherd, 2007).

Given that the area under application is not especially prone to erosion (DEC, 2009) the clearing as proposed is not likely to be at variance to this principle.

Methodology References:
DEC (2009)
Northcote et al. (1968)
Shepherd (2007)

GIS Database:
Hydrogeology, Statewide 05 Feb 2002
Soils, Statewide DA 11/99
Topographic contours statewide - DOLA and ARMY 12/09/02

(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

There is one area of conservation significance within the local area (20km radius), namely Derby Laprosarium (an indigenous Register of National Estate site) approximately 9.2km north east of the applied area.

Given the distance between the closest area of conservation significance and the applied area the clearing as proposed is not likely to be at variance to this principle.

Methodology GIS Database:
CALM Managed Lands and Waters - CALM 01/06/05
Register of National Estate - Environment Australia, Australian and world heritage division 12 Mar 02
System 1 to 5 and 7 to 12 areas DEC 11/7/06

(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 area under application does not include any wetlands or watercourse and does not include vegetation growing in association with these areas.

Given that the vegetation under application is not associated with surface water expression the clearing as proposed is not likely to cause deterioration in the quality of surface and/or underground water in the local area.

Therefore the clearing as proposed is not likely to be at variance to this principle.

Methodology GIS Database:
Hydrographic catchments, catchments - DoW 01/06/07

Hydrography, linear - DOW 13/7/06
Mean Annual Rainfall Isohytes (1975 - 2003) - DEC 02/08/05
Topographic Contours, Statewide - DOLA 12/09/02

(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

Given that the soils of the applied area are free-draining (Site Survey, 2008) in most places (with the exception of the northern boundary where the soils are brown clay loams) the clearing as proposed is not likely to result in an increase in the incidence or intensity of flooding.

Therefore the clearing as proposed is not likely to be at variance to this principle.

Methodology References:
Site Survey (2008)

GIS Database:
Hydrographic catchments, catchments - DoW 01/06/07
Hydrography, linear - DoW 13/7/06
Topographic Contours, Statewide - DOLA 12/09/02

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

Comments

The area under application is within a Rights in Water Irrigation (RIWI) area, Pilbara groundwater area (approved Plan). There are no mapped wetlands or watercourses within the applied area therefore the proposal does not require approvals under the RIWI Act.

The purpose for this application to build a regional prison. The applicant has provided information on the management of significant Boab trees within the local area (DOC72201). Under the Wildlife Conservation Act the applicant may require licences which may include (but are not limited to) a commercial producers licence for stockpiled native vegetation (DEC, 2009).

Part of Lot 1434 has a memorial on the certificate of title as a register of heritage places. A Heritage Survey was conducted over the area under application in October 2007 and no issues of significance were found within the proposed Derby Prison Site (CPS 2925/1 Application, 2009).

Coffey Projects Pty Ltd (on behalf of the Department of Corrective Services) has applied to increase the boundary of the clearing area in order to incorporate a high voltage switch room and associated cabling and access ways (DOC90995).

Methodology References:
CPS 2925/1 Application (2009)
DEC (2009)

GIS Database:
RIWI Act, Groundwater Areas - DoW 13/07/06

4. Assessor's comments

Comment

The application has been assessed against the clearing principles, planning instruments and other matters in accordance with s51O of the Environmental Protection Act 1986, and the proposed clearing is not likely to be at variance with principles (a), (b), (c), (d), (e), (f), (g), (h), (i) and (j).

5. References

- DEC (2009) Advice to assessing officer from Kimberley Region Department of Environment and Conservation. DOC75072.
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.
Northcote, K. H. with Beckmann G G, Bettenay E., Churchward H. M., van Dijk D. C., Dimmock G. M., Hubble G. D., Isbell R. F., McArthur W. M., Murtha G. G., Nicolls K. D., Paton T. R., Thompson C. H., Webb A. A. and Wright M. J. (1960-68): 'Atlas of Australian Soils, Sheets 1 to 10, with explanatory data'. CSIRO and Melbourne University Press: Melbourne.
Shepherd, D.P. (2007). Adapted from: Shepherd, D.P., Beeston, G.R., and Hopkins, A.J.M. (2001), Native Vegetation in Western Australia. Technical Report 249. Department of Agriculture Western Australia, South Perth. Includes subsequent updates for 2006 from Vegetation Extent dataset ANZWA1050000124.
Shepherd, D.P., Beeston, G.R. and Hopkins, A.J.M. (2001) Native Vegetation in Western Australia, Extent, Type and Status.

6. Glossary

Term	Meaning
BCS	Biodiversity Coordination Section of DEC
CALM	Department of Conservation and Land Management (now BCS)
DAFWA	Department of Agriculture and Food
DEC	Department of Environment and Conservation
DEP	Department of Environmental Protection (now DEC)
DoE	Department of Environment
DoIR	Department of Industry and Resources
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 DEC)

