



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 7316/1
Permit Holder:	Kimberleyland Holiday Park Pty Ltd
Duration of Permit:	14 January 2017 – 14 January 2022

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 Cumbungi (*Typha domingensis*) removal to allow access of small boats and canoes, maintaining visual aesthetics and mosquito control.

2. Land on which clearing is to be done

Lot 3004 on plan 46759, Kununurra
Water Feature, Kununurra (PIN 1318636)

3. Area of Clearing

The Permit Holder must not clear more than 0.99 hectares of native vegetation within the area cross hatched yellow on attached Plan 7316/1.

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.

MANAGEMENT CONDITIONS

5. 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.

6. 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;
 - (iii) restrict the movement of machines and other vehicles to the limits of the areas to be cleared;

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;

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 Parks and Wildlife Regional Weed Rankings Summary, regardless of ranking; or
- (c) not indigenous to the area concerned.

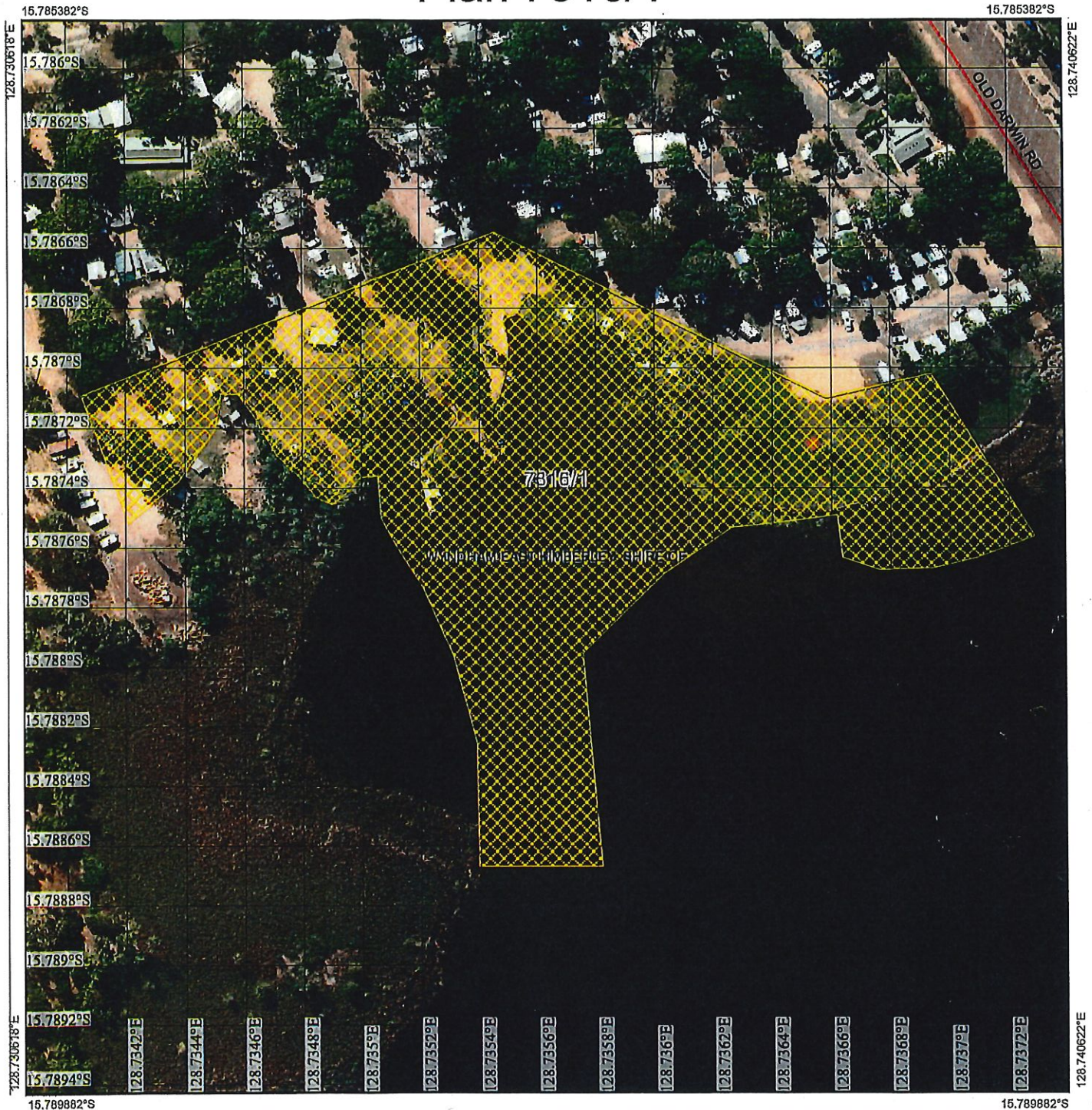


Dr Anne Mathews
SENIOR MANAGER
CLEARING REGULATION






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

15 December 2016

Plan 7316/1



Legend

-  Roads
-  Imagery
-  Clearing Instruments Activities
-  Local Government Authority
-  Cadastre



(Approximate when reproduced at A4)
GDA 94 (Lat/Long)
Geocentric Datum of Australia 1994

Anne Mathews Date *15/12/2016*
ANNE MATHEWS

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.: 7316/1
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Kimberleyland Holiday Park Pty Ltd

1.3. Property details

Property: WATER FEATURE, KUNUNURRA (PIN 1318636)
LOT 3004 ON DEPOSITED PLAN 46759, KUNUNURRA
Colloquial name: Lilly Creek Lagoon
Local Government: WYNDHAM-EAST KIMBERLEY, SHIRE OF
Authority:
DER Region: North West
DPaW District: EAST KIMBERLEY
Localities: KUNUNURRA

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
0.99		Mechanical Removal	Allowing access of small boats and canoes, maintaining visual aesthetics and mosquito control.

1.5. Decision on application

Decision on Permit Application: Grant

Decision Date: 15 December 2016

Reasons for Decision: The clearing permit application received on 11 October 2016 has been assessed against the clearing principles, planning instruments and other matters in accordance with s51O of the *Environmental Protection Act 1986* and it has been concluded that the proposed clearing is at variance to Principle (f), may be at variance to (g) and (i) and may not be at variance to the remaining principles.

The Delegated Officer has determined that the proposal will impact vegetation growing in association with a wetland and may deteriorate surface water quality and result in land degradation.

However, the incorporation of weed management measures and management measures detailed within the Lake Kununurra and Lily Creek Lagoon – Vegetation Management Plan will mitigate potential impacts. The proposed clearing is not likely to be at variance to any of the other clearing principles.

The Delegated Officer determined that the clearing is unlikely to have any significant environmental impacts. State policies and other relevant policies have been taken into consideration in the decision to grant a clearing permit.

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
One Beard vegetation associations is mapped within the application area:	The application is to clear 0.99 hectares of native vegetation within Lot 3004 on Deposited Plan 46759,	Degraded; Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).	The vegetation condition and description was determined via a review of aerial imagery.
Beard vegetation association 59 is described as grasslands, high grass savanna sparse tree;	Kununurra, Shire of Wyndham-East Kimberley, for the purpose of cumbungi (<i>Typha domingensis</i>)		The application area is located within the northern portion of Lilly Creek Lagoon and is managed as per the Lake Kununurra and Lily Creek Lagoon – Vegetation Management Plan (Kimberley TAFE and SWEK, 2008). The

bauhinia & coolabah over mitchell, blue & tall upland grasses (Shepherd et al., 2001).

removal to allow access of small boats and canoes, maintaining visual aesthetics and mosquito control.

management plan aims to control weeds (aquatic, riparian and terrestrial), including the management of cumbungi and other flourishing aquatic plants and protection and rehabilitation of riparian and foreshore vegetation.

The proposed clearing is to remove narrow leafed cumbungi, a rhizomatous, emergent perennial sedge, and native to the Ord River. Damming of the Ord River has resulted in optimum conditions for rapid cumbungi establishment and growth, considered as a nuisance within Lily Creek Lagoon (Kimberley TAFE and Shire of Wyndham – East Kimberley (SWEK), 2008).

The following clearing permits have historically been granted within CPS 7316/1 footprint:

- CPS 1882/1 – Kimberleyland Holiday Park Pty Ltd - granted 19 July 2008 – 19 July 2010 – purpose and area as per CPS 7316/1.
- CPS 4324/1 – Kimberleyland Holiday Park Pty Ltd - granted 12 June 2011 – 2 June 2016 - purpose and area as per CPS 7316/1.

Department of Environment Conservation (DEC) Clearing Regulation officers conducted a site inspection to supplement CPS 4324/1 (DEC, 2011).

- CPS 1913/1 – Shire of Wyndham-East Kimberley – granted 29 June 2008 – 29 June 2013 - within foreshore area of CPS 7316/1 - purpose of maintaining infrastructure and access to Lily Creek Lagoon.
- CPS 2194/1 – Kimberley Environmental Solutions Pty Ltd – granted 15 June 2008 – 15 June 2013 - within foreshore area of CPS 7316/1 - purpose of harvesting aquatic native flora for stockfeed.
- CPS 1844/1 – Shire of Wyndham-East Kimberley – granted 25 June 2007 – 25 June 2012 - covers CPS 7316/1 and expands to the south - purpose of *Salvinia molesta* control.

3. Assessment of application against clearing principles

Comments

The application is to clear 0.99 hectares of native vegetation within Lot 3004 on Deposited Plan 46759, Kunnunurra, Shire of Wyndham-East Kimberley, for the purpose of cumbungi (*Typha domingensis*) removal to allow access of small boats and canoes, maintaining visual aesthetics and mosquito control.

The application area is mapped within the Priority 1 Priority Ecological Community (PEC), Salt Flats Plant Assemblages of the Mortlock River (East Branch). The habitat comprises braided channels, flats, wash-lines and sandy rises stretching along the Mortlock River (East) to eight kilometres west of Tammin. Plant communities comprises mixed shrubs (*Schoitzia capitata*, *Melaleuca aff. uncinata*) over species rich herbs on sandy rises, with *Melaleuca thyoides* on margins, dwarf scrub and species rich herbs on washlines and saline wetlands (Department of Parks and Wildlife (Parks and Wildlife), 2013) As the application is to remove cumbungi, an aquatic weed, from a small portion of Lilly Creek Lagoon, the proposed clearing is not considered to impact significantly upon the mapped PEC or priority listed flora.

Within the local area (surrounding 10 kilometre radius) there are records of 34 conservation significant fauna species (Department of Parks and Wildlife (Parks and Wildlife) 2007-). Given that clearing is limited to aquatic weeds within a small section of the wider Lily Creek Lagoon, clearing is not considered to impact upon fauna habitat.

No declared rare flora or Threatened Ecological Community (TEC) have been mapped within a 10 kilometers radius of the application area. As such the proposed clearing is not considered to impact upon declared rare flora or ecological communities.

The national objectives and targets for biodiversity conservation in Australia has a target to prevent clearance of ecological communities with an extent below 30 per cent of that present pre-1750, below which species loss appears to accelerate exponentially at an ecosystem level (Commonwealth of Australia 2001). The proposed clearing is located within the Victoria Bonaparte Interim Biogeographic Regionalisation of Australia (IBRA) Bioregion, Shire of Wyndham-East Kimberley and is mapped as Beard vegetation association 59. The IBRA Bioregion, Shire and Beard vegetation association all retain greater than 85 per cent of pre-European vegetation (Government of Western Australia, 2015). As such the application area is not considered to provide significant habitat for flora or fauna of conservation significance, and as such is not considered a significant remnant.

Clearing is to occur within the aquatic section of Lily Creek Lagoon and thus will impact upon riparian vegetation. Given the proximity to remnant vegetation in good or better condition, the proposed clearing has the potential to spread weeds. Weed management measures will assist in minimising this potential impact.

The clearing also has the potential to result in land degradation and deterioration of surface water quality via water and wave erosion and increased turbidity.

Lily Creek Lagoon is located within Lake Argyle and Lake Kununurra, which cover over 150,000 hectares (Environment Australia, 2001). These surface water bodies are classified under the Ramsar Convention and listed on the Directory of Important Wetlands in Australia. Given the small size of the application area in comparison, the clearing of up to 0.99 hectares of aquatic vegetation is not likely to impact upon the Ramsar values of the lake system.

The proposed clearing of 0.99 hectares is not likely to influence the incidence or intensity of any flooding.

It has been concluded that the proposed clearing is at variance to Principle (f), may be at variance to (g) and (i) and is not likely to be at variance to the remaining clearing principles.

Methodology

References:

- Commonwealth of Australia (2001)
- Department of Parks and Wildlife (Parks and Wildlife) (2007-)
- Department of Parks and Wildlife (Parks and Wildlife) (2013)
- Environment Australia (2001)
- Government of Western Australia (2015)
- Kimberley TAFE and SWEK (2008)

GIS Databases:

- Hydrography, linear
- RAMSAR, Wetlands
- SAC Bio Datasets (accessed November 2016)
- Parks and Wildlife Tenure
- Pre-European Vegetation

Planning instruments and other relevant matters.

Comments The application was advertised in *The West Australian* newspaper on 7 November 2016 by the Department of Environment Regulation inviting submissions from the public within a 21 day period. No submissions were received in relation to this application.

The Kununurra and Lily Creek Lagoon Vegetation Management Plan recommends a number of measures that will mitigate potential impact, including the removal of cumbangi via mechanical means (aquatic weed harvester or excavator, manual mechanical cutting or machete rafts), limiting clearing to targeted weed species and the replanting of the bank with smaller native sedges (Kimberley TAFE and SWEK, 2008).

A buffer area to protect the remnant vegetation on Reserve 41812 was agreed upon by the Department of Water (DoW), the Shire of Wyndham East Kimberley (SWEK) and Kimberleyland (DOC51984) for the previous permits. This same buffer area on Reserve 41812 should be maintained by the proponent.

The proponent holds a lease over a portion of Reserve 41812 for Kimberleyland Holiday Park with joint lessors DoW and the Shire of Wyndham East Kimberley for the purpose of 'camping, boat launching and mooring and other ancillary uses associated with the operation of a Holiday Park and consistent with the designated purpose for which the Reserve is reserved under s.41 of the *Land Administration Act 1997*'. This lease expired on 31 December 2012 and has since been operating via a monthly tenancy (SWEK and Water and Rivers Commission, 2004).

This lease contains the following condition 3.7 (e):

'Foreshore Vegetation - not to remove any vegetation from the land EXCEPT:

- (i) in accordance with a foreshore management / rehabilitation plan approved by the Lessor;
- (ii) exotic species;
- (iii) in the case of native vegetation, with the prior written consent of the Lessor and all approvals required by Law; and
- (iv) by mechanical means rather than chemical application methods to the extent practicable.

The Lessee must ensure that all areas from which vegetation is removed shall be promptly rehabilitated and revegetated with local, native species in order to minimise soil erosion and run-off (SWEK and Water and Rivers Commission, 2004).'

In 2008, a Protection Buffer area to protect the remnant vegetation on Reserve 41812 was agreed upon by the DoW, the Shire of Wyndham East Kimberley and Kimberleyland Holiday Park (DOC51984) for clearing permit CPS 1882/1. In this area, clearing of vegetation and alteration of bed and banks of the lagoon is prohibited. In addition, a 20 metre section of foreshore was agreed to be maintained for habitat preservation, in line with the SWEK Vegetation Management Plan.

The proposed works requires a Bed and Banks Permit under the *Rights in Water and Irrigation Act 1914* from the DoW. The proponent currently holds this permit which expires 18 September 2019.

Methodology References:
SWEK and Water and Rivers Commission (2004)

4. References

- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- Government of Western Australia (2015) 2016 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of August 2016. WA Department of Parks and Wildlife, Perth.
- Environment Australia (2001) A Directory of Important Wetlands in Australia. Third Edition. Environment Australia, Canberra.
- Department of Parks and Wildlife (Parks and Wildlife) (2013) Priority Ecological Communities for Western Australia Version 19. Species and Communities Branch, Department of Parks and Wildlife. 20 September 2013.
- DEC (2011) Site Inspection Report for Clearing Permit Application CPS 4324/1, Lot 3004 on Deposited Plan 46759, Kununurra. Site inspection undertaken 06/05/2011. Department of Environment and Conservation, Western Australia (TRIM Ref. DOCA395825).
- 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 TAFE and Shire of Wyndham – East Kimberley (SWEK) (2008) Lake Kununurra and Lily Creek lagoon Vegetation Management Plan, January 2008. (DER Ref: A1191186 and A1191187).
- Parks and Wildlife (2007-) NatureMap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife. URL: <http://naturemap.dpaw.wa.gov.au/>. Accessed October 2016
- 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.
- Shire Wyndham-East Kimberley and Water and Rivers Commission (2004) Shire of Wyndham East Kimberley and Waters and Rivers Commission and Kimberleyland Holiday Park Pty Ltd Lease (Portion of reserve No. 41812) Foreshore and Recreation) (DER Ref: A1177135).