



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 5338/1
Permit Holder:	Berkeley River Holdings Pty Ltd
Duration of Permit:	1 March 2013 – 1 March 2018

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 an airstrip.

2. Land on which clearing is to be done

Lot 11 on Deposited Plan 241772 (OOMBULGURRI, 6740)

3. Area of Clearing

The Permit Holder must not clear more than 6 hectares of native vegetation within the area hatched yellow on attached Plan 5338/1.

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:

- avoid the clearing of native vegetation;
- minimise the amount of native vegetation to be cleared; and
- reduce the impact of clearing on any environmental value.

7. Weed control

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*:

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

8. 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 *priority flora* species *Acacia hypermeces*.
- (b) Where *priority flora* are identified in relation to condition 8(a) of this Permit, the Permit Holder shall ensure that:
 - (i) no clearing of identified *priority flora* occurs, unless first approved by the CEO; and
 - (ii) no clearing occurs within 10 metres of identified *priority flora*, unless first approved by the CEO.

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:

- (a) In relation to the clearing of native vegetation authorised under this Permit:
 - (i) the species composition, structure and density of the cleared area;
 - (ii) 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;
 - (iii) the date that the area was cleared; and
 - (iv) the size of the area cleared (in hectares).
- (b) In relation to flora management pursuant to condition 8 of this Permit:
 - (i) the location of each *priority flora* 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 each *priority flora* identified; and
 - (iii) a copy of the botanists flora survey report.

10. 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 9 of this Permit; and
 - (ii) concerning activities done by the Permit Holder under this Permit between 1 January to 31 December of the preceding calendar year.
- (b) If no clearing authorised under this Permit was undertaken between 1 January to 31 December of the preceding calendar year, a written report confirming that no clearing under this permit has been carried out, must be provided to the CEO on or before 30 June of each year.
- (c) Prior to 1 December 2017, 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.

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;

priority flora means those plant taxa described as priority flora classes 1, 2, 3, 4 or 5 in the *Department of Environment and Conservation's Threatened and Priority Flora List for Western Australia* (as amended);

weed/s means any plant -

- (a) that is declared under section 37 of the *Agriculture and Related Resources Protection Act 1976*;
or
- (b) published in the Department of Environment and Conservation Regional Weed Assessments, regardless of ranking; or
- (c) not indigenous to the area concerned.

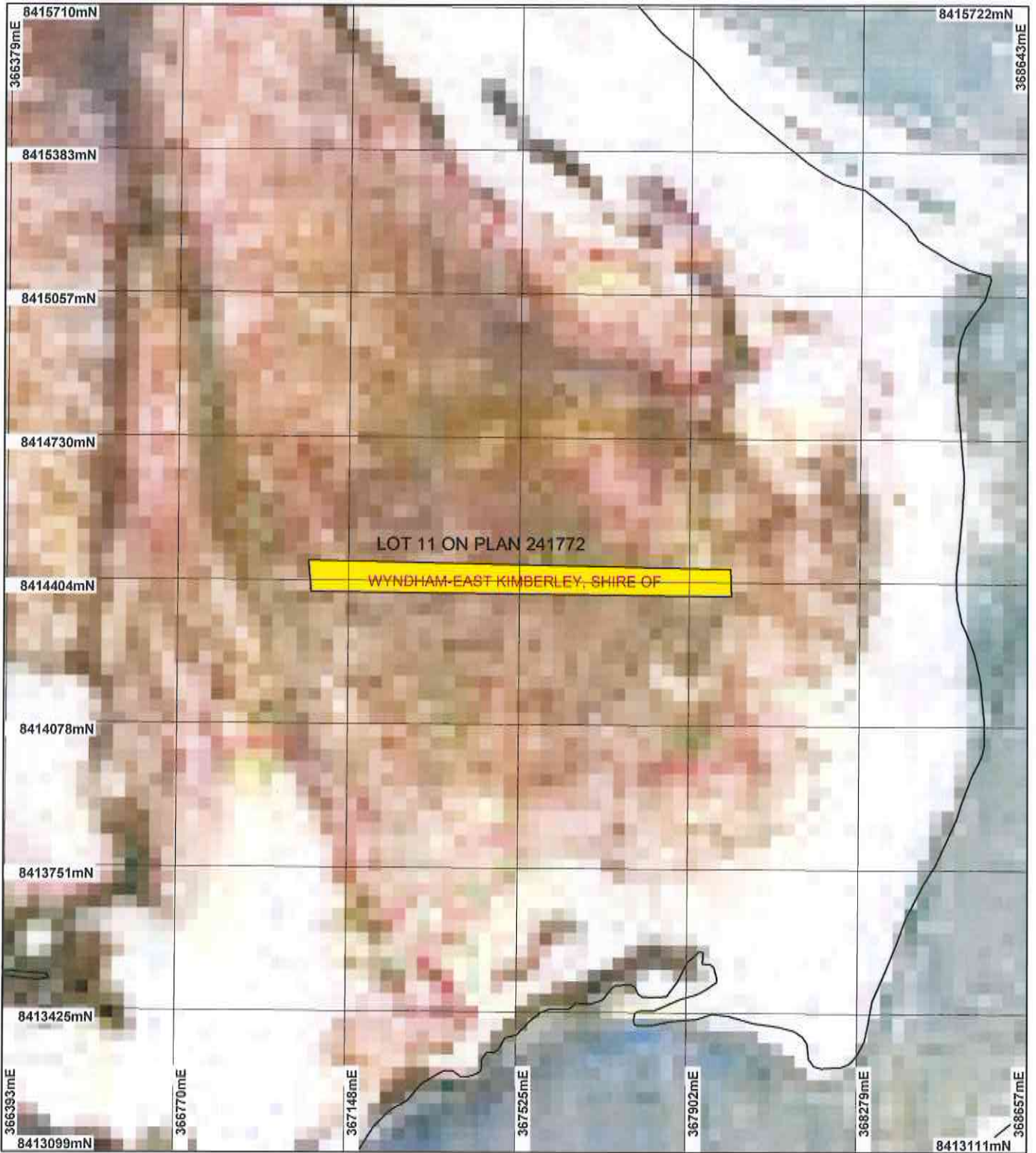


M Warnock
A/MANAGER
NATIVE VEGETATION CONSERVATION BRANCH








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

7 February 2013

Plan 5338/1



LEGEND

-  Road Centrelines
-  Cadastre_1
-  Clearing Instruments
-  Areas Approved to Clear
-  Local Government Authorities
-  Western Australia ETM 25m
-  543 - AGO 2004



Scale 1:12213

(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 7/2/13
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.: 5338/1
Permit type: Area Permit

1.2. Proponent details

Proponent's name: Berkeley River Holdings Pty Ltd

1.3. Property details

Property: LOT 11 ON PLAN 241772 (OOMBULGURRI 6740)
Local Government Area: Shire of Wyndam East Kimberley
Colloquial name:

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 7 February 2013

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
The vegetation under application is mapped as:	The application is for the proposed clearing of 6 hectares within Lot 11 on deposited plan 241772 for the purpose of constructing an airstrip.	Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery 1994)	The vegetation condition and description was determined from photographs supplied by Berkeley River Holdings (2012).
Beard vegetation association 901: Grasslands, high grass savanna woodland; stringybark & woollybutt over upland tall grass & curly spinifex (Shepherd et al. 2001).	The vegetation proposed to be cleared consists of open woodland vegetation in an excellent (Keighery, 1994) condition.		

3. Assessment of application against clearing principles

Comments

The application is to clear up to 6 hectares of native vegetation for the purpose of constructing an airstrip. The vegetation is considered to be in an excellent (Keighery, 1994) condition.

A flora list of the vegetation around the Berkeley River mouth, provided by the applicant, contained a priority one species in the vicinity of the application area. This species is only known from two locations and the application could potentially have a negative impact on this species. Flora management conditions will limit the impact to this species. No other rare or priority flora has been identified within the vicinity of the proposed clearing.

Given that the application area is surrounded by excellent condition (Keighery 1994) vegetation, weed management measures are required to reduce the impact of the proposed clearing, through the spread of weeds, within the surrounding area.

As the clearing consists of six hectares of vegetation, the local area (10 kilometre radius) is highly vegetated (97 per cent) and no conservation areas occur within the local area (10 kilometre radius), it is unlikely for the proposed clearing to contain significant fauna habitat or impact on conservation areas.

No watercourses or wetlands occur within 250 metres of the proposed clearing and therefore it is not considered likely for it to cause or exacerbate flooding or impact on water quality.

The application may be at variance to principle (a) and is not likely to be at variance to the remaining clearing principles.

Methodology References:
- Keighery (1994)

GIS databases:
- Hydrography, linear DOW 13/7/06
- Pre-European vegetation - DA 01/01
- SAC Bio datasets (Accessed Nov 2012)

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

Comments

The clearing of 6 hectares is for the purpose of constructing an airstrip.

The area under application has been leased from the Aboriginal Lands Trust to the Jiamiddie Aboriginal Corporation and sub-leased to Berkeley River Holdings Pty Ltd for the purpose of tourism. Both the lease and sub-lease state that consent from the Aboriginal Lands Trust must be given for substantial improvements on or to the land (lease section 18, sub-lease section 19). The Aboriginal Land Trust has given consent for the resort development in accordance with a site plan (Department of Indigenous Affairs, 2012) and the Department of Indigenous Affairs has stated that approval of the airstrip site plan has been given.

Native Title Notification was sent to the Kimberley Land Council. Although no response was received, the applicant provided a letter from the Council in support of the sub-lease and development of the Berkley River Eco Resort (Kimberley Land Council, 2012).

Two Aboriginal Sites of Significance have been mapped over the application area. The proponent is advised to contact the Department of indigenous Affairs to seek advice on responsibilities under the Aboriginal Heritage Act 1972.

The Shire of Wyndham East Kimberley (2012) advised that they have no concerns with the application and it is also outside the current planning scheme zone.

The property under application is vested for the purpose of use and benefits of Aborigines.

Methodology References
- Department of Indigenous Affairs (2012)
- Kimberley Land Council

GIS databases:
-Town Planning Scheme Zones

4. References

- Berkeley River Holdings (2012) Documentation submitted in support of Clearing Permit Application CPS 5338/1, Reserve 13873, Oombulgurri. Department of Environment and Conservation, Western Australia (DEC Ref. A560220).
- Department of Indigenous Affairs (2012) Tourism Sublease Agreement for reserve 13873, lease 1724663. 18 August 2012.
- 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 Land Council (2012) Letter in support of a sub-lease grant to the Berkley River Eco Resort. Kimberley Land Council. 16 April 2009.
- 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) Response to a request for advice for Clearing Permit Application CPS 5338/1, Reserve 13873, Oombulgurri. 18 December 2012 (DEC Ref. A581024).

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)