



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 6878/3
File Number: 2011/006912-1
Duration of Permit: From 30 April 2016 to 31 December 2029

PERMIT HOLDER

Shire of Wyndham – East Kimberley

LAND ON WHICH CLEARING IS TO BE DONE

Lot 567 on Deposited Plan 404515, Kununurra

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 13.35 hectares of native vegetation within the area hatched yellow on attached Plan 6878/3.

CONDITIONS

1. Period in which clearing is authorised

The Permit Holder shall not clear any native vegetation after 31 December 2024.

2. Avoid, minimise and reduce the impacts and extent of 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.

3. 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.

4. Flora management

(a) Prior to undertaking any clearing authorised under this Permit, the Permit Holder shall engage a *botanist* to conduct a *targeted flora survey* of the Permit Area for the presence of the following *priority flora*:

- (i) *Heliotropium tachyglossoides*;
- (ii) *Goodenia brachypoda*;
- (iii) *Scleria annularis*; and
- (iv) *Brachychiton tuberculatus*.

(b) Where *priority flora* are identified under condition 4(a) of this Permit, the Permit Holder shall engage a *botanist* to map the *critical habitat* of the identified *priority flora* within the Permit Area.

(c) Prior to undertaking any clearing authorised under this Permit, the Permit Holder shall provide the results of the *targeted flora survey* in a report to the CEO.

- (d) If *priority flora* are identified within the Permit Area, the *targeted flora survey* report must include the following:
- (i) the location of each *priority flora* species identified under condition 4(a) of this permit, either as the location of individual plants, or where this is not practical, the areal extent of the population and an estimate of the number of plants, 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; and
 - (ii) the species name of each *priority flora* species identified under condition 4(a) of this permit; and
 - (iii) the methodology, used to survey the permit area and to establish the *critical habitat* of flora; and
 - (iv) the extent of the *critical habitat* of the identified *priority flora* shown on a map; and
 - (v) a site description of the *critical habitat* of *priority flora* found.
- (e) Where *priority flora* are identified under condition 4(a) of this Permit, the Permit Holder shall ensure that:
- (i) no clearing of *critical habitat* of the identified *priority flora* occurs, unless first approved by the CEO; and
 - (ii) no clearing of the identified *priority flora* occurs, unless first approved by the CEO.

5. 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 three months following completion of extraction activities *revegetate* and *rehabilitate* the area cross-hatched yellow on attached Plan 6878/3 by:
 - (i) re-shaping the surface of the land so that it is consistent with the surrounding five metres of uncleared land; and
 - (ii) ripping the ground on the contour to remove soil compaction; and
 - (iii) laying the vegetative material and topsoil retained under condition 5(a) area cross-hatched yellow on attached Plan 6878/3.
- (c) within 18 months of laying the vegetative material and topsoil on the cleared area in accordance with condition 5(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 5(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 5(c)(ii) of this permit, the Permit Holder shall repeat condition 5(c)(i) and 5(c)(ii) within 24 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 5(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 5(c)(ii), the CEO may require the Permit Holder to undertake additional planting and direct seeding in accordance with the requirements under condition 5(c)(ii).

6. Records to 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;
 - (iv) the size of the area cleared (in hectares);
 - (v) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 2 of this Permit;
 - (vi) actions taken to minimise the risk of the introduction and spread of weeds in accordance with condition 3 of this Permit; and
 - (vii) activities in relation to condition 4 of this Permit.
- (b) In relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 5 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.

7. 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 6 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 30 September 2029, the Permit Holder must provide to the CEO a written report of records required under condition 6 of this Permit where these records have not already been provided under condition 7(a) of this Permit.

DEFINITIONS

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

botanist: means a person who holds a tertiary qualification in environmental science or equivalent, and has a minimum of 2 years work experience in identification and surveys of flora native to the bioregion being inspected or surveyed, or who is approved by the CEO as a suitable botanist for the bioregion;

critical habitat: means any part of the Permit Area comprising of the habitat of flora or fauna species and its population, that is critical for the health and long term survival of the flora or fauna species and its population;

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

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 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, or who is approved by the CEO as a suitable environmental specialist.

local provenance means native vegetation seeds and propagating material from natural sources within 50 kilometres and the same Interim Biogeographic Regionalisation for Australia (IBRA) subregion 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;

optimal time means the period from October to December for undertaking *direct seeding*

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, 4 or 5 in the *Department of Biodiversity, Conservation and Attractions's Threatened 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.

targeted flora survey: means a field-based investigation, including a review of established literature, of the biodiversity of flora and vegetation of the Permit Area, focusing on habitat suitable for flora species that are being targeted and carried out during the optimal time to identify those species. Where target flora are identified in the Permit Area, the survey should also include sufficient surrounding areas to place the Permit Area into local context;

weed/s means any plant -

- (a) that is a declared pest under section 22 of the *Biosecurity and Agriculture Management Act 2007*;
or
- (b) published in a Department of Biodiversity, Conservation and Attractions Regional Weed Rankings Summary, regardless of ranking; or
- (c) not indigenous to the area concerned.



Samara Rogers
MANAGER
NATIVE VEGETATION REGULATION

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

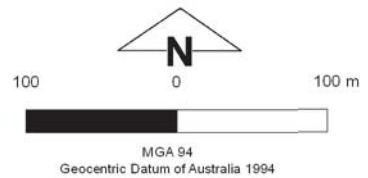
19 December 2018

Plan 6878/3



Legend

-  CPS areas approved to clear
-  Local Government Authorities
-  Cadastre
-  Roads
- Image



Samara Rogers

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



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1. Application details

1.1. Permit application details

Permit application No.: 6878/3
Permit type: Area Permit

1.2. Applicant details

Applicant's name: Shire of Wyndham-East Kimberley
Application to Amend received: 27 November 2018

1.3. Property details

Property: LOT 567 ON PLAN 404515, KUNUNURRA
Colloquial name:
Local Government Authority: WYNDHAM-EAST KIMBERLEY, SHIRE OF
DWER Region: Kimberley

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
13.35		Mechanical Removal	Waste disposal/management

1.5. Decision on application

Decision on Permit Application: Final Amendment
Decision Date: 19 December 2018

Reasons for Decision: The clearing permit amendment application relates to a request to amend Clearing Permit CPS 6878/2 by extending the period within which the authorised clearing can be undertaken to 31 December 2024, and the duration of the permit to 31 December 2029. The amendment application has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986*, and the Delegated Officer has been concluded that the proposed assessment has not changed since the assessment for CPS 6878/2.

The applicant provided the report of a targeted flora survey that has been conducted in accordance with condition 3 of Clearing Permit CPS 6878/1. The report has been reviewed by the Department, and the clearing of identified individuals and critical habitat of *Brachychiton tuberculatus* (Priority 3) within the clearing footprint was approved.

2. Site Information

Clearing Description: The application is for the clearing of 13.35 hectares of native vegetation within Lot 567 on Deposited Plan 404515, Kununurra, for the purpose of extracting subsoil for use as landfill cover material and rehabilitation.

Vegetation Description: The application area is mapped as the following Beard vegetation associations:

- 909, described as grasslands, high grass savanna woodland; bloodwood, stringybark and woollybutt over upland tall grass & curly spinifex on sandplain (Shepherd et al. 2001).
- 59, described as grasslands, high grass savanna sparse tree; bauhinia & coolabah over mitchell, blue & tall upland grasses (Shepherd et al. 2001).

Vegetation Condition: Very Good; Vegetation structure altered; obvious signs of disturbance (Keighery 1994);
to
Degraded; Structure severely disturbed; regeneration to Good condition requires intensive management (Keighery 1994).

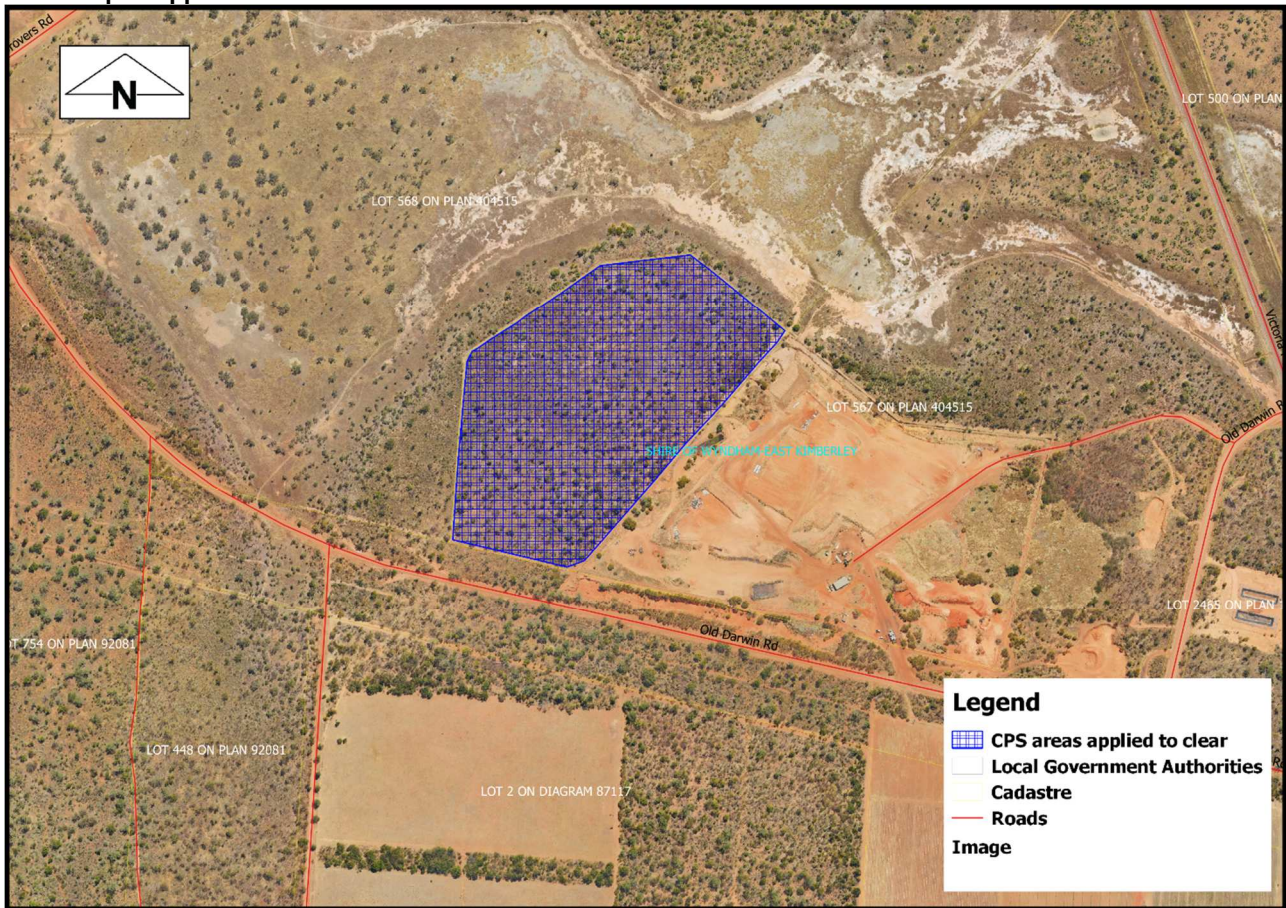
The description and condition of the vegetation was determined based on aerial imagery.

Soil/Landform Type: The application area is mapped as the following soil type:

- B31, described as gently undulating sandy plains with very small areas of low bouldery sandstone hills: chief soils are deep red and yellow siliceous sands (Northcote et al. 1960-68).

Comments: The local area referred to in the assessment of this application is described as a 10 kilometre radius from the perimeter of the application area.

Figure 1: Map of application area



3. Assessment of application against clearing principles

This amendment is to change condition 1 of the permit to extend the period within which the authorised clearing can be undertaken to 31 December 2024, and the duration of the permit to 31 December 2029. The reporting date in condition 6(c) of the permit has also been changed accordingly.

A review of available information found that the assessment against the clearing principles has not changed since the assessment for CPS 6878/1, and can be found in Decision Report for CPS 6878/1.

Planning instruments and other relevant matters.

A review of available information found that the assessment against planning instruments and other relevant matters has not changed since the assessment for CPS 6878/1, and can be found in Decision Report for CPS 6878/1.

The amendment application was advertised on the Department of Water and Environmental Regulation website on 6 December 2018 for seven days. No public submissions have been received in relation to this amendment application.

4. References

- Keighery, B.J. (1994) *Bushland Plant Survey: A Guide to Plant Community Survey for the Community*. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Northcote, K.H. with Beckmann, G.G., Bettenay, E., Churchward, H.M., van Dijk, D.C., Dimmock, G.M., Hubble, G.D., Isbell, R.F., McArthur, W.M., Murtha, G.G., Nicolls, K.D., Paton, T.R., Thompson, C.H., Webb, A.A. and Wright, M.J. (1960-68): 'Atlas of Australian Soils, Sheets 1 to 10, with explanatory data'. CSIRO and Melbourne University Press: Melbourne.
- 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.