



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 5490/1
Permit Holder:	Shire of Broome
Duration of Permit:	From 3 May 2013 to 3 May 2019

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 geotechnical investigations.

2. Land on which clearing is to be done

Lot 590 on Deposited Plan 71791, WATERBANK (6725)

3. Area of Clearing

The Permit Holder must not clear more than 4.4 hectares of native vegetation within the area shaded yellow on attached Plan 5490/1.

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. Period in which clearing is authorised

The Permit Holder shall not clear any native vegetation after 3 May 2018.

6. Type of clearing authorized

This Permit authorises the Permit Holder to clear native vegetation for the activities described in condition 1 of this Permit to the extent that the Permit Holder has the power to carry out works involving clearing for those activities under the *Local Government Act 1995* or any other written law.

7. 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

8. 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.

9. 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; and
 - (iii) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.
- (b) At least once in each 12 month period for the term of this Permit, the Permit Holder must remove or kill any *weeds* growing within areas cleared under this Permit.

10. 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) At an *optimal time* within 12 months following completion of geotechnical investigations, *revegetate* and *rehabilitate* areas not required for future scheduled and approved development, by:
 - (i) ripping the ground on the contour to remove soil compaction; and
 - (ii) laying the vegetative material and topsoil retained under condition 10(a) on the cleared area(s).

PART III - RECORD KEEPING AND REPORTING

11. Records must be kept

The Permit Holder must maintain the following records for activities done pursuant to this Permit, as relevant:

- (a) In relation to the clearing native vegetation undertaken pursuant to the purpose of clearing:
 - (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;
 - (iii) the date that the area was cleared; and
 - (iv) the size of the area cleared (in hectares).
- (b) In relation to the *revegetation* of areas in pursuant to condition 10:
 - (i) the location of any area revegetated recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings;
 - (ii) A description of the *revegetation* activities undertaken, including a list of species used for the *revegetation*; and
 - (iii) The size of the area *revegetated* (in hectares).

12. 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 11 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 3 Feb 2019 the Permit Holder must provide the CEO a written report of records required under condition 11 of this Permit where these records have not already been provided under condition 12(a) of this Permit.

DEFINITION

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;

local provenance means native vegetation seeds and propagating material from natural sources within 200 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 November 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;

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*;

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;

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.

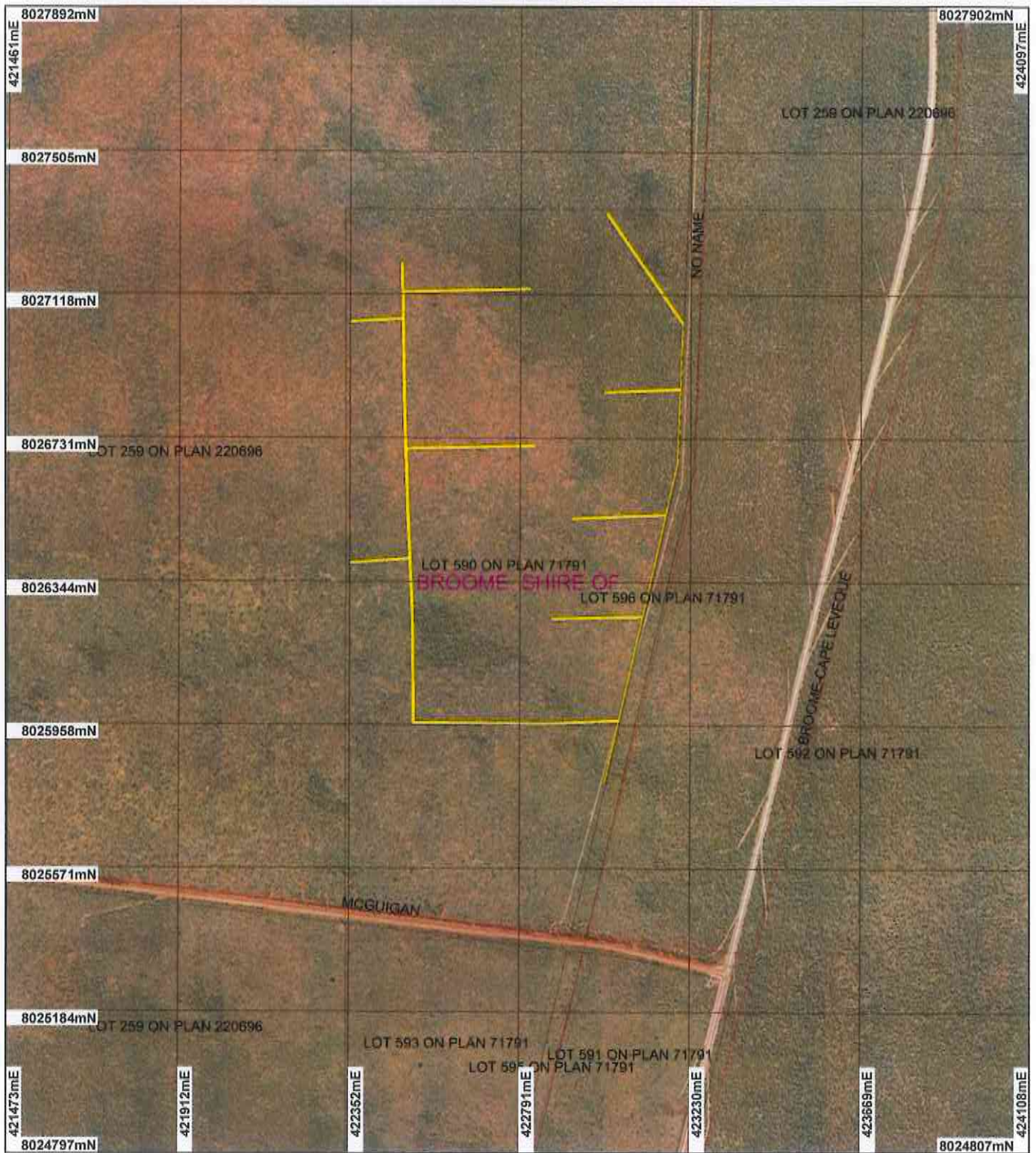


M Warnock
MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

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

11 April 2013

Plan 5490/1



LEGEND

- Cadastre_1
- Road Centrelines
- Clearing Instruments
- Areas Approved to Clear
- Broome 50cm Orthomosaic - Landgate 2007
- Local Government Authorities



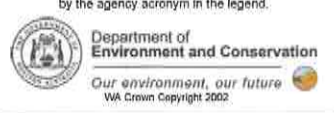
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Geocentric Datum Australia 1994
Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

M Warnock Date 11/14/19
M Warnock

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.





1. Application details

1.1. Permit application details

Permit application No.: 5490/1
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Shire of Broome

1.3. Property details

Property: LOT 590 ON PLAN 71791 (WATERBANK 6725)
Local Government Area: Shire of Broome
Colloquial name: Regional Resource Recovery Park

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
4.4		Mechanical Removal	Geotechnical investigations

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 11 April 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
The vegetation under application is mapped as:	The proposed clearing of 4.4 hectares within Lot 590 is for the purpose of geotechnical investigations for a new Regional Resource Recovery Park.	Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).	The vegetation condition and description was determined from site visit by Department of Environment and Conservation officers on the 28 March 2013 (DEC, 2013).
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).	The Shire of Broome (2013) has advised clearing is required for excavation of 8-10 temporary test pits, drilling of 4 permanent groundwater monitoring bores and 4 temporary soil testing bores (Shire of Broome, 2013). The clearing will be limited to that required to construct tracks to gain access for geotechnical investigation and is expected to be less than 1 hectare (Shire of Broome, 2013). A site visit conducted by the Department of Environment Conservation (DEC) on 28 March 2013 described the vegetation within the clearing under application as predominantly consisting of burnt Acacia species stumps amongst a moderately dense understorey of open grassland (DEC, 2013). The vegetation under application has extensive damage from intense fire, estimated to have occurred within the last two years and retains little middle and upper storey (DEC, 2013). The vegetation is in degraded (Keighery, 1994) condition (DEC, 2013).		

3. Assessment of application against clearing principles

Comments

The application area is 4.4 hectares in size and contains native vegetation in degraded (Keighery, 1994) condition (DEC, 2013).

The local area (10 kilometre radius) is approximately 90 percent vegetated and the mapped Beard 750 (Shepherd et al., 2001) vegetation type is well represented, retaining over 90 percent of the pre-European extent within the Dampierland bioregion (Government of Western Australia, 2011).

A site inspection conducted by the Department of Environment and Conservation (DEC) on 28 March 2013 observed tracks of Australian bustard (*Ardeotis australis*), which is a Priority 4 species (DEC, 2013). Numerous monitor lizard burrows, kangaroo or wallaby scats and tracks and termite mounds were also recorded (DEC, 2013). The bilby (*Macrotis lagotis*) and numerous other fauna of conservation significance have been recorded from the local area, (DEC, 2007-). However, given the availability of suitable habitat in the local area that is likely to be in better condition than the application area, the proposed clearing is unlikely to impact on significant habitat for the bilby, or other fauna indigenous to Western Australia. Revegetation of temporarily

cleared areas will minimise any potential environmental impact.

There are numerous records of flora of conservation significance in the local area. Considering the habitat requirements for these species (Western Australian Herbarium, 1998-), the vegetation under application may support their suitable habitat. However given the degraded (Keighery, 1994) condition of the vegetation, the relatively small amount of clearing (4.4 hectares) proposed and the extent of similar habitat in the surrounding area that is likely to be in better condition, the proposed clearing is unlikely to significantly impact these species.

The application area is approximately 8 kilometres from two threatened ecological communities; being the Roebuck Bay Mudflats and Vine Thickets on coastal sand dune of Dampier Peninsula. Considering DEC's site inspection described the vegetation under application as *Acacia* species amongst open grassland (DEC, 2013), the vegetation under application is unlikely to be representative of these vegetation communities.

The nearest conservation area is a Reserve vested with the Shire of Broome and Yawuru Native Title Holders Aboriginal Corporation, approximately 6 kilometres west of the application area. Considering the small scale of the proposed clearing and distance to conservation areas, the proposed clearing is unlikely to have an appreciable impact to the conservation values of this area.

The vegetation under application is within the Broome Groundwater Area proclaimed under the *Rights in Water and Irrigation Act 1914* and 100 metres west of a Priority 1 Public Drinking Water Source Area. There are no watercourses mapped within or adjacent to the application area and soils are described as red earthy sands (Northcote et al., 1960-1968). Considering the small scale of the proposed clearing, it is unlikely to result in water quality issues, flooding, or appreciable land degradation.

Considering the above, the proposed clearing is not likely to be at variance to the clearing principles.

Methodology

References

- DEC (2012)
- GHD (2010)
- Government of Western Australia (2011)
- Keighery (1994)
- Northcote et al., 1960-1968
- Shepherd (2009)
- Shire of Broome (2013)

GIS databases:

- Broome 50cm Orthomosaic - Landgate 2007
- DEC Managed Lands
- Hydrography, linear
- Pre-European vegetation -
- RIWI Act, Groundwater Areas - DoW 05/03/2013
- SAC Bio datasets (Accessed 05/03/2013)
- Soils, statewide

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

Comments

The clearing of 4.4 hectares is for the purpose of geotechnical investigations for a new Regional Resource Recovery Park. The Shire has advised clearing is required for the excavation of 8-10 temporary test pits, drilling of 4 permanent groundwater monitoring bores and 4 temporary soil testing bores. The applicant has advised that the clearing of the tracks to access these pit or bore sites are not expected to reach over 1 hectare (Shire of Broome, 2013).

The applicant has a licence, pursuant to section 91 of the Land Administration Act 1997, from Department of Regional Development and Lands to access the land (Licence No. Lic 00577-2012_A2572440). Expiry 30 December 2013.

A submission was received in regards to the native title implications of this application, raising concerns about the lack of consultation from the Shire of Broome with the native title holders regarding the proposed development (Submission, 2013).

The application area is within the boundaries of the Yawuru native title claim area. The Department Environment and Conservation (DEC) notified the native title claimants and their representative body of the proposed clearing, pursuant to Section 24MC of the Native Title Act. A response was received from Nyamba Buru Yawuru Ltd, on behalf of the Yawuru native title holders on 26 March 2013. The response expressed concern about the lack of detailed information provided by the Shire of Broome in regards to impacts to Aboriginal heritage, environmental values, Native title and Yawuru Conservation estate. Nyamba Buru Yawuru Ltd requested the impacts to be considered in the conditions of the permit, most importantly that a heritage survey be undertaken and further information regarding environmental impacts be provided to Yawuru prior to any clearing taking place (Nyamba Buru Yawuru Ltd, 2013). The environmental impacts of the proposed clearing have been considered in

the above assessment against the clearing principles. The applicant is advised to liaise with native title holders and their representatives regarding this matter.

The vegetation under application is within the Broome Groundwater Area proclaimed under the *Rights in Water and Irrigation Act 1914* and 100 metres west of a Priority 1 Public Drinking Water Source Area. The Department of Water (DoW, 2013) has advised it has no objections to the proposed clearing for geotechnical investigations and that the applicant is required to apply for a 5C licence to take water if they wish to take groundwater for any purpose. DoW states that a 2D licence is no longer required for the construction or alteration of non-artesian wells that are used solely to monitor water levels and/or water quality under the Rights in Water and Irrigation Exemption (Section 26C) Order 2012, gazetted on 16 March 2012. However, the construction of production bores within proclaimed area, and the construction of artesian wells, remains subject to licensing requirements under the RIWI Act 1914 (DoW, 2013). The DoW has advised Cardno (consultant for the Shire of Broome for the Resource Recovery Centre project) of their water licensing requirements (DoW, 2013).

Lot 590 is zoned for public purposes under the Local Town Planning Scheme.

Methodology

References

- DoW (2013)
- Nyamba Buru Yawuru Ltd (2013)
- Shire of Broome (2013)
- Submission (2013)

GIS databases:

- Native Title Claims
- Public Drinking Water Source Areas (PDWSAs)
- RIWI Act, Groundwater Areas
- Town Planning Scheme Zones

4. References

- DoW (2013) Advice for CPS 5490/1 Clearing Application - 4.4 hectares - Lot 590 on Deposited Plan 71791, Broome. Department of Water, Western Australia. DEC Ref. A609029.
- GDH (2010) LandCorp, Report for Broome Road Industrial Area. Preliminary Environmental Impact Assessment and Biological Survey, August 2010 (DEC Ref: A337395).
- Goolarabooloo Millinbinjarri Aboriginal Corporation (2013) Notification for CPS 5490/1 Clearing Application - 4.4 hectares - Lot 590 on Deposited Plan 71791, Broome. Department of Water, Western Australia. DEC Ref. A604464 and A604465.
- 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.
- Nyamba Buru Yawuru Ltd (2013) Submission for CPS 5490/1 Clearing Application - 4.4 hectares - Lot 590 on Deposited Plan 71791, Broome. Department of Water, Western Australia. DEC Ref. A613766.
- Shepherd, D.P. (2009) Adapted from: 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.
- 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) CPS 5490/1 Application form and supporting documents for clearing application. Lot 590 on Deposited Plan 71791, Broome. DEC Ref. A600111, A601409 and A603218.
- Western Australian Herbarium (1998) FloraBase - The Western Australian Flora. Department of Environment and Conservation. <http://florabase.dec.wa.gov.au/> (Accessed 28/02/2013).

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)