



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 5659/1
Permit Holder:	Shire of Derby-West Kimberley
Duration of Permit:	7 September 2013 – 7 September 2018

The Permit Holder is authorised to clear native vegetation subject to the following conditions of this Permit.

1. Purpose for which clearing may be done

Clearing for the purpose of expanding an existing landfill site.

2. Land on which clearing is to be done

Lot 1204 on Deposited Plan 215233 (Reserve 31045), Derby

3. Area of Clearing

The Permit Holder must not clear more than 1.5 hectares of native vegetation within the area hatched yellow on attached Plan 5659/1.

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. Type of clearing authorised

This Permit authorises the Permit Holder to clear native vegetation for the activities described in condition 1 of this Permit to the extent that the Permit Holder has the power to carry out works involving clearing for those activities under the *Local Government Act 1995* or any other written law.

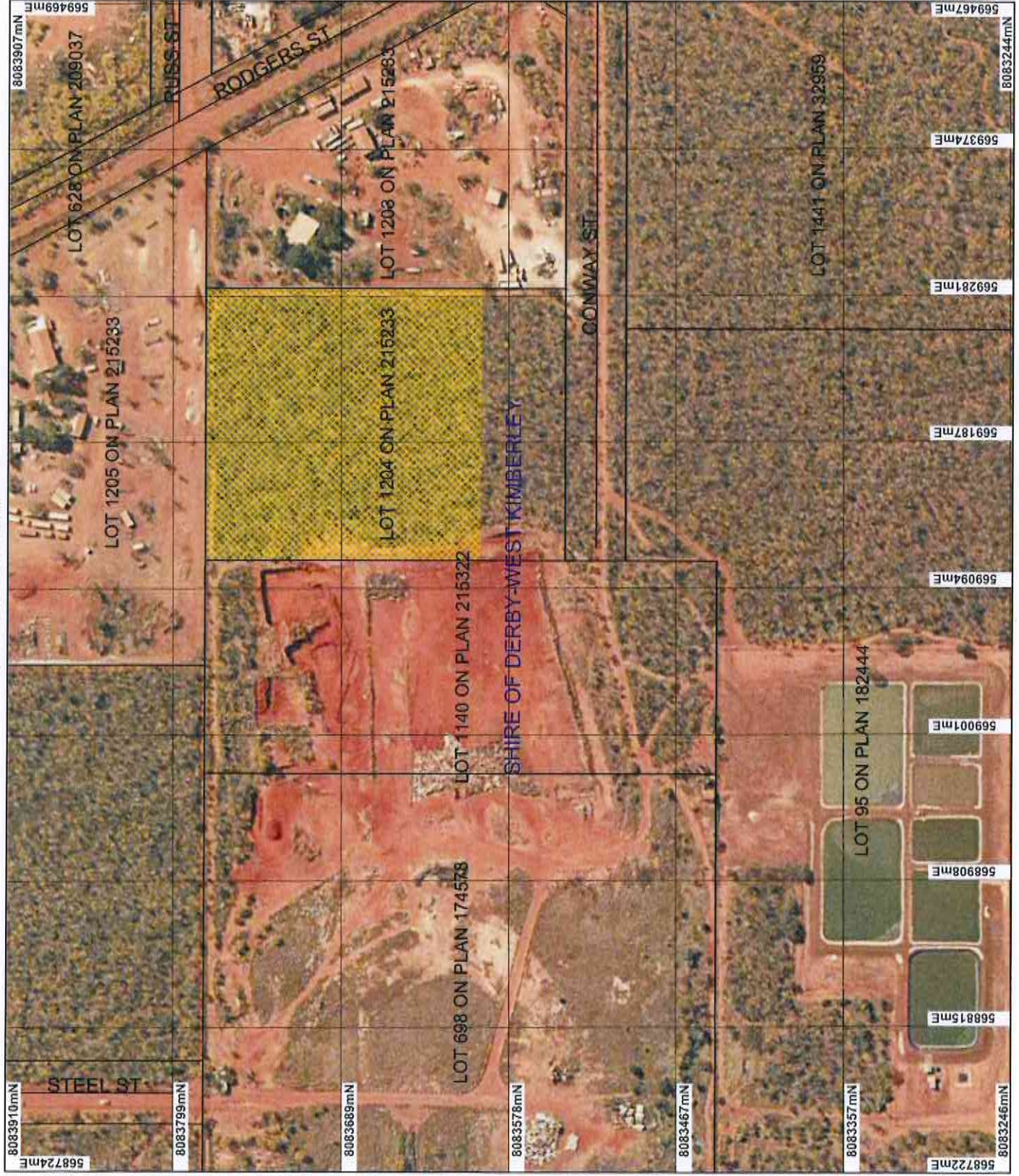
A handwritten signature in black ink, appearing to read "M Warnock", written over a horizontal line.

M Warnock
MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

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

8 August 2013

Plan 5659/1



LEGEND

- Clearing Instruments
- Areas Approved to Clear
- Cadastral
- Local Government Authorities
- Road Centrelines
- Derby 80cm Orthomosaic - Landgate 2007

* Project Data is denoted by asterisk.
This data has not been quality assured.
Please contact map author for details.



Scale 1:3400
(Approximate when reproduced at A4)

Geocentric Datum Australia 1994
Note: the data in this map have not been projected. This may result to geometric distortion or measurement inaccuracies.

M. Wilmot Date 8/8/13
M. Wilmot

Officer with delegated authority under Section 20 of the Environmental Protection Act 1985.

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



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Department of Environment Regulation
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1. Application details

1.1. Permit application details

Permit application No.: 5659/1
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Shire of Derby West Kimberley

1.3. Property details

Property: LOT 1204 ON PLAN 215233 (House No. 1 CONWAY DERBY 6728)
Local Government Area: Shire of Derby-West Kimberley
Colloquial name: Derby Landfill Expansion

1.4. Application

Clearing Area (hectares)	No. Trees	Method of Clearing	For the purpose of:
1.5		Mechanical Removal	Infrastructure Maintenance

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 8 August

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 area under application has been mapped as the following vegetation type: Beard vegetation association 764: Fitzroy Sandplains - Shrublands, pindan; Acacia eriopoda and A. tumida shrubland with scattered low bloodwood and Eucalyptus setosa over ribbon and curly spinifex (Shepherd et al. 2001).	Derby Landfill Expansion. The application is to clear 1.5 hectares of native vegetation within Lot 1204 on Deposited Plan 215233 (Reserve 31045), Derby, Shire of Derby-West Kimberley for the purpose of expanding an existing landfill site.	Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery 1994); To Completely Degraded: No longer intact; completely/almost completely without native species (Keighery 1994).	Flora within the application area appears to include Acacia spp. (Shire of Derby West Kimberley 2013a). Vegetation description and condition were determined from photographs provided by the applicant (Shire of Derby West Kimberley 2013a) and aerial imagery (Derby 80cm Orthomosaic – Landgate 2007).

3. Assessment of application against clearing principles

Comments

The application is to clear 1.5 hectares of native vegetation for the purpose of expanding an existing landfill site. The adjacent property is currently used for landfill, and the application area has historically been used for landfill. The application area is located on the perimeter of the town of Derby. The vegetation is considered to be in a very good (Keighery 1994) to completely degraded (Keighery 1994) condition. Flora within the application area appears to include Acacia spp. (Shire of Derby West Kimberley 2013a).

There are eight species of priority flora recorded within the local area (30 kilometre radius). One of these species is mapped within the same soil and vegetation types as the application area. The preferred habitat of this species is described as edges of permanent waterholes or in seasonally inundated claypans and depressions (Western Australian Herbarium 2013) which are unlikely to occur within the application area. Given the high percentage of remaining vegetation within the local area, the application is unlikely to significantly decrease the level of biological diversity within these vegetation types.

There are seven fauna species listed as rare or likely to become extinct under the Wildlife Conservation Act 1950 (DEC 2007-) within the local area (30 kilometre radius). The application area does not contain the preferred habitat of six of these species. The application area may contain suitable habitat for the Grey Falcon (*Falco hypoleucos*), which is known to frequent timbered lowland plains, particularly acacia shrublands (Garnett and Crowley 2000). Given the high percentage of native vegetation remaining within the local area, the proposed clearing is unlikely to remove significant habitat for this species.

There are no records of declared rare flora, threatened ecological communities, or conservation areas within the local area (30 kilometre radius). The application area is mapped within the Dampierland IBRA Bioregion, which retains approximately 8 319 872 hectares (99 - 100 percent) of its pre-European extent (Government of

Western Australia 2013). The Shire of Derby-West Kimberley and Beard vegetation association 764 retain similarly high percentages of native vegetation within the Dampierland IBRA Bioregion (98 – 100 percent) (Government of Western Australia 2013).

The application area is located approximately 800 m from coastal tidal flats. The existing landfill site is located between the application area and the coast. There does not appear to be riparian vegetation within the application area. The proposed clearing is therefore unlikely to cause deterioration in the quality of surface water. Given the size of the application area and the high percentage of remaining vegetation within the local area, the proposed clearing is also unlikely to cause deterioration in the quality of groundwater, or to cause or exacerbate land degradation or flooding.

The proposed clearing is not at variance to principles (e) and (h) and is not likely to be at variance to the remaining clearing principles.

Methodology

References:

DEC 2007-

Garnett and Crowley 2000

Government of Western Australia 2013

Keighery 1994

Western Australian Herbarium 2013

GIS databases:

- Cadastre

- DEC Managed Lands

- Derby 80cm Orthomosaic – Landgate 2007

- Hydrography, Linear

- Local Government Authority

- SAC Biodatasets – accessed on 4 July 2013

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

Comments

The application area is within the Derby Groundwater Area covered under the Rights in Water and Irrigation Act 1914.

The applicant has a current licence for prescribed premises under the Environmental Protection Act 1986, expiring 26 October 2016, for a Waste Management Facility which includes the application area (Shire of Derby-West Kimberley 2013b).

The application area is currently zoned as General Industry under the Town Planning Scheme zone. Shire planner from the Shire of Derby-West Kimberley has advised that there is no current action to rezone the application area, as it is considered that the site has non-conforming case rights, due to historical use as a waste management facility.

No public submissions have been received in relation to this application.

Methodology

References:

Shire of Derby-West Kimberley 2013b

GIS databases:

- RIWI Act, Groundwater Areas, Irrigation Districts

4. References

DEC (2007-) NatureMap Species Report, Created by Guest user on 25/06/2013 (A647142).

Garnett, S.T. and Crowley, G.M. (2000) The Action Plan for Australian Birds 2000. Environment Australia, Commonwealth of Australia.

Government of Western Australia. (2013). 2012 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of October 2012. WA Department of Environment and Conservation, Perth.

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., 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 Derby-West Kimberley (2013a) Photos of application area. Received by the Native Vegetation Conservation Branch on 31/07/13 (A655801).

Shire of Derby-West Kimberley (2013b) Licence for prescribed premises under the Environmental Protection Act 1986. Received by the Native Vegetation Conservation Branch on 29/07/13 (A654950).

Western Australian Herbarium (2013) Descriptions by the Western Australian Herbarium, Department of Parks and Wildlife. Available form: <http://florabase.dpaw.wa.gov.au/help/copyright> [accessed on Thursday, 11 July 2013].

5. Glossary

Term	Meaning
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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)