



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 4834/1

File Number: 2012/000334-1

Duration of Permit: From 1 November 2012 to 1 November 2014

PERMIT HOLDER

James Francis Cowdrey

Johanna Elizabeth Cowdrey

James Nathan Cowdrey

LAND ON WHICH CLEARING IS TO BE DONE

Lot 500 on Deposited Plan 56733 (Roebuck 6725)

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 9 hectares of native vegetation within the area cross-hatched yellow on attached Plan 4834/1.

CONDITIONS

1. Type of clearing authorised (staged clearing)

The Permit Holder shall not clear any native vegetation unless actively engaging in horticultural activities within 1 month of the authorised clearing being undertaken.

2. 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 *Tetragonia coronata*;
- b) Where *Tetragonia coronata* is identified in relation to condition 2(a) of this Permit, the Permit Holder shall ensure that:
 - (i) no clearing occurs within 10 metres of *Tetragonia coronata*, unless approved by the CEO; and
 - (ii) no clearing of *Tetragonia coronata* occurs, unless approved by the CEO.

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.

DEFINITIONS

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

botanist means a person with specific training and/or experience in the biology, identification and taxonomy of Western Australian flora;

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;

weeds means a species listed in Appendix 3 of the "Environmental Weed Strategy" published by the Department of Conservation and Land Management (1999), and plants declared under section 37 of the *Agriculture and Related Resources Protection Act 1976*.



Roxane Shadbolt
A/MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

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

1 November 2012

Plan 4834/1



LEGEND

- Road Centrelines
- Cadastre
- Local Government Authorities
- Clearing Instruments**
- Areas Approved to Clear
- Broome 50cm Orthomosaic - Landgate 2007**
- Lake Eria 50cm Orthomosaic - Landgate 2005**

Scale 1:10039
(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.

R. Shadbolt Date 1/11/12
Roxane Shadbolt

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.

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1. Application details

1.1. Permit application details

Permit application No.: 4834/1

Permit type: Area Permit

1.2. Proponent details

Proponent's name: James Francis, Johanna Elizabeth and James Nathan Cowdrey

1.3. Property details

Property: LOT 500 ON PLAN 56733 (Lot No. 500 BROOME ROEBUCK 6725)

Local Government Area: Shire of Broome

Colloquial name:

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
9		Burning	Horticulture
0	0	Mechanical Removal	Horticulture

1.5. Decision on application

Decision on Permit Application: Grant

Decision Date: 1 November 2012

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
Beard Vegetation Association 750: Shrublands, pindan; Acacia tumida shrubland with grey box & cabbage gum medium woodland over ribbon grass & curly spinifex (Shepherd et al, 2001).	This application is to clear up to 9 hectares of native vegetation within Lot 500 on Deposited Plan 56733 for the purpose of establishment of a market garden. The area under application has a very open canopy, largely due to the effects of fire. The vegetation structure is of low open woodland, open heath and grassland (Keighery, 1994). The site appears to be free of invasive weeds. Predominant species include Eucalyptus dampieri, Grevillea pyramidalis, Gyrocarpus americanus, Acacia platycarpa and Sorghum interjectum. Tinospora smilacina was also recorded. Acacia sp. have been heavily impacted by fire with many 'stag horns' present however there are occurrences of regeneration (DEC, 2012).	Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery 1994)	The vegetation description and condition was determined from a Department of Environment and Conservation (DEC) site visit on 13 March 2012.

3. Assessment of application against clearing principles

Comments

This application is to clear up to 9 hectares of native vegetation within Lot 500 on Deposited Plan 56733 for the purpose of establishment of a market garden.

The western section (approximately 2.5ha) of the proposed clearing area is within the mapped 50km buffer zone of the Roebuck Bay Mudflats Threatened Ecological Community (TEC), however the actual mapped boundary of this TEC is approximately 7kms south of the area under application. Given the distance it is unlikely the proposed clearing will impact upon this TEC.

The area applied to be cleared is mapped as Beard Vegetation Association 750, of which approximately 99.8% of its pre-European extent remains (Government of Western Australia, 2011).

The priority flora species *Tetragonia coronata* (Priority 3) has the potential to occur within the application area. This species was not recorded during a DEC site visit however the area under application was not fully surveyed and it is recommended the area under application is surveyed for this priority species prior to clearing (DEC, 2012).

The overall condition of the vegetation is considered to be very good (Keighery, 1994). Given that there is an extensive range of similar habitat in the local area (10km), the proposed clearing of 9 ha of vegetation is unlikely to have a significant impact on the biodiversity of the area.

The Commissioner of Soil and Land Conservation (2012) has advised the proposed clearing is unlikely to cause land degradation in the forms of water erosion or salinity.

There is some risk of wind erosion if the newly cleared land is not adequately managed (Commissioner of Soil and Land Conservation, 2012). Clearing the proposed 9ha area in stages will assist in the mitigation of this potential impact.

Therefore the proposed clearing may be at variance to Principle (g) for wind erosion and is not likely to be at variance to the remaining clearing principles.

Methodology

References:

Commissioner of Soil and Land Conservation (2012)
DEC (2012)
Keighery (1994)
Shepherd (2009)

GIS databases:

- Broome 50cm Orthomosaic
- Pre European Vegetation
- SAC Biodatasets (accessed 29/2/2012)

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

Comments

A lease over Lot 500 has been issued to James Francis Cowdrey, Johanna Elizabeth Cowdrey and James Nathan Cowdrey.

Planning approval for Lot 500 Broome Road, Skuthorpe was granted subject to conditions, for the purposes of Rural Pursuit and Industry Rural, on 23 March 2012 (Shire of Broome, 2012).

The area under application falls within the Broome Groundwater Area, which is an area proclaimed under the Rights in Water and Irrigation Act 1914.

The Department of Water advised they have provided the applicant with a written expression of undertaking, which expires on 30 June 2012, to grant the following licences for the property once proof of legal access has been provided:

- 26D licence to construct/alter a well for 1 non-artesian well
- 5C licence to take groundwater for 167 399kL per annum for irrigated horticulture and domestic use (DoW, 2012).

The Department of Agriculture and Food WA have advised there is unlikely to be any land degradation issues (Commissioner of Soil and Land Conservation, 2012) although there is some risk of leaching applied Nitrogen fertiliser if fertiliser and irrigation management is poor. However the eutrophication risk is low due to the isolation of the site from any sensitive receiving water bodies (Commissioner of Soil and Land Conservation, 2012).

Given the high fuel load observed during the Department of Environment and Conservation (DEC) site inspection on 13 March 2012, it is recommended that burning for the purposes of clearing only occur soon after the wet season (ie: April- May).

The applicant has advised Native Title on Lot 500 was extinguished around 1999-2000 with the Rubibi Agreement, enabling the horticulture to be expanded. The applicant further advised he is corresponding with the Yawuru Aboriginal Corporation with respect to the DRDL's compulsory condition to agree to "plan to preserve the shelter belt and the identity of established trees to be retained." The Yawuru Community and Yawuru Native Title Holders Aboriginal Corporation have been notified of this application. No submissions have been received.

No known Aboriginal Sites of Significance have been recorded within a 10km radius.

Methodology

References:

Commissioner of Soil and Land Conservation (2012)
DEC (2012)
DOW (2012)
Shire of Broome (2012)

GIS Databases:

- Aboriginal Sites of Significance
- Environmental Impact Assessments
- RIWI, Groundwater Areas

4. References

- Commissioner of Soil and Land Conservation (2012); Land Degradation Advice for clearing permit application CPS 4384/1 received 6/3/2012, Department of Agriculture and Food Western Australia (DEC REF A481311).
- DEC (2012) Site Inspection Report for Clearing Permit Application CPS 4838/1 Lot 500 Broome Rd, Roebuck. Site inspection undertaken 13/03/2012. Department of Environment and Conservation, Western Australia (DEC REF A484231).
- DoW (2012); Advice for clearing permit application CPS 4384/1 received 7/3/2012, Department of Water, Kununurra, Western Australia (DEC REF 481356).
- 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 Broome (2012) Copy of Planning Approval for Lot 500 Broome Road Skuthorpe received 23/3/2012, Shire of Broome, Broome, Western Australia (DEC REF A488808).

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)