



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: CPS 10412/2
File Number: DWERVT14014
Duration of Permit: From 19 April 2024 to 19 April 2027

PERMIT HOLDER

Shire of Broome

LAND ON WHICH CLEARING IS TO BE DONE

Lot 501 on Deposited Plan (PIN 427094), Cable Beach
Plan Fairway Drive and portion of un-made road reserves (PIN 11478829), Cable Beach
Oryx Road and portion of un-made road reserves (PIN 11478830), Bilingurr
Sanctuary Road reserve (PIN 11478832), Cable Beach

AUTHORISED ACTIVITY

The permit holder must not clear more than 15.70 hectares of *native vegetation* within the area cross-hatched yellow in Figure 1 of Schedule 1.

CONDITIONS

1. Avoid, minimise, and reduce impacts and extent of clearing

In determining the *native vegetation* authorised to be cleared under this permit, the permit holder must apply the following principles, set out in descending 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.

2. Weed management

When undertaking any clearing authorised under this permit, the permit holder must take the following measures to minimise the risk of 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 known *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.

3. Directional clearing

The permit holder must:

- (a) conduct clearing authorised under this permit in one direction towards adjacent native vegetation; and
- (b) allow a reasonable time for fauna present within the area being cleared to move into adjacent native vegetation ahead of the clearing activity.

4. Wind erosion management

The permit holder must commence activities related to the purpose of the clearing, no later than three (3) months after undertaking the authorised clearing activities to reduce the potential for wind erosion.

5. Fauna management – time of clearing

The permit holder must restrict clearing activities to day-light hours to avoid the possibility of injury to fauna.

6. Fauna management – pre-clearance surveys

- (a) Within seven (7) days prior to undertaking any clearing authorised under this permit, or as otherwise approved by the *CEO*, the permit holder shall engage a *fauna specialist* to undertake *pre-clearance surveys* within the area cross-hatched yellow in Figure 1 of Schedule 1 for the greater bilby (*Macrotis lagotis*), including the identification and inspection of burrows, and determination of whether burrows are being utilised by greater bilbies.
- (b) Where evidence of recent burrow use by greater bilbies is identified under condition 6(a) of this permit, the permit holder must:
 - (i) engage a *fauna specialist* to flag the location of the burrow(s) showing signs of recent use;
 - (ii) not clear within ten metres of the flagged burrow(s);
 - (iii) engage a *fauna specialist* to monitor with cameras, the flagged burrow(s) for a maximum of five (5) days, or until such time that greater bilbies have been observed to independently move on from the burrow(s); and
 - (iv) immediately prior to clearing, engage a *fauna specialist* to re-inspect any flagged burrow(s) for the presence of greater bilbies.
- (c) If greater bilbies are identified utilising any flagged burrow(s) under condition 6(b)(iv) of this permit and cannot be avoided in accordance with condition 1 of this permit, the permit holder must engage a *fauna specialist* to remove and

relocate the identified greater bilbies to an area of *suitable habitat*, in accordance with a fauna licence pursuant to the *Biodiversity Conservation Regulations 2018*.

- (d) Where active greater bilby burrows are identified under condition 6(a) of this permit, and/or greater bilbies are relocated under condition 6(c) of this permit, the permit holder must include the following in a report submitted to the *CEO* within two (2) months of undertaking any clearing authorised under this permit:
- (i) the location of any active greater bilby burrows identified, using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (GDA2020), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
 - (ii) a description of the camera monitoring measures undertaken under condition 6(b)(iii) of this Permit;
 - (iii) the date and time that greater bilbies were recorded as independently moving from a flagged burrow;
 - (iv) the gender of each greater bilby captured under condition 6(c) of this permit;
 - (v) the location of any greater bilbies captured, using a GPS unit set to GDA 2020, expressing the geographical coordinates in Eastings and Northings or decimal degrees;
 - (vi) the date, time, vegetation type and weather conditions at each location where greater bilbies were captured under condition 6(d)(v) of this permit;
 - (vii) the scientific name and gender of each greater bilby relocated under condition 6(c) of this permit;
 - (viii) the location of any greater bilbies relocated, using a GPS unit set to pGDA 2020, expressing the geographical coordinates in Eastings and Northings or decimal degrees;
 - (ix) the date, time, vegetation type and weather conditions at each location where greater bilbies are relocated under condition 6(c) of this permit;
 - (x) the name of the *fauna specialist* that relocated fauna under condition 6(c) of this permit; and
 - (xi) a copy of the fauna licence authorising the relocation of fauna under condition 6(c) of this permit.

7. Records that must be kept

The permit holder must maintain records relating to the listed relevant matters in accordance with the specifications detailed in Table 1.

Table 1: Records that must be kept

No.	Relevant matter	Specifications
1.	In relation to the authorised clearing activities generally	<p>(a) the species composition, structure, and density of the cleared area;</p> <p>(b) the location where the clearing occurred, recorded using a Global Positioning System</p>

No.	Relevant matter	Specifications
		<p>(GPS) unit set to GDA2020, expressing the geographical coordinates in Eastings and Northings;</p> <p>(c) the date that the area was cleared;</p> <p>(d) the size of the area cleared (in hectares);</p> <p>(e) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 1;</p> <p>(f) actions taken to minimise the risk of the introduction and spread of <i>weeds</i> and <i>dieback</i> in accordance with condition 2;</p> <p>(g) actions taken to implement direction clearing in accordance with condition 3;</p> <p>(h) actions taken to manage the risk of wind erosion in accordance with condition 4;</p> <p>(i) actions taken for fauna management in accordance with condition 5; and</p> <p>(j) a report detailing the date and methods of the <i>pre-clearance survey</i> undertaken in accordance with condition 6.</p>

8. Reporting

The permit holder must provide to the *CEO* the records required under condition 7 of this permit when requested by the *CEO*.

DEFINITIONS

In this permit, the terms in Table 2 have the meanings defined.

Table 2: Definitions

Term	Definition
CEO	Chief Executive Officer of the department responsible for the administration of the clearing provisions under the <i>Environmental Protection Act 1986</i> .
clearing	has the meaning given under section 3(1) of the EP Act.
condition	a condition to which this clearing permit is subject under section 51H of the EP Act.
department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> (WA) and designated as responsible for the administration of the EP Act, which includes Part V Division 3.
EP Act	<i>Environmental Protection Act 1986</i> (WA)
fauna specialist	means a person who holds a tertiary qualification specialising in environmental science or equivalent, and has a minimum of 2 years work experience in fauna identification and surveys of fauna native to the region being inspected or surveyed, or who is approved by the <i>CEO</i> as a suitable fauna specialist for the bioregion, and who holds a valid fauna licence issued under the <i>Biodiversity Conservation Act 2016</i> .
fill	means material used to increase the ground level, or to fill a depression.
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.
native vegetation	has the meaning given under section 3(1) and section 51A of the EP Act.
pre-clearance survey/s	means a search of immediate impact areas prior to clearing to locate fauna. The clearance survey should focus on locating burrows, recent foraging signs, fresh tracks and scats.
suitable habitat	means habitat known to support <i>Macrotis lagotis</i> (greater bilby) within the known current distribution of the species.
weeds	means any plant – <ul style="list-style-type: none"> (a) that is a declared pest under section 22 of the <i>Biosecurity and Agriculture Management Act 2007</i>; or (b) published in a Department of Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking summary, regardless of ranking; or (c) not indigenous to the area concerned.

END OF CONDITIONS

A handwritten signature in black ink, appearing to be 'Mathew Gannaway', written over a horizontal line.

Mathew Gannaway
MANAGER
NATIVE VEGETATION REGULATION

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

7 June 2024

SCHEDULE 1

The boundary of the area authorised to be cleared is shown in the map below (Figure 1).

CPS 10412/2 - Map

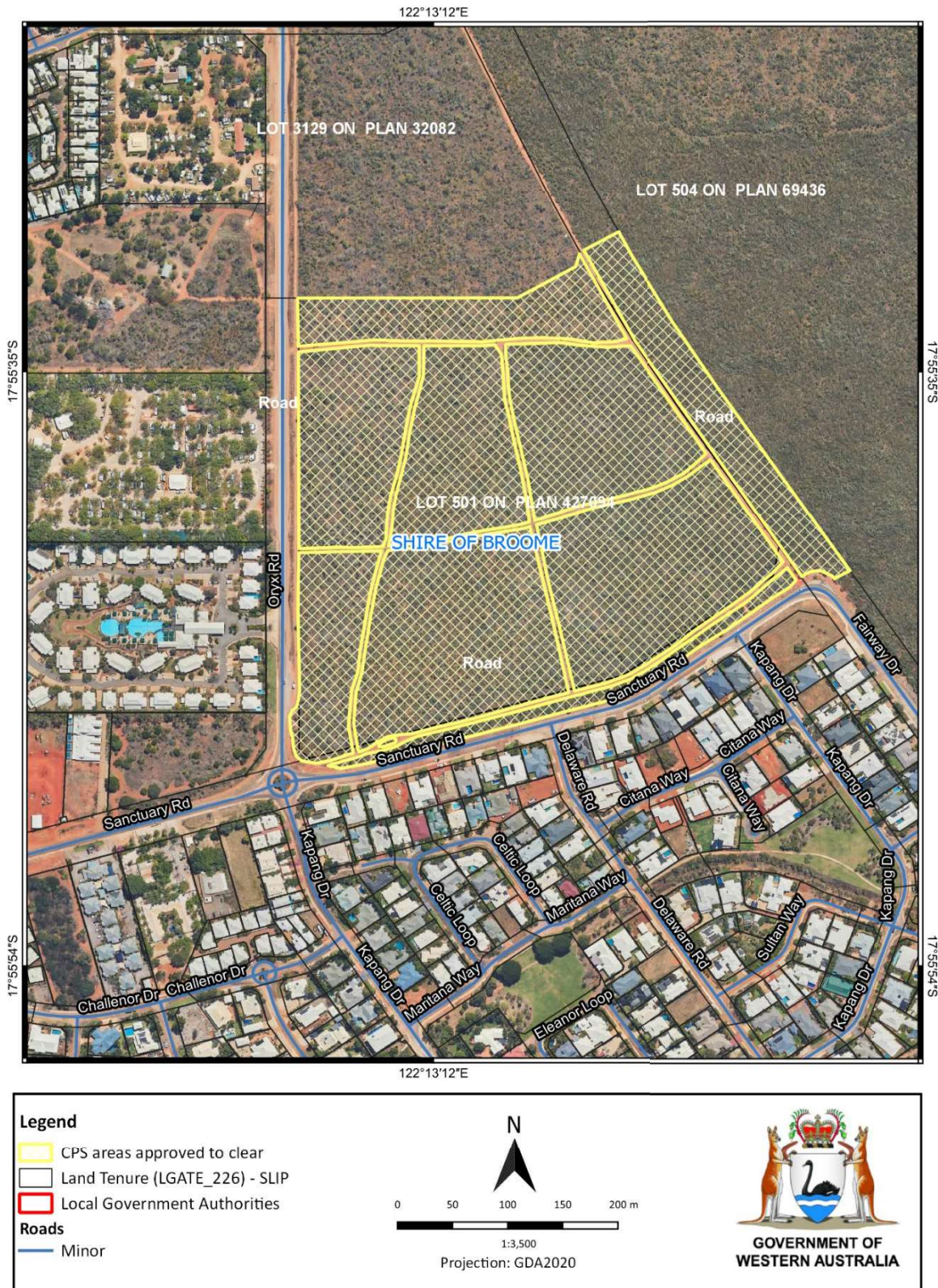


Figure 1: Map of the boundary of the area within which clearing may occur.



Clearing Permit Decision Report

1 Application details and outcome

1.1. Permit application details

Permit number:	CPS 10412/2
Permit type:	Area permit
Applicant name:	Shire of Broome
Application received:	10 May 2024
Application area:	15.70 hectares of native vegetation
Purpose of clearing:	Construction of a caravan park and associated infrastructure
Method of clearing:	Mechanical
Property:	Lot 501 on Deposited Plan 427094 (PIN 427094), Cable Beach Sanctuary Road reserve (PIN 11478832), Cable Beach Oryx Road and portion of un-made road reserves (PIN 11478830), Bilingurr Fairway Drive and portion of un-made road reserves (PIN 11478829), Cable Beach
Location (LGA area/s):	Shire of Broome
Localities (suburb/s):	Cable Beach Bilingurr

1.2. Description of clearing activities

This administrative amendment to CPS 10412/1 is to correct an administrative error in property location in the permit and decision report.

The Shire of Broome is proposing to clear 15.70 hectares of native vegetation distributed across ten separate areas in close proximity in the extensive land use zone of Western Australia. The proposed clearing will facilitate the construction of a caravan park and associated infrastructure.

1.3. Decision on application

Decision:	Granted
Decision date:	7 June 2024
Decision area:	15.70 hectares of native vegetation as depicted in Section 1.5, below.

1.4. Reasons for decision

This administrative amendment was determined in accordance with sections 51K of the *Environmental Protection Act 1986* (EP Act). The amendment relates only to correcting a clerical mistake that referenced an incorrect Lot number.

The delegated officer considered that, given the administrative nature of the proposed amendment relating to Department of Planning, Lands and Heritage (DPLH's) change in land tenure, the remaining conditions under Clearing Permit CPS 10412/1 are unchanged and are sufficient to limit the impacts of the propose clearing. Site maps



Legend

- CPS area approved to clear
- Local Government Authorities

Roads

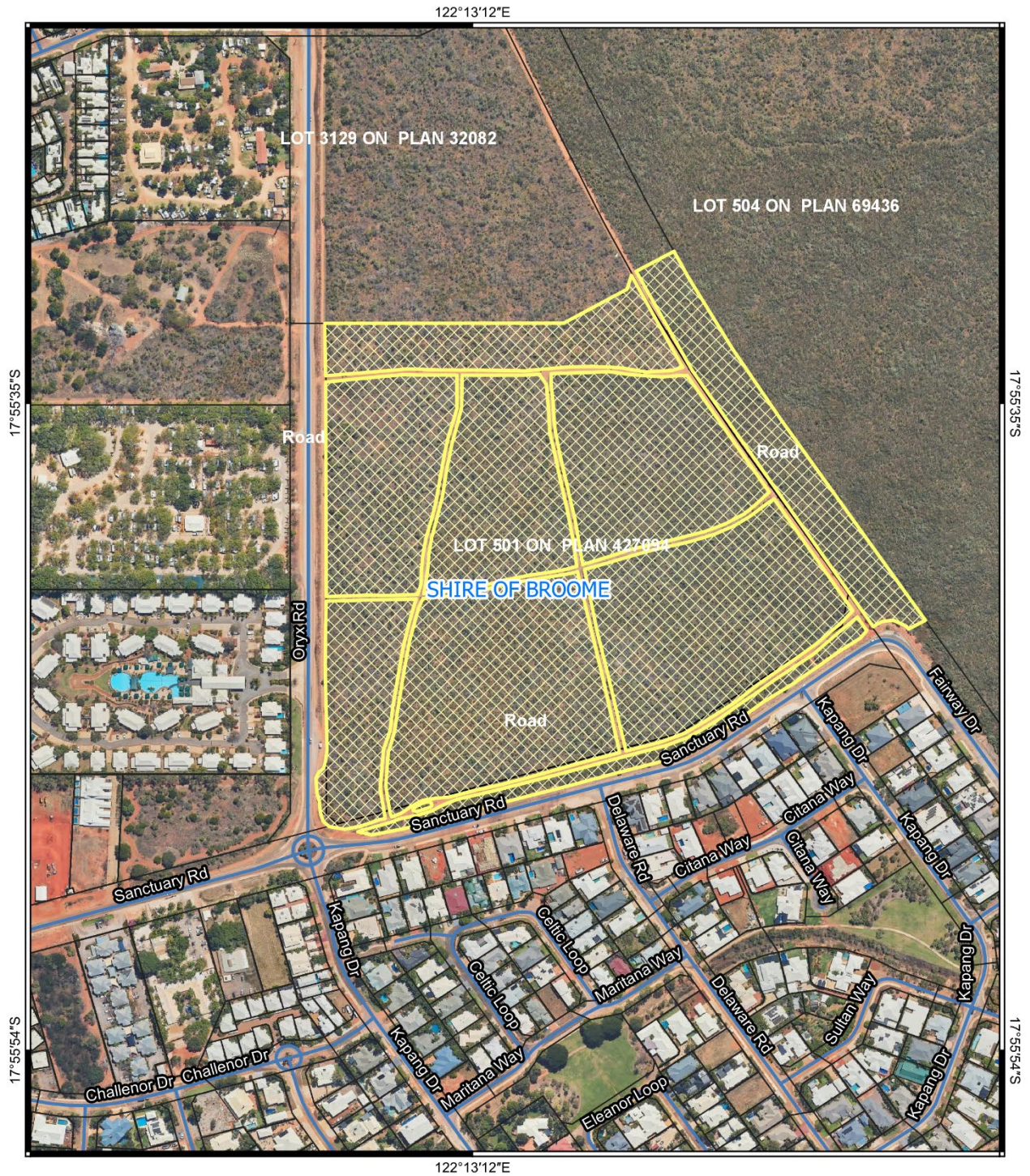
- State Highway
- Main

0 0.5 1 1.5 2 km
1:36,000
Projection: GDA2020

GOVERNMENT OF WESTERN AUSTRALIA

Figure 1: Context map of the application area CPS 10412/2. The area crosshatched yellow indicates the area authorised to be cleared under the granted clearing permit.

CPS 10412/2 - Map



Legend

- CPS areas approved to clear
- Land Tenure (LGATE_226) - SLIP
- Local Government Authorities

Roads

- Minor

0 50 100 150 200 m
1:3,500
Projection: GDA2020

GOVERNMENT OF WESTERN AUSTRALIA

Figure 2: Map of the application area the area crosshatched yellow indicates the area authorised to be cleared under the granted clearing permit.

2 Legislative context

The clearing of native vegetation in Western Australia is regulated under the EP Act and the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* (Clearing Regulations).

In addition to the matters considered in accordance with section 51O of the EP Act (see Section 1.4), the Delegated Officer has also had regard to the objects and principles under section 4A of the EP Act, particularly:

- the precautionary principle
- the principle of intergenerational equity
- the principle of the conservation of biological diversity and ecological integrity.

Other legislation of relevance for this assessment include:

- *Biodiversity Conservation Act 2016* (WA) (BC Act)
- *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act)
- *Planning and Development Act 2005* (WA) (P&D Act)

The key guidance documents which inform this assessment are:

- *A guide to the assessment of applications to clear native vegetation* (DER, December 2013)
- *Procedure: Native vegetation clearing permits* (DWER, October 2019)
- Technical guidance – *Flora and Vegetation Surveys for Environmental Impact Assessment* (EPA, 2016)
- Technical guidance – *Terrestrial Fauna Surveys for Environmental Impact Assessment* (EPA, 2016)

3 Detailed assessment of application

3.1. Avoidance and mitigation measures

As this amendment is administrative in nature and relates to updating Lot details, avoidance and minimisation measures remains unchanged and can be found in the Decision Report prepared for Clearing Permit CPS 10412/1.

3.2. Assessment of impacts on environmental values

This amendment is the result of an administrative error on Clearing Permit CPS 10412/1. The assessment against impacts on environmental values remains unchanged and can be found in the Decision Report prepared for Clearing Permit CPS 10412/1.

3.3. Relevant planning instruments and other matters

The Shire of Broome have consulted with DPLH and have completed the amalgamation process of a portion of Oryx Road. The northern Centre of Oryx Road and portion of un-made road reserves (PIN 11478830). Furthermore, Lot 3130 on Deposited Plan 32082 (Crown Reserve 51028) no longer exists and has become Lot 501 on Deposited Plan 427094.

This change in land tenure from DPLH is what gave rise to the administrative amendment. The assessment against relevant planning instruments and other matters is unchanged and can be found in the Decision Report prepared for Clearing Permit CPS 10412/1.

End

References

Department of Water and Environmental Regulation (DWER) (2024) *Purpose permit and decision report: CPS 10412/1*. Available from: <https://ftp.dwer.wa.gov.au/permit/10412/>.

Shire of Broome (2023) *Clearing permit application CPS 10412/1*, received 13 November 2023 (DWER Ref: DWERDT885383).

Shire of Broome (2024) *Supporting information for clearing permit CPS 10412/1*, received 22 March 2024 (DWER Ref: DWERDT925417).