



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 5252/1
Permit Holder:	Marphil Holdings Pty Ltd
Duration of Permit:	5 April 2013 to 5 April 2018

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 constructing a warehouse and access track.

2. Land on which clearing is to be done

Lot 587 on Deposited Plan 71791 (Roebuck 6725)

Lot 594 on Deposited Plan 71791 (Roebuck 6725)

Lot 424 on Deposited Plan 218390 (Roebuck 6725)

3. Area of Clearing

The Permit Holder must not clear more than 13.61 hectares of native vegetation within the area hatched yellow on attached Plan 5252/1.

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. Compliance with Assessment Sequence and Management Procedures

Prior to clearing any native vegetation under conditions 1, 2 and 3 of this Permit, the Permit Holder must comply with the Assessment Sequence and the Management Procedures set out in Part II of this Permit.

PART II – ASSESSMENT SEQUENCE AND MANAGEMENT PROCEDURES

6. 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:

- avoid the clearing of native vegetation;
- minimise the amount of native vegetation to be cleared; and
- reduce the impact of clearing on any environmental value.

7. 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*:

- clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- ensure that no *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
- restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

8. Flora management

- (a) Prior to undertaking any clearing authorised under this Permit, the Permit Holder shall engage a *botanist*, in accordance with *Guidance Statement No 51* to inspect that area for the presence of *priority flora*.
- (b) Where *priority flora* are identified in relation to condition 8(a) of this Permit, the Permit Holder shall ensure that:
 - (i) no clearing of identified *priority flora* occurs, unless first approved by the CEO; and
 - (ii) no clearing occurs within 10 metres of identified *priority flora*, unless first approved by the CEO.

PART III - RECORD KEEPING AND REPORTING

9. Records must be kept

In relation to flora management pursuant to condition 8 of this Permit:

- (a) the location of each priority flora species 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;
- (b) the species name of each priority flora identified; and
- (c) a copy of the botanists flora survey report.

10. 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 9 of this Permit; and
 - (ii) concerning activities done by the Permit Holder under this Permit between 1 July to 30 June of the preceding year.
- (b) If no clearing authorised under this Permit was undertaken between 1 July to 30 June of the preceding 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 5 January 2018, the Permit Holder must provide to the CEO a written report of records required under condition 9 of this Permit where these records have not already been provided under condition 10(a) of this Permit.

DEFINITIONS

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

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

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

Guidance Statement No. 51 means the Environmental Protection Authority Guidance Statement No 51, Guidance for the Assessment of Environmental Factors - Terrestrial Flora and Vegetation Surveys for Environmental Impact Assessment in Western Australia (2004);

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;

priority flora means those plant taxa described as priority flora classes 1, 2, 3, 4 or 5 in the *Department of Environment and Conservation's Threatened and Priority Flora List for Western Australia* (as amended);

weed/s means any plant -

- (a) that is declared under section 37 of the *Agriculture and Related Resources Protection Act 1976*;
or
- (b) published in the Department of Environment and Conservation Regional Weed Assessments,
regardless of ranking; or
- (c) not indigenous to the area concerned.

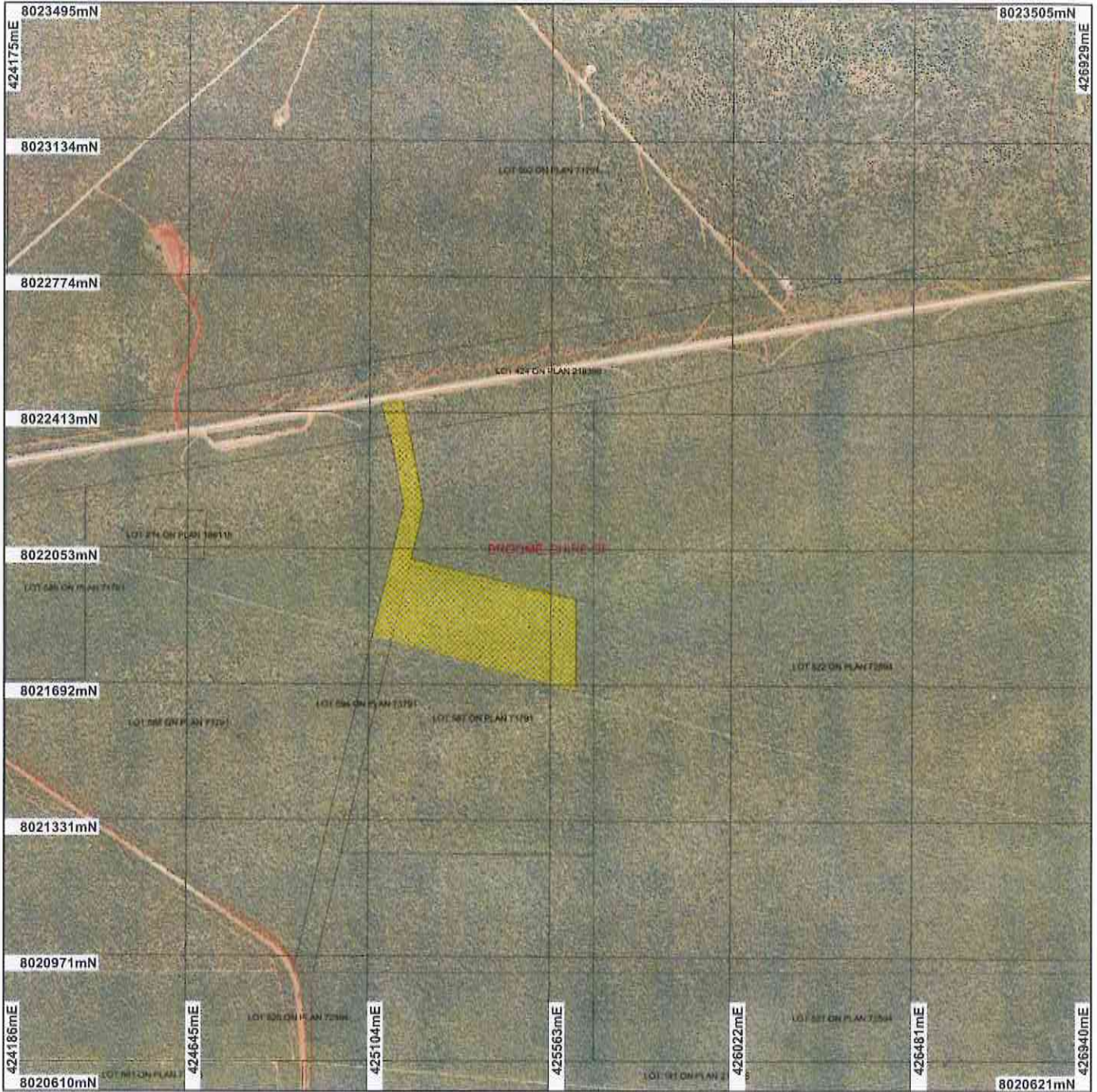
B. Walker

Belinda Walker
A/MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

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

14 March 2013

Plan 5252/1



LEGEND

- Road Centrelines
- Cadastre
- Local Government Authorities
- Clearing Instruments
- Areas Approved to Clear

Broome 50cm Orthomosaic -
Landgate 2007



Scale 1:14531

(Approximate when reproduced at Letter)

Geocentric Datum Australia 1994

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

B. Walker Date 14/3/13
B. Walker

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.: 5252/1
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Marphil Holdings Pty Ltd

1.3. Property details

Property: LOT 587 ON PLAN 71791 (ROEBUCK 6725)
LOT 594 ON PLAN 71791 (ROEBUCK 6725)
LOT 424 ON PLAN 218390 (ROEBUCK 6725)
Local Government Area: Shire of Broome

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
13.61		Mechanical Removal	Industrial

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 14 March 2013

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
Mapped Beard Vegetation Association 750 is described as shrublands, pindan consisting of Acacia tumida shrubland with grey box & cabbage gum medium woodland over ribbon grass & curly spinifex (Shepherd et al, 2001).	This application proposes to clear 13.61 hectares of native vegetation within Lots 587 and 594 on Deposited Plan 71791, and Lot 424 on Plan 218390, Roebuck, for the purpose of constructing a warehouse and access track. The area under application consists of tall open scrub of Eucalyptus/Corymbia sp., Terminalia sp., Bauhinia cunninghamii, and Pouteria sericea. Many dead and burnt Acacia sp. are present, indicating evidence of a fire passing through in the past, however the current vegetation indicates frequent or recent fires are unlikely (DEC, 2012). The middle storey consists predominantly of shrubland of Acacia eriopoda and Acacia coleii. Grevillia species were also recorded. The dominant herb species recorded include Trichodesma zeylanicum, Pterocaulon sp., Solanum Cunninghamii, and Buchnera sp. (DEC, 2012).	Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery 1994)	The vegetation condition was obtained through a site inspection report (DEC, 2012).

3. Assessment of application against clearing principles

(a) Native vegetation should not be cleared if it comprises a high level of biological diversity.

Comments **Proposal may be at variance to this Principle**
This application proposes to clear 13.61 hectares of native vegetation within Lots 587 and 594 on Deposited Plan 71791 and Lot 424 on Plan 218390, Roebuck, for the purpose of constructing a warehouse and an access track from Broome Highway to Lot 587. The vegetation is in a very good (Keighery, 1994) condition (DEC, 2012).

Several Priority flora species have been recorded within the local area (10 kilometre radius), on the same soil and vegetation type as the application area. Given this, the relatively large size of the proposed clearing (13.61 hectares) and that the vegetation under application consists of vegetation in a very good (Keighery 1994) condition (DEC, 2012), the application area may contain suitable habitat for priority flora. Flora management practices will assist in mitigating impacts to priority flora.

No priority ecological communities (PEC) have been mapped in the local area (10 kilometre radius).

The area under application is within an extensively vegetated landscape with approximately 100 per cent of Beard Vegetation Association 750 remaining within the Dampierland Bioregion (Government of Western Australia, 2011).

The vegetation under application includes dense shrubland with the potential to provide habitat for indigenous terrestrial fauna species. Macropod scats and trails and small burrows were observed during a site inspection of the application area (DEC, 2012).

Given that the vegetation under application is in a very good (Keighery, 1994) condition (DEC, 2012), with the potential to contain priority flora, the proposed clearing may be at variance to this Principle.

Methodology References:
-DEC (2012)
-Government of Western Australia (2011)
-Keighery (1994)

GIS Databases:
-SAC Bio Datasets (Accessed October 2012)

(b) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia.

Comments **Proposal is not likely to be at variance to this Principle**
Several fauna species of conservation significance have been recorded within the local area (10 kilometre radius), including *Ardeotis australis* (Australian Bustard), *Burhinus grallarius* (Bush Stone-curlew), *Numenius madagascariensis* (Eastern Curlew), *Falco peregrinus* (Peregrine Falcon), *Merops ornatus* (Rainbow Bee-eater), *Macrotis lagotis* (Bilby) and *Mesembriomys macrurus* (Golden-backed Tree-rat) (DEC, 2007-).

Macropod scats, trails and small burrows were observed during a site inspection of the application area (DEC, 2012), therefore the dense shrubland vegetation under application may provide habitat for small indigenous fauna species.

The fauna habitats within the application area are well represented elsewhere within the local and regional area, with 99 per cent native vegetation remaining in the Shire of Broome (Government of Western Australia, 2011). There is also 99.7 per cent of Beard Vegetation Association 750 within the Dampierland Bioregion, therefore no significant loss of habitat for fauna indigenous to Western Australia is expected.

The proposed clearing is not likely to be at variance to this Principle.

Methodology References:
-DEC (2012)
-DEC (2007)
- Government of Western Australia (2011)

(c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.

Comments **Proposal is not likely to be at variance to this Principle**
One species of rare flora occurs within the outer limit of the local area (10 kilometre radius).

Given the distance of this rare flora to the application area, the proposed clearing is not likely to be at variance to this Principle.

Methodology GIS Databases:
-SAC Bio Datasets (Accessed October 2012)

(d) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community.

Comments **Proposal is not likely to be at variance to this Principle**
The closest threatened ecological community (TEC) to the proposed clearing is associated with Roebuck Bay and occurs over five kilometres south of the application area.

The vegetation under application is not representative of that mapped within this TEC and therefore the proposed clearing is not likely to be at variance to this Principle.

Methodology GIS Databases:
-SAC Bio Datasets (Accessed October 2012)

(e) Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.

Comments Proposal is at variance to this Principle

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).

Beard Vegetation Association 750 retains 99.7 per cent native vegetation within the Dampierland IBRA Region and the Shire of Broome retains 99 per cent of its pre-European vegetation.

The vegetation under application contains vegetation in a very good (Keighery, 1994) condition, with the potential to contain rare and priority flora species, however the vegetation is not within an area that has been extensively cleared.

The proposed clearing is not at variance to this Principle.

	Pre-European Extent (ha)	Current Extent (ha)	Remaining (%)	Extent in DEC Managed Lands (%)
IBRA Bioregion				
Dampierland	8,345,173	8,321,243	99.7	1
Shire				
Broome	5,469,435	5,436,146	99	1
Beard Vegetation Association in Bioregion				
750	1,229,175	1,225,279	99.7	2

Methodology References:
 -Government of Western Australia (2011)
 -Commonwealth of Australia (2001)
 -Keighery (1994)

(f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.

Comments Proposal is not likely to be at variance to this Principle

The closest wetland or watercourse to the application area is a minor non perennial watercourse associated with Roebuck Bay, located 5.2 kilometres south west of the proposed clearing.

Given the distance to these watercourses, the proposed clearing is not likely to be at variance to this Principle.

Methodology GIS Databases:
 -Hydrography, linear
 -Hydrography, hierachy

(g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.

Comments Proposal is not likely to be at variance to this Principle

The area under application is mapped as soil type Ab21, described as Pindan country, consisting of gently undulating sand plains, small rocky sandstone residuals with no external drainage and chief soils of red earthy sands with associated hummocks of siliceous sands (Northcote et al, 1960-1968).

The proposed clearing is likely to cause short term land degradation impacts, largely in the form of small scale wind erosion. However given the highly vegetated surrounds, offsite impacts and soil erosion causing appreciable land degradation is unlikely to be significant.

Given the above, the proposed clearing is not likely to be at variance to this principle.

Methodology References:
 -Northcote (1960-1968)
 GIS Databases:
 -Soils, Statewide

(h) Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.

Comments Proposal is not likely to be at variance to this Principle

The closest conservation reserve to the application area is an un-named nature reserve located 6.8 kilometres east of the application area.

Given the distance to this conservation area the proposed clearing is not likely to be at variance to this Principle.

Methodology GIS Databases:
-DEC Tenure

(i) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.

Comments Proposal is not likely to be at variance to this Principle

The closest wetland to the application area is Roebuck Bay which occurs 5.2 kilometres south west of the application area.

Given the distance to the closest mapped wetland or watercourse, it is unlikely the proposed clearing will cause deterioration in the quality of surface water.

The groundwater salinity within the area under application is less than 500 milligrams per litre. Given the low salinity and that the local area is extensively vegetated, it is not likely for the proposed clearing to increase groundwater salinity.

Given the above, the proposed clearing is not likely to be at variance to this principle.

Methodology GIS Database:
-Groundwater Salinity Statewide
-Hydrography, linear
-Hydrography, hierachy

(j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.

Comments Proposal is not likely to be at variance to this Principle

Flooding is unlikely to be an issue given the topography on site and distance to the closest watercourse or wetland.

Given the above, the proposed clearing is not likely to be at variance to this principle.

Methodology GIS Databases:
-Topographic Contours, Statewide
-Hydrography, linear
-Hydrography, hierachy

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

Comments

The application area falls within a Priority 3 listed Public Drinking Water Source Area. The Department of Water (DoW) have advised that the proposal is not likely to pose a significant threat to water quality, and therefore they have no objection to the proposed clearing (DoW, 2012).

No submissions from the public have been received for the proposed clearing.

The application area is zoned 'Industry' under the town planning scheme.

The applicant has been granted Planning Approval for the proposed warehouse from the Shire of Broome (Shire of Broome, 2013).

Authority to access Lots 587 and 594 on Deposited Plan 71791 has been given by Nyamba Buru Yawuru Ltd and Main Roads Western Australia respectively (Main Roads, 2012a and Nyamba Buru Yawuru, 2012). Main Roads has also provided authority for the applicant to clear within Lot 424 on Deposited Plan 218390 (Main Roads, 2012b).

Methodology References:
-Main Roads (2012a)
-Main Roads (2012b)

- Nyamba Buru Yawuru (2012)
- Shire of Broome (2013)
- DoW (2012)

GIS Databases:

- Town Planning Scheme Zones

4. References

- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- DEC (2007) DEC Fauna Habitat Notes.xls. February 2007. Department of Environment and Conservation, Western Australia.
- DEC (2012) Site Inspection Report for Clearing Permit Application CPS 5252/1. Site inspection undertaken 04/10/2012. Department of Environment and Conservation, Western Australia (DEC Ref A555169).
- Department of Water (2012) Public Drinking Water Source Area Advice for CPS 5252/1. DEC Ref A559542.
- Government of Western Australia (2011); 2011 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). 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.
- Main Roads (2012a) Additional information for CPS 5252/1. Authority to access Lot 587 on Deposited plan 71791. DEC Ref A544049.
- Main Roads (2012b) Additional information for CPS 5252/1. Authority to access Lot 424 on Deposited plan 218390. DEC Ref A559142.
- 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.
- Nyamba Buru Yawuru (2012) Additional information for CPS 5252/1. Authority to access Lot 587 on Deposited plan 71791. DEC Ref A544390.
- 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 (2013) Planning Approval for Hazardous Industry Warehouse and Associated facilities. DEC Ref A609074.

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)