



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose permit number:	CPS 2940/1
Permit holder:	Shire of Wyndham East Kimberley
Duration of permit:	19 March 2009 – 19 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 commercial boating facility.

2. Land on which clearing is to be done

LOT 3000 ON PLAN 46759 (CROWN RESERVE 41812)
LOT 714 ON PLAN 217489 (CROWN RESERVE 29297)

3. Area of Clearing

The permit holder must not clear more than 0.583 hectares of native vegetation within the area hatched yellow on attached Plan 2940/1.

4. Clearing not authorised

Clearing is not authorised between December and April.

5. 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.

6. Type of clearing authorised

This Permit authorises the permit holder to clear native vegetation for activities to the extent that the permit holder has the power to clear native vegetation for those activities under the *Local Government Act 1995* or any other written law.

7. 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

8. 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

9. 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).

10. 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 9 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 19 December 2013, the Permit Holder must provide to the CEO a written report of records required under condition 9 of this Permit where these records have not already been provided under condition 10(a) of this Permit.



Keith Claymore
A/ ASSISTANT DIRECTOR
NATURE CONSERVATION DIVISION

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

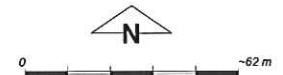
19 February 2009

Plan 2940/1



LEGEND

Clearing Instruments
 Cadastre
 Kunupurra 50cm Orthomosaic



Scale 1:2117
 (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.

Kate Claymore Date 19/2/09

K. Claymore

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

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.: 2940/1
 Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Shire of Wyndham East Kimberly

1.3. Property details

Property: LOT 3000 ON PLAN 46759 (KUNUNURRA 6743)
 LOT 714 ON PLAN 217489 (KUNUNURRA 6743)
 Local Government Area: Shire Of Wyndham-East Kimberley

Colloquial name:

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
0.583		Mechanical Removal	Building or Structure
		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:	The proposal is to clear 0.583 ha of native vegetation for the purpose of constructing a commercial boating facility in order to condense boating activities on Lake Kununurra to one location.	Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery 1994)	The condition of the vegetation was determined through aerial mapping (Kununurra 50cm Orthomosaic Landgate 2005) and through information provided in CPS 2940/1 Application (2008).
59 - Grasslands, high grass savanna sparse tree; bauhinia & coolabah over mitchell, blue & tall upland grasses			
901 - Grasslands, high grass savanna woodland; stringybark & woollybutt over upland tall grass & curly spinifex	The vegetation under application has been significantly altered by previous disturbances such as use by the Ord River Sailing Club, illegal camping, weed invasion, fire.		
	The western side of the applied area is considered to be in a degraded (Keighery, 1994) condition while the eastern side has retained good vegetation cover in good (Keighery, 1994) condition (CPS 2940/1 Application, 2009).		
	The over all condition of the vegetation within the applied area is considered to be good (Keighery, 1994)		

3. Assessment of application against clearing principles

Comments

The proposal is to clear 0.583 hectares of native vegetation for the construction of a commercial boating facility.

The vegetation under application ranges from degraded to good (Keighery 1994) condition and is situated on

the bank of Lake Kununurra.

The area under application is mapped as part of a watercourse and wetland system placed on the ANCA and RAMSAR wetlands lists for wetlands of conservation significance.

The local area is well vegetated and all mapped Beard vegetation associations within the applied area are well represented statewide and within the Victoria Bonaparte Bioregion.

There are no rare flora species and there are seven priority flora species recorded within the local area (10km radius) however the vegetation under application is not considered suitable habitat for any of the locally recorded priority flora species.

Clearing of vegetation along the bank of Lily Creek Lagoon may increase erosion of the banks and contribute to sedimentation within the lagoon (DEC 2009). Conditions will be placed on the permit to allow for clear only between May to November to avoid the wet season and mitigate the risk of erosion (DEC 2009).

Given that the applied area is small (0.583ha), the local area is well vegetated with much of that vegetation in similar or better condition than the applied area and taking into account the situation of the area under application within a known wetland and watercourse the clearing as proposed is at variance to principle F, may be at variance to principle G and I and is not likely to be at variance to the remaining clearing principles.

Methodology

References:

ANCA (1996)
DEC (2009)
Hopkins et al. (2001)
Keighery (1994)
Shepherd et al. (2001)
Shepherd (2007)

GIS Database:

SAC Bio Datasets accessed 27 January 2009
Pre European Vegetation - DA 01/01
Clearing Regulations, Environmentally Sensitive Areas 30 May 2005
Hydrography linear - DOW 13/7/06
Interim Biogeographic Regionalisation of Australia - EA 18/10/00
ANCA wetlands - Environment Australia 26/3/99
Ramsar wetlands - DEC 03

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

Comments

The area under application is within Crown Reserve 41812 and Crown Reserve 29297 which are owned by the Department of Planning and Infrastructure and vested with the Shire of Wyndham East Kimberley and the Department of Water.

The area under application is approximately 1.5km from a Priority 1 Public Drinking Water Source Area (PDWSA), however as the proposal is downstream from this PDWSA the clearing as proposed is not likely to impact on water within the Priority 1 area.

The applied area falls within Rights in Water Irrigation areas for groundwater and irrigation, as the clearing as proposed includes the banks of Lake Kununurra and an inlet off the lake, a permit to interfere with Beds and Banks is required from the Department of Water.

There are 4 Aboriginal sites of significance over the area under application, it is the responsibility of the proponent to ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

Methodology

References:

DEC (2009)

GIS Database:

Cadastre - Landgate Dec 07
Native Title Claims - LA 2/5/07
RIWI Act, Groundwater Areas - DoW 13/07/06
RIWI Act, Irrigation Districts - DoW 13/07/06
Town Planning Scheme Zones - MFP 31/08/98
Aboriginal Sites of Significance 26 April 2007
Public Drinking Water Source Areas (PDWSAs) - 07/02/06

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 at variance to Principle (f), may be at variance to principles (g) and (i) and is not likely to be at variance to the remaining clearing Principles.

5. References

- ANCA (1996) A Directory of Important Wetlands in Australia. Second Edition. Australian Nature Conservation Agency, Canberra
- CPS2940/1 Application (2009) Application to clear native vegetation ref CPS 2940/1, Shire of Wyndham East Kimberley, 0.583ha, Kununurra. DOC73794
- DEC (2009) Advice to assessing officer from Department of Environment and Conservation Kimberley Region, unpublished document, DOC76244.
- 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. (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. 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 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)