



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 4702/1
Permit Holder:	Department of Defence
Duration of Permit:	4 May 2012– 4 May 2017

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 stormwater drainage, road intersection upgrade, construction of a temporary workers camp, construction of houses and family and childcare centre and rehabilitation of borrow pits.

2. Land on which clearing is to be done

Lot 89 on Deposited Plan 91011 (DAMPIER PENINSULAR, 6725)
Lot 373 on Deposited Plan 220266 (DAMPIER PENINSULAR, 6725)
Lot 374 on Deposited Plan 220266 (DAMPIER PENINSULAR, 6725)
Lot 145 on Deposited Plan 214744 (DAMPIER PENINSULAR, 6725)
Lot 371 on Deposited Plan 220266 (DAMPIER PENINSULAR, 6725)
Lot 297 on Deposited Plan 93256 (DAMPIER PENINSULAR, 6725)

3. Area of Clearing

The Permit Holder must not clear more than 10.58 hectares of native vegetation within the combined area hatched yellow on attached Plan 4702/1a and Plan 4702/1b.

4., Period in which clearing is authorised

The Permit Holder shall not clear any native vegetation after 1 January 2013

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 *Land Administration Act 1997* 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.

9. Flora management

(a) Prior to undertaking any clearing authorised under this Permit, the Permit Holder shall engage a *botanist* to inspect that area for the presence of the following *priority flora*:

- (i) *Cullen candidum* (P1)
- (ii) *Triodia acutispicula* (P3)
- (iii) *Eriachne sp. Dampier Peninsular* (P3)
- (iv) *Lophostemon grandiflorus subsp. grandiflorus* (P3)

(b) Where *priority flora* are identified in relation to condition 9(a) of this Permit, the Permit Holder shall ensure that:

- (i) no clearing of identified *priority flora* occurs, unless approved by the CEO; and
- (ii) no clearing occurs within 10 metres of identified *priority flora*, unless approved by the CEO.

10. Weed control

(a) 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*:

- (i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (ii) ensure that no *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
- (iii) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

11. Management Plan

The Permit Holder must implement and adhere to the Environmental, Cultural and Heritage Management Plan Project 179 – AACAP 2012 dated 15 November 2011.

12. Retain vegetative material and topsoil, revegetation and rehabilitation

The Permit Holder shall:

(a) retain the vegetative material and topsoil removed by clearing authorised under this Permit and stockpile the vegetative material and topsoil in an area that has already been cleared.

(b) within 1 month following completion of works, *revegetate* and *rehabilitate* the area(s) that are no longer required for the purpose for which they were cleared under this Permit by:

- (i) laying the vegetative material and topsoil retained under condition 12(a) on the cleared area(s)

(c) within 18 months of laying the vegetative material and topsoil on the cleared area in accordance with condition 12(b) of this Permit:

- (i) engage an *environmental specialist* to determine the species composition, structure and density of the area *revegetated* and *rehabilitated*; and
- (ii) where, in the opinion of an *environmental specialist*, the composition structure and density determined under condition 12(c)(i) of this Permit will not result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area, *revegetate* the area by deliberately *planting* and/or *direct seeding* native vegetation that will result in a similar species composition, structure and density of native vegetation to pre-clearing vegetation types in that area and ensuring only *local provenance* seeds and propagating material are used.

- (d) Where additional *planting* or *direct seeding* of native vegetation is undertaken in accordance with condition 12(c)(ii) of this permit, the Permit Holder shall repeat condition 12(c)(i) and 12(c)(ii) within 18 months of undertaking the additional *planting* or *direct seeding* of native vegetation.
- (e) Where a determination by an *environmental specialist* that the composition, structure and density within areas *revegetated* and *rehabilitated* will result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area, as determined in condition 12(c)(i) and (ii) of this permit, that determination shall be submitted for the CEO's consideration. If the CEO does not agree with the determination made under condition 12(c)(ii), the CEO may require the Permit Holder to undertake additional *planting* and *direct seeding* in accordance with the requirements under condition 12(c)(ii).

PART III - RECORD KEEPING AND REPORTING

13. Records must be kept

The Permit Holder must maintain the following records for activities done pursuant to this Permit:

- (a) In relation to the clearing of native vegetation authorised under this Permit:
 - (i) 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 or decimal degrees;
 - (ii) the date that the area was cleared; and
 - (iii) the size of the area cleared (in hectares).
- (b) In relation to flora management pursuant to condition 9 of this Permit:
 - (i) the location of each *priority flora* species recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
 - (ii) the species name of *priority flora* identified; and
 - (iii) a copy of the botanists flora survey report.
- (c) In relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 12 of this Permit:
 - (i) the location of any areas *revegetated* and *rehabilitated*, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
 - (ii) a description of the *revegetation* and *rehabilitation* activities undertaken;
 - (iii) the size of the area *revegetated* and *rehabilitated* (in hectares);
 - (iv) the species composition, structure and density of *revegetation* and *rehabilitation*, and
 - (v) a copy of the environmental specialist's report.

14. Reporting

- (a) The Permit Holder must provide to the CEO on or before 30 June of each year, a written report:
 - (i) of records required under condition 13 of this Permit; and
 - (ii) concerning activities done by the Permit Holder under this Permit between 1 January and 31 December of the preceding year.
- (b) Prior to 4 February 2017, the Permit Holder must provide to the CEO a written report of records required under condition 13 of this Permit where these records have not already been provided under condition 14(a) of this Permit.

DEFINITIONS

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

botanist means a person with specific training and/or experience in the ecology and taxonomy of Western Australian flora;

direct seeding means a method of re-establishing vegetation through the establishment of a seed bed and the introduction of seeds of the desired plant species;

environmental specialist means a person who is engaged by the Permit Holder for the purpose of providing environmental advice, who holds a tertiary qualification in environmental science or equivalent, and has experience relevant to the type of environmental advice that an environmental specialist is required to provide under this Permit;

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

local provenance means native vegetation seeds and propagating material from natural sources within 20 kilometres of the area cleared.

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;

planting means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired species;

priority flora means those plant taxa described as priority flora classes 1, 2, 3 or 4 in the *Department's Declared Rare and Priority Flora List for Western Australia* (as amended);

regenerate/ed/ion means re-establishment of vegetation from in situ seed banks and propagating material (such as lignotubers, bulbs, rhizomes) contained either within the topsoil or seed-bearing mulch;

rehabilitate/ed/ion means actively managing an area containing native vegetation in order to improve the ecological function of that area;

revegetate/ed/ion means the re-establishment of a cover of *local provenance* native vegetation in an area using methods such as natural *regeneration*, *direct seeding* and/or *planting*, so that the species composition, structure and density is similar to pre-clearing vegetation types in that area.

weed/s means a species listed in Appendix 3 of the "Environmental Weed Strategy" published by the Department of Conservation and Land Management (1999), and plants declared under section 37 of the *Agriculture and Related Resources Protection Act 1976*.



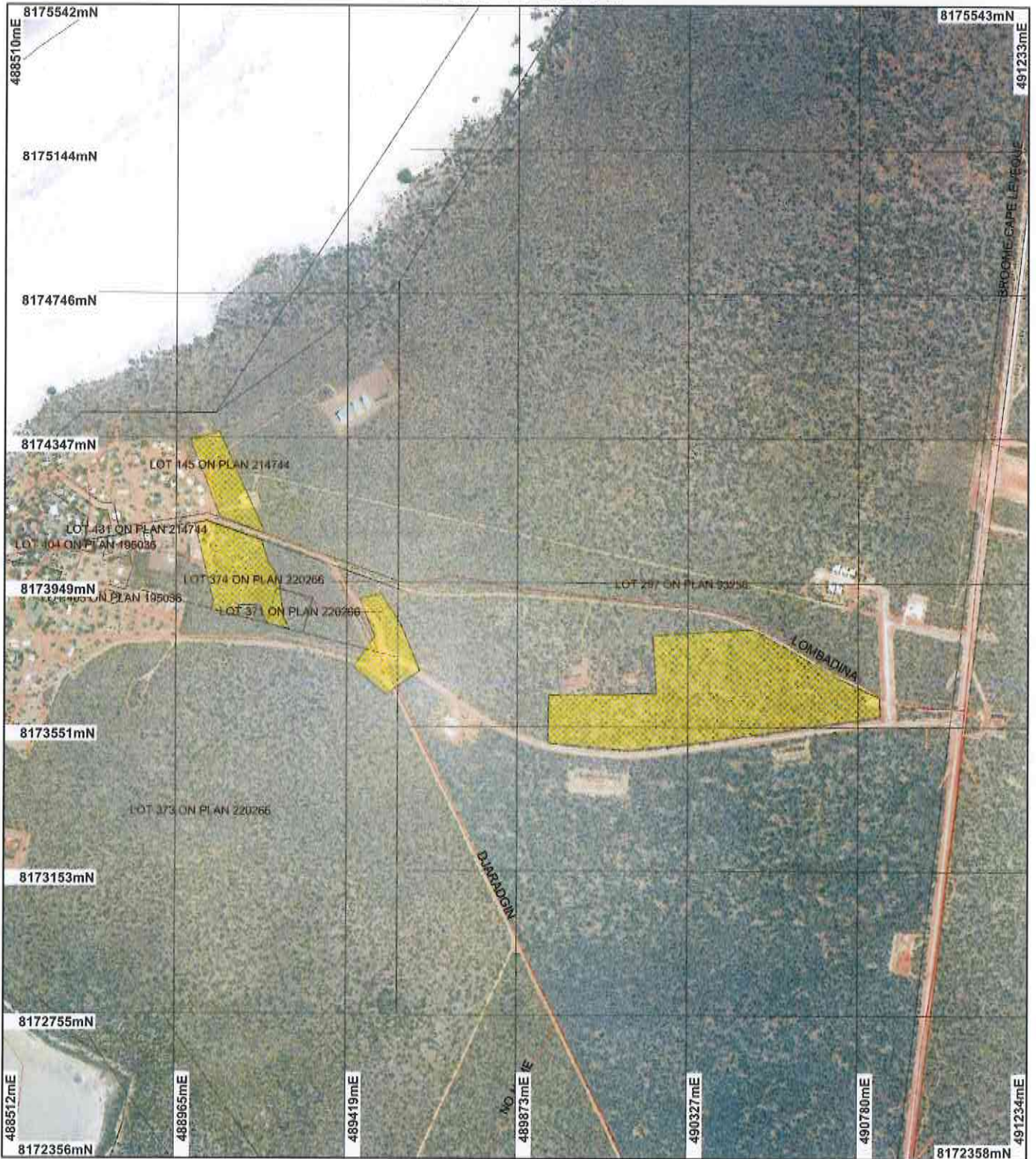
Kelly Faulkner
MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

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

12 April 2012

CPS 4702/1, 12 April 2012

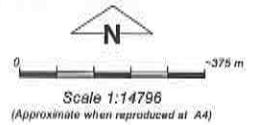
Plan 4702/1a



LEGEND

- | | |
|--|---|
| <ul style="list-style-type: none"> ✗ Road Centrelines ▭ Cadastre for labelling ▭ Freehold ▭ Crown Reserve ▭ State Forest / Timber Reserve ▭ Marine Park (cont) | <ul style="list-style-type: none"> ▭ Crown Lease ▭ Lease / Reserve ▭ Lease on State Forest / Timber Reserve ▭ Public Roads ▭ Unallocated Crown Land ▭ Water |
|--|---|

- Clearing Instruments**
- ▭ Areas Applied to Clear
 - ▭ Areas Subject to Conditions
 - ▭ Areas Approved to Clear
- Dampier Peninsular Study**
Area 50cm Orthomosaic - Landgate 2007



Geocentric Datum Australia 1994

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

[Signature] Date 12/4/12

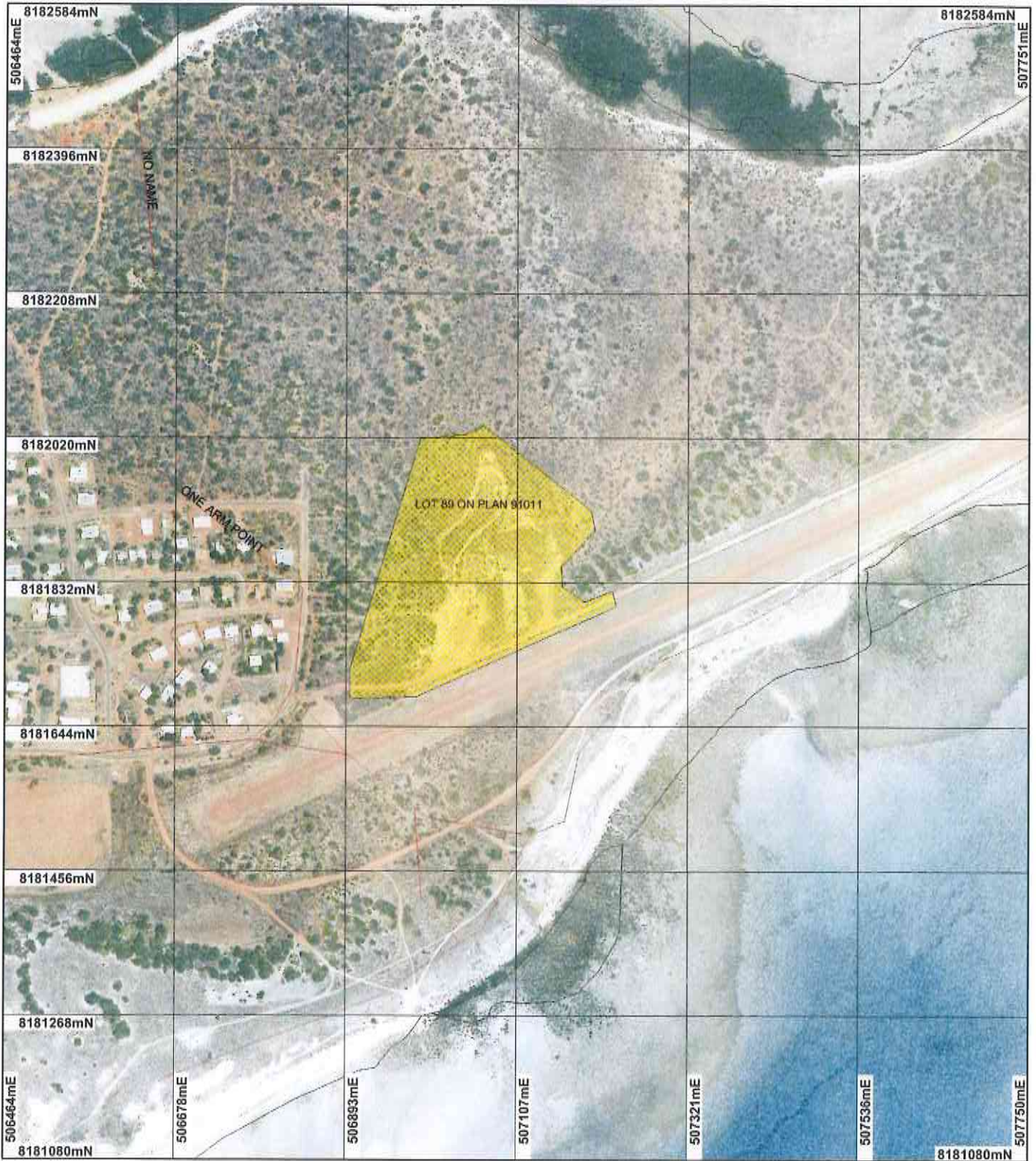
K. Faulkner
 Officer with delegated authority under Section 20 of the Environmental Protection Act 1986

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



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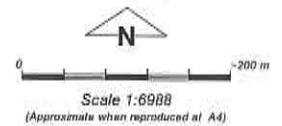
Plan 4702/1b



LEGEND

- Road Centrelines
- Cadastre for labelling
- Freehold
- Crown Reserve
- State Forest / Timber Reserve
- Marine Park (cont)
- Crown Lease
- Lease / Reserve
- Lease on State Forest / Timber Reserve
- Public Roads
- Unallocated Crown Land
- Water

- ### Clearing Instruments
- Areas Applied to Clear
 - Areas Subject to Conditions
 - Areas Approved to Clear
- Dampier Peninsular Study**
Area 50cm Orthomosaic -
Landgate 2007



Geocentric Datum Australia 1994

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

Date 12/01/12
 K. Faulkner

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.



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1. Application details

1.1. Permit application details

Permit application No.: 4702/1
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Department of Defence

1.3. Property details

Property: LOT 89 ON PLAN 91011 (Lot No. 89 ONE ARM POINT DAMPIER PENINSULA 6725)
LOT 297 ON PLAN 93256 (Lot No. 297 BROOME-CAPE LEVEQUE DAMPIER PENINSULA 6725)
LOT 373 ON PLAN 220266 (DAMPIER PENINSULA 6725)
LOT 374 ON PLAN 220266 (DAMPIER PENINSULA 6725)
LOT 145 ON PLAN 214744 (DAMPIER PENINSULA 6725)
LOT 371 ON PLAN 220266 (DAMPIER PENINSULA 6725)

Local Government Area: Shire of Broome
Colloquial name:

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
6.68		Mechanical Removal	Building or Structure
3.4		Draining	Drainage
0.5		Mechanical Removal	Road construction or maintenance

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 12 April 2012

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
Lombadina area Mapped Beard vegetation association 750 is described as Shrublands, pindan; Acacia tumida shrubland with grey box & cabbage gum medium woodland over ribbon grass & curly spinifex	The proposal is to clear up to 10.56 hectares of native vegetation within Ardyaloon aboriginal community (for rehabilitation of borrow pits) and Lombadina aboriginal community (for storm water diversion system, temporary workers camp, upgrade of road intersection, construction of a house and family and child centre and 13 lot subdivision).	Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery 1994) To	Condition of vegetation was established from aerial photography and a site visit (of Ardyaloon area only) carried out by DEC officers on the 16 December 2011 (DEC 2011).
Ardyaloon area: Mapped Beard vegetation association 771 is described as Shrublands, pindan; Acacia tumida shrubland with ghost gum (Eucalyptus papuana) & E. setosa medium woodland over curly spinifex (Shepherd 2009)	The vegetation within the Ardyaloon aboriginal community application area consists of Acacia tumida and Acacia colei scrubland with scattered Grevillia terminalia and Eucalyptus sp. over grassland on pindan soil. This area has been impacted by weeds and frequent hot fire (DEC 2011). The majority of the vegetation within the Lombadina community consists of Acacia tumida shrubland with grey box & cabbage gum medium woodland over ribbon grass & curly spinifex in an excellent (Keighery 1994) condition, however vegetation adjacent to roads and town infrastructure is considered to be in a degraded (Keighery 1994) condition.	Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994)	

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 may be at variance to this Principle

The vegetation within the Ardyaloon Aboriginal Community application area consists of *Acacia tumida* and *Acacia coleii* scrubland with scattered *Grevillia terminalia* and *Eucalyptus* sp. over grassland on pindan soil. This area has been impacted by weeds and frequent hot fire (DEC 2011).

The majority of the vegetation within the Lombadina community consists of *Acacia tumida* shrubland with grey box & cabbage gum medium woodland over ribbon grass & curly spinifex (Shepherd 2009) in an excellent (Keighery 1994) condition, however vegetation adjacent to roads and town infrastructure is considered to be in a degraded (Keighery 1994) condition.

Five species of priority listed flora (P1, P2 and P3 categories) occur within 10km of the areas under application, either on the same soil or vegetation types. *Cullen candidum* (P1), *Triodia acutispicula* (P3), and *Eriachne* sp. Dampier Peninsular (P3) occur in close proximity to the proposed clearing at Ardyaloon clearing area and *Lophostemon grandiflorus* sunsp. *grandiflorus* (P3) and *Triodia acutispicula* (P3) occur in close proximity to the Lombadina area. It is possible these species may occur within the application areas. The applicant has provided an Environmental, Cultural and Heritage Management Plan (ECHMP) in which it is stated under sub-plan 6 Flora and Fauna Plan 6c 'Any approved clearing of vegetation must have a biologist clearance certificate to ensure no rare or endangered species are present' and under 6d 'if a survey reveals the presence of protected flora within the allocated construction sites then the project manager is to liaise with the Western Australian Department of Environment and Conservation to seek either relocation guidance, protective measures or a waiver to clear a protected area' (Department of Defence 2012). Flora management would also mitigate any impacts.

The application area at Ardyaloon occurs adjacent to occurrences of the Threatened Ecological Community (TEC), Vine Thickets on Coastal Sand Dunes of the Dampier Peninsula (classed as vulnerable under the Wildlife Conservation Act 1950). The area at Ardyaloon has also been noted as subtype C community (Black et al, 2010) of the vine thicket TEC and is therefore considered a high priority for conservation (DEC 2011a). The applicant has advised that the occurrence of this TEC will be protected by a temporary construction barrier and sedimentation control systems (Department of Defence, 2012a). In addition, the ECHMP includes a Soil and Water Plan outlining soil and water control measures to be undertaken and a Weed and Pest Animal Plan which outlines weed management measures to be undertaken by the applicant (Department of Defence 2012). Therefore, it is not considered likely for the proposed clearing to significantly impact this TEC through hydrological impacts or weed invasion. Avoid and minimise and weed management will also mitigate any impacts of the proposed clearing.

Given that presence of excellent condition vegetation and that the application areas within Ardyaloon may contain priority flora, the proposed clearing may be at variance to this Principle.

Methodology

References

- DEC (2010)
- DEC (2011)
- DEC (2011a)
- Keighery (1994)
- Department of Defence (2012)
- Department of Defence (2012a)
- GIS Databases
- Sac Bio datasets (30 November 2011)

(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

Numerous fauna species of conservation significance have been recorded within the local area (10 km radius) including 4 bird species, 1 lizard species, 1 snake species and 5 mammal species (DEC 2007-). Approximately 99 per cent of Pre-European vegetation remains within a 10 km radius of the proposed clearing areas.

The fauna habitats within the areas proposed to be cleared are well represented elsewhere within the local and regional area, and no significant loss of habitat for fauna indigenous to Western Australia is expected. The areas to be cleared do not represent a fauna corridor and therefore the clearing will not remove an ecological linkage that is necessary for the maintenance of fauna.

Based on the above, the proposed clearing of 10.58 ha over two locations is not considered to contain significant fauna habitat and the proposed clearing is not likely to be at variance to this Principle.

Methodology

Reference

- DEC (2007-)
- GIS Databases

(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**
No rare flora has been recorded in a 50 km radius of the proposed clearing areas.

Therefore, the proposed clearing is not considered likely to impact on rare flora.

Methodology GIS Databases
-SAC Bio datasets (30 November 2011)

(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**
An occurrence of the Threatened Ecological Community (TEC); Vine Thickets on Coastal Sand Dunes of the Dampier Peninsula (Vine Thickets), occurs adjacent to the proposed clearing area (1.26ha) for rehabilitation of borrow pits at Ardyaloon (DEC 2011).

The Black et al (2010) report 'A comprehensive survey of the flora, extent and condition of vine thickets on coastal sand dunes of the Dampier Peninsular, West Kimberley 2000-2002' undertook statistical analysis of the vine thicket plant species composition and defined 4 sub-types (B, C, D and E). It is considered for each of these subtypes to be a high priority for conservation and protection (DEC 2011a).

There are five occurrences of the vine thicket TEC (total 278ha) within 5 km of the proposed clearing at Ardyaloon and the occurrence in this area are of subtype C. The portion of this TEC occurring adjacent to the application area has been identified as the westernmost occurrence of subtype C, is a large patch and should be a high priority area for conservation (DEC 2011a).

The clearing of 1.26 ha of vegetation in close proximity to the vine thicket TEC may impact surface flows or quality, and increased weed invasion. This TEC is also groundwater dependent (DEC 2011a). As this TEC is groundwater dependent, storm water diversion for the rehabilitation of borrow pits at Ardyaloon may impact this TEC through hydrological impacts (DEC 2011a).

The applicant has advised that the occurrence of this TEC will be protected by a temporary construction barrier and sedimentation control systems (Department of Defence, 2012a). In addition, the Environmental, Cultural, Heritage Management Plan (ECHMP) includes a Soil and Water Plan outlining soil and water control measures to be undertaken and a Weed and Pest Animal Plan which outlines weed management measures to be undertaken by the applicant (Department of Defence 2012). These measures will assist in mitigating impacts on this TEC. Therefore, it is not considered for the proposed clearing to significantly impact this TEC through hydrological impacts or weed invasion. Avoid and minimise and weed conditions will also mitigate any impacts of the proposed clearing.

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

Methodology References
-DEC (2011)
-DEC (2011a)
-Black et al (2010)
-Department of Defence (2012)
-Department of Defence (2012a)
GIS Databases
- Sac Bio datasets (30 November 2011)

(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 at variance to this Principle**
The vegetation under application is described as Beard vegetation association 750 and 771 which there is 99.8% and 97.3%, of pre-European extent remaining, respectively (Shepherd 2009).

The Beard vegetation associations retains more than the threshold level (30%) recommended in the National Objectives Targets for Biodiversity Conservation, below which species loss appears to accelerate exponentially at an ecosystem level (Commonwealth of Australia 2001).

In addition, the application areas do not occur within an extensively cleared landscape as approximately 99% remains in the local area (10 km radius) and 99.2% remaining in the Shire of Broome. Therefore, the proposal is not at variance to this principle

	Pre-European (ha)	Current Extent (ha)	Remaining (%)	Extent in DEC Managed Lands (%)
IBRA Bioregion*				
Dampierland	8345178.7	8315458.6	99.64	1.06
Shire*				
Shire of Broome	5469432.9	5429693.3	99.27	0.88
Beard Vegetation Association in Bioregion*				
750	1229175.8	11227004.9	99.82	2.27
771	34905.86	33980.70	97.35	0.00

*Shepherd (2009)

Methodology References
 -Shepherd (2009)
 -Commonwealth of Australia (2001)
 GIS Databases
 -Pre-European vegetation
 - NLWRA, Current Extent of Native 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 not at variance to this Principle**
 Watercourses and areas of inundation do not occur within the application areas occurring at Lombadina and Ardyaloon and therefore the proposed clearing is no at variance with this Principle.

Methodology GIS databases
 -Hydrography, linear

(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**
 Soils within the Lombadina area and Ardyaloon area consist of red earthy sands and hummocks of siliceous sands (Northcote et al 1960-68). It is considered for there to be a high risk of wind erosion within the Lombadina and Ardyaloon clearing areas due to the sandy soils.

The applicant proposes to clear a portion of the application area of through thinning, allowing for understory to remain for the purpose of temporary camp site construction within the Lombadina application area. As the understory is remaining within the area, the proposed clearing is unlikely to cause appreciable land degradation through wind erosion.

The remaining proposed clearing for a storm water diversion system upgrade of road intersection, construction of 1 houses, subdivision and family and child centre over three separate areas is also not considered to cause appreciable land degradation in the form of wind erosion given the small areas to be cleared over a large area. In addition, structures will be built over the majority of the clearing area.

The proposed clearing of 1.26 ha within a large footprint in Ardyaloon for rehabilitation of borrow pits is also not considered to cause appreciable land degradation in the form of wind erosion due to the small amount of clearing scattered throughout a larger footprint.

The proposed clearing is therefore not likely to be at variance to this clearing principle.

Methodology References
 -Northcote et al (1960-69)
 GIS Databases
 -Soils, statewide

(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 at variance to this Principle**
 No conservation areas occur within a 50 km radius of the proposed clearing areas and therefore the area under application is not at variance with this Principle

Methodology GIS Databases
-DEC Managed Lands
-CALM Regional Parks

(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 at variance to this Principle

Watercourses or areas of inundation do not occur within the application areas occurring at Lombadina and Ardyaloon and therefore the proposed clearing is not at variance with this Principle.

Methodology GIS databases
-Hydrography, linear

(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 at variance to this Principle

Watercourses or areas of inundation do not occur within the application areas occurring at Lombadina and Ardyaloon.

The proposed clearing of 10.58 ha over four separate locations is not considered to increase flooding and therefore the proposed clearing is not at variance to this Principle.

Methodology GIS databases
-Hydrography, linear

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

Comments

A letter was sent to the applicant on 5 January 2012 requesting advice on how environmental impacts are to be addressed and minimised. A phone meeting occurred with the applicant on 12 January 2012 to discuss mitigation of identified environmental impacts. The applicant provided a copy of their Environmental, Cultural and Heritage Management Plan, letters of authority from the Djarindjin Aboriginal Corporation and formal response to DEC's letter dated 5 January 2012 on the 17 February 2012. Letters of authority to access land was still outstanding from the Aboriginal Lands Trust. A letter was sent on the 1 March 2012 requesting for letter of authority from all land owners prior to a final decision being made on the application. On the 11 April 2012 an email was received from applicant with letters of authority from Aboriginal Lands Trust granting permission for the proposed works.

The proposed clearing is for works under the Army Aboriginal Community Assistance Program (AACAP) which is an initiative between Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) and the Australian Army to improve the environmental health and living conditions in remote indigenous communities (Australian Army, 2011). The proposal is to clear up to 10.58 hectares of native vegetation within Ardyaloon Aboriginal Community (for rehabilitation of borrow pits) and the Lombadina Aboriginal Community (for storm water diversion system, temporary workers camp, upgrade of road intersection and construction of 1 houses and family and child centre).

Within Lombadina the applicant proposes to construct a temporary workers camp for up to 200 personnel. This camp is to be dismantled and rehabilitated late 2012 following completion of the assistance program (Australian Army, 2011). Rehabilitation of borrow pits at Ardyaloon application area has also been proposed (Australian Army, 2011).

The landowners of the properties under application include the Djarindjin Aboriginal Corporation and Aboriginal Lands Trust and the properties are reserved for the use and benefit of aboriginal people. Authority to access from all land owners has been received (Department of Defence 2012b and 2012c).

The applicant has submitted an application for Aboriginal Lands Trust Development Approval to the Department of Indigenous Affairs in December 2011 (Department of Defence 2012b). Approval has been granted.

The applicant has advised that they are exempt from needing local government approval however are working closely with the Shire of Broome and following their standards for construction.

The Lombadina area under application is covered by a Register of Heritage site called Lombadina Mission. It is the proponent's responsibility to comply with the Heritage of Western Australia Act 1990.

The Lombadina application area contains three sites of aboriginal significance and Ardyaloon area covers 10 sites of aboriginal significance. 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.

Native title has been determined over the areas under application and direct interest letters have been sent to

the native title holders, Bardi and Jawi People. No submissions have been received.

Methodology **References**

- Australian Army (2011)
- Department of Defence (2012)
- Department of Defence (2012a)
- Department of Defence (2012b)
- Department of Defence (2012c)
- DEC (2011)

4. References

DEC (2011) Site Inspection Report and regional advice for Clearing Permit Application CPS 4702/1, Dampier Peninsular. Site inspection undertaken 16 December 2011. Department of Environment and Conservation, Western Australia (DEC Ref. A460530).

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5. 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
WRC

Threatened Ecological Community
Water and Rivers Commission (now DEC)