



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 4888/1
Permit Holder:	Kimberley Air Pty Ltd
Duration of Permit:	26 April 2012 – 26 April 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 boat ramp construction.
- 2. Land on which clearing is to be done**
Lake Kununurra PIN: 1318636 (KUNUNURRA 6743)
- 3. Area of Clearing**
The Permit Holder must not clear more than 0.004 hectares of native vegetation within the area hatched yellow on attached Plan 4888/1.
- 4. Clearing not authorised**
The Permit Holder shall not clear any native vegetation 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 *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. 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.

(b) At least once in each 12 month period for the term of this Permit, the Permit Holder must remove or kill any *weeds* growing within areas cleared under this Permit.

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;

weeds 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*.

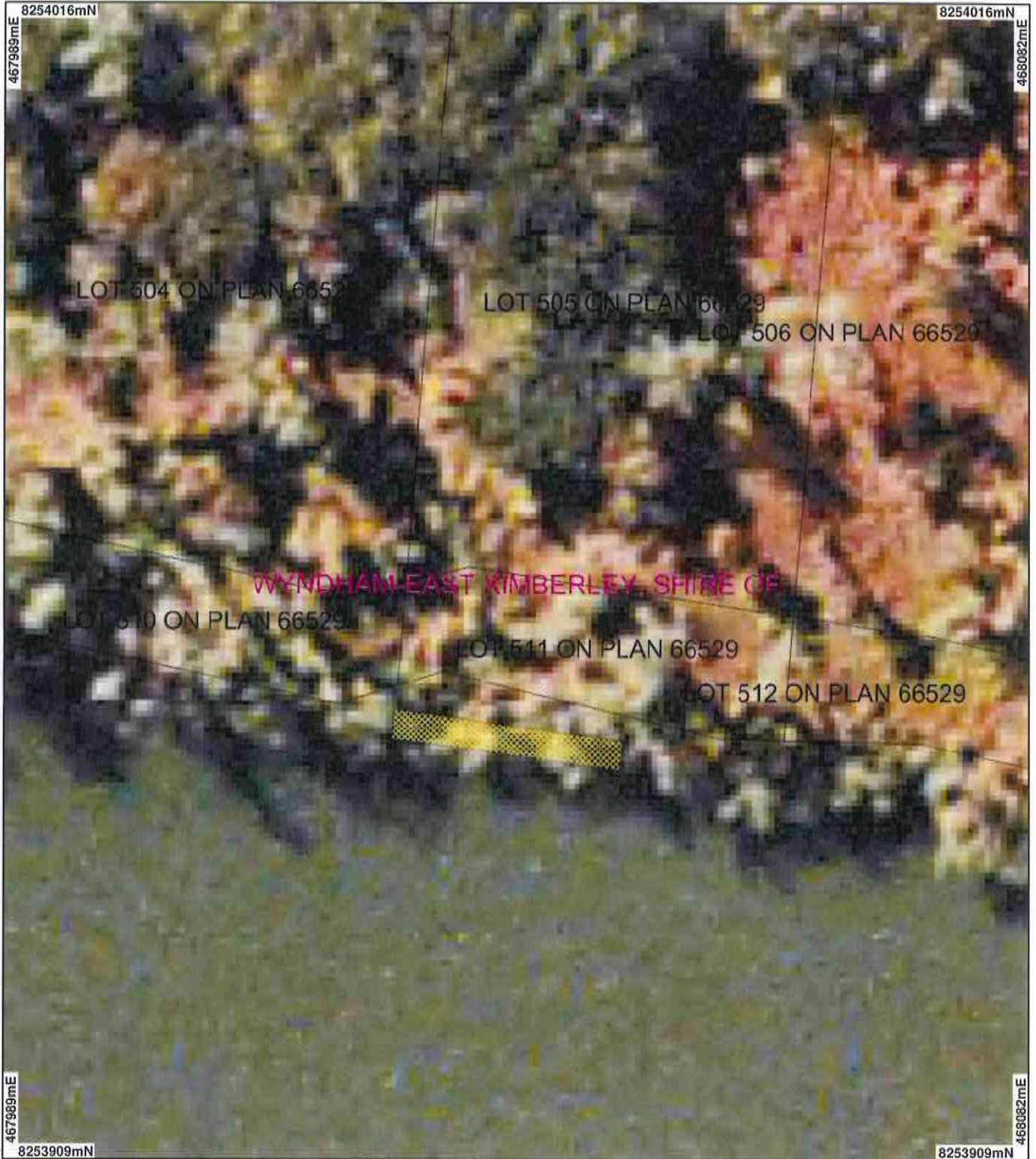


M. Warnock
MANAGER, COMPLIANCE AND AUDIT SECTION
NATIVE VEGETATION CONSERVATION BRANCH

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

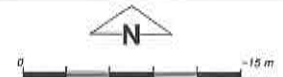
5 April 2012

Plan 4888/1



LEGEND

-  Road Centrelines
-  Cadastral
-  Clearing Instruments
-  Areas Approved to Clear
-  Local Government Authorities
-  Kununurra 50cm Orthomosaic - Landgate 2005



Scale 1:500
(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.

M. Warnock Date 5/4/12
M. Warnock

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.: 4888/1
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Kimberley Air Pty Ltd

1.3. Property details

Property: Lake Kununurra PIN: 1318636 (KUNUNURRA 6743)
Local Government Area: Shire of Wyndham – East Kimberley
Colloquial name: Lake Kununurra adjacent to Lot 511 on Deposited Plan 66529

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: GRANT
Decision Date: 5 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
Beard Vegetation Association: 901: Grasslands, high grass savanna woodland; stringybark & woollybutt over upland tall grass & curly spinifex (Shepherd, 2009)	The application is to clear up to 0.004 hectare of native vegetation from the margin of Lake Kununurra adjacent to Lot 511 on Deposited Plan 66529, for the purpose of constructing a boat ramp that will provide aircraft access to Lots 505 and 511 on Deposited Plan 66529, Kununurra. The application area is 20 metres long and 2 metres wide. The application area is situated at the water's edge on the north bank of Lake Kununurra, approximately 500 metres east of the Ord River dam wall. The application area and adjacent properties have been impacted by previous clearing activities and the vegetation under application is considered to be in good (Keighery, 1994) condition. The applicant advised that the majority of the vegetation to be removed is <i>Pandanus aquaticus</i> , <i>Nauclea orientalis</i> and <i>Typha domingensis</i> (Kimberley Air, 2012). These are all native species. A permit has previously been granted over the application area for the control of <i>Salvinia molesta</i> weed.	Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994)	Vegetation condition and description was determined through aerial imagery and information provided by the applicant (Kimberley Air, 2012).

3. Assessment of application against clearing principles

Comments

The application is to clear up to 0.004 hectare of native vegetation from the north bank of Lake Kununurra, approximately 500 metres east of the Ord River dam wall.

The vegetation under application may contain suitable habitat for priority 3 flora species *Phragmites karka*, which has been recorded at the water's edge of Lake Kununurra, however considering the small amount of clearing proposed and the amount of similar or better quality native vegetation remaining, the proposed clearing is unlikely to impact upon the conservation status of this taxon.

The local area is well vegetated and the Beard vegetation association mapped over the applied area is well represented, with the Victoria Bonaparte Bioregion retaining approximately 100 per cent (25,415 hectares) of the pre-European extent (Shepherd, 2009). The south bank of Lake Kununurra is protected within the Darram Conservation Park.

The proposed clearing is located at the water's edge of the north bank of Lake Kununurra and includes aquatic species. Therefore the proposed clearing is at variance to Principle (f).

The proposed clearing of native vegetation along the bank of Lake Kununurra may increase erosion of the banks and may be at variance to Principle (g).

The vegetation under application is part of a watercourse and wetland system that is on the DIWA (national) and RAMSAR (international) lists for wetlands of conservation significance, and is an environmentally sensitive area. Clearing of native vegetation and associated soil disturbance poses a high risk of weeds being introduced or spread to the surrounding area. Considering the high conservation value of Lake Kununurra, the proposed clearing may be at variance to Principle (h). Weed management will mitigate this risk.

Clearing of native vegetation along the bank of Lake Kununurra may increase sedimentation within the lake, which may lead to deterioration in surface water quality. Therefore the proposed clearing may be at variance to Principle (i). Conducting clearing only between May to November, outside of the wet season, may mitigate this risk.

Considering the above the clearing as proposed is at variance to Principle (f), may be at variance to Principles (g), (h) and (i) and is not likely to be at variance to the remaining clearing Principles.

Methodology

References:

Shepherd (2009)

GIS Databases:

Clearing Regulations, Environmentally Sensitive Areas - DEC 04/11

DEC Tenure - DEC 06/11

Directory of Important Wetlands in Australia - EA 10/08

Hydrography linear - DOW 07/06

Interim Biogeographic Regionalisation of Australia - EA 10/00

Kununurra 50cm Orthomosaic - Landgate 2005

Pre European Vegetation - DA 01/01

RAMSAR Wetlands - DEC 09/09

SAC Bio Datasets accessed 02/04/12

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

Comments

The Shire of Wyndham - East Kimberley proposed to the applicant that the amount of clearing applied for be reduced from 50m² to 40m² (Shire of Wyndham - East Kimberley, 2012). The amount of clearing applied for is 40m² (0.004 hectares).

The application is to clear a strip of native vegetation 20 metres long by 2 metres wide along the margin of Lake Kununurra adjacent to Lot 511 on Deposited Plan 66529, for the purpose of constructing a boat ramp that will provide aircraft access to Lots 505 and 511 on Deposited Plan 66529, Kununurra. The applicant intends to develop Lot 505 for the operation of a scenic flight tourism and charter business and will use Lot 511 for daily aircraft access to the lake. The Shire of Wyndham - East Kimberley has advised the applicant that Council has moved to grant development approval for Lot 505 and that the lease over the land will need to be signed so work can commence (Shire of Wyndham - East Kimberley, 2012).

The applicant has advised that additional local native trees and shrubs will be planted along the fence lines and on the road side of the block to provide screening from the road. All other areas will be grassed to assist in bank stabilisation and to prevent erosion (Kimberley Air, 2012). The Shire of Wyndham - East Kimberley advised the applicant that it would prefer to have vegetation grown along the banks and requested that, where possible, low vegetation be grown (Shire of Wyndham - East Kimberley, 2012). The Department of Environment and Conservation supports this recommendation.

The Shire advised that the proposed boat ramp will need to be constructed by a professional concreter and that it must be ensured that no concrete escapes into the waterway, including wash down of equipment, and that all excess is removed from site (Shire of Wyndham - East Kimberley, 2012).

The application area is within the boundaries of the Lake Kununurra water feature. This area is zoned Special Foreshore under the town planning scheme. The Department of Regional Development and Lands (DRDL) has provided in principle agreement to the proposed clearing of 40m² of native vegetation (DRDL, 2012).

The application area is within proclaimed Rights in Water Irrigation areas for surface water groundwater and

irrigation and therefore the interference with the banks of Lake Kununurra requires a permit from the Department of Water (DoW). The DoW confirmed a Bed and Banks permit has been granted for the area under application and the applicant has provided a copy of this permit (DoW, 2012). If there is a requirement for surface water use on the property, an application should be made to the DoW for a 5C licence to take water (DoW, 2012).

The application area is within the area approved to be cleared by Clearing Permit CPS 1844/1, which was granted to the Shire of Wyndham - East Kimberley in 2007 for the purpose of controlling weed species *Salvinia molesta*.

A clearing permit was also granted to the Shire of Wyndham - East Kimberley over adjacent properties, including Lot 511 and Lot 505, for the purpose of constructing a commercial boating facility. A complaint was received regarding clearing of native vegetation being undertaken outside of the authorised period of the clearing permit (ICMS 15538) and a site inspection was conducted 5 May 2009. No further action was taken and the matter was closed 24 June 2009.

The application area is within the boundaries of the Miriuwung - Gajerrong people's native title claim. By letters dated 28 February 2012 the Miriuwung - Gajerrong people and the Kimberley Land Council were notified of the application and invited to comment. No response has been received.

There are four known Aboriginal Sites of Significance mapped over the area under application. The applicant is advised to liaise with the Department of Indigenous Affairs regarding obligations under the Aboriginal Heritage Act 1972.

Methodology

References:

DEC, 2012
DoW, 2012
DRDL, 2012
Kimberley Air, 2012
Shire of Wyndham - East Kimberley, 2012
GIS Databases:
Cadastre - Landgate 10/12
Native Title Claims - Landgate 12/11
RIWI Act, Areas - DoW 09/07
Town Planning Scheme Zones - MFP 08/98
Aboriginal Sites of Significance - DIA 11/11

4. References

- DEC (2012) Additional information sought for CPS 4888/1. Department of Environment and Conservation, Western Australia. DEC Ref: A483074
- DoW (2012) Rights in Water and Irrigation Act 1914 Advice for CPS 4888/1. Received 21/03/12. Department of Water, Western Australia. DEC Ref: A485680
- DRDL (2012) In principle support for proposed clearing and development of Lot 511. Department of Regional Development and Lands, Western Australia. DEC Ref: A475692
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Kimberley Air (2012) Application to clear native vegetation CPS 4888/1 and supporting information. Kimberley Air Pty Ltd. DEC Ref: A475692
- Shepherd, D.P. (2009) 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.
- Shire of Wyndham - East Kimberley (2012) Advice to applicant regarding proposed clearing and development for Lot 511. Shire of Wyndham - East Kimberley. DEC Ref: A475692; A489579

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	Threatened Ecological Community
WRC	Water and Rivers Commission (now DEC)