



## CLEARING PERMIT

*Granted under section 51E of the Environmental Protection Act 1986*

### PERMIT DETAILS

Area Permit Number: 6318/1  
File Number: 2011/001173-1  
Duration of Permit: From 14 March 2015 to 30 June 2015

### PERMIT HOLDER

Jamie Peter Burton  
Victoria Jane Burton

### LAND ON WHICH CLEARING IS TO BE DONE

Lot 263 on Deposited Plan 194605, WATERBANK 6725  
Lot 398 on Deposited Plan 194609, WATERBANK 6725

### AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 142.5 hectares of native vegetation within the areas hatched yellow on attached Plan 6318/1.

### CONDITIONS

#### 1. 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 the term of this Permit, the Permit Holder must remove or kill any *weeds* or species permitted for planting under a Pastoral Diversification Permit which are growing within 50 meters of the area hatched yellow on attached Plan 6318/1.

### 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* mean 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; and
- (d) that is a species permitted for planting under a Pastoral Diversification Permit issued by the Department of Regional Development and Lands.



M Warnock  
SENIOR MANAGER  
CLEARING REGULATION

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

12 February 2015

# Plan 6318/1



**LEGEND**

<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Road Centrelines</li> <li><b>Cadastre for labelling</b></li> <li><input type="checkbox"/> Freehold</li> <li><input type="checkbox"/> Crown Reserve</li> <li><input type="checkbox"/> State Forest / Timber Reserve (cont)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Marine Park</li> <li><input type="checkbox"/> Crown Lease</li> <li><input type="checkbox"/> Lease / Reserve</li> <li><input type="checkbox"/> Lease on State Forest / Timber Reserve</li> <li><input type="checkbox"/> Public Roads (cont)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Unallocated Crown Land</li> <li><input type="checkbox"/> Water</li> <li><b>Clearing Instruments</b></li> <li><input checked="" type="checkbox"/> Areas Approved to Clear</li> </ul>
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Lake Eda 50cm Orthomosaic - Landgate 2005

Scale 1:19862  
(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.

*M Warnock* 12/3/15  
Date

M Warnock  
Officer with delegated authority under Section 20 of the Environmental Protection Act 1985

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.

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Department of Environment Regulation  
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\* Project Data. This data has not been quality assured. Please contact map author for details.



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 6318/1  
Permit type: Area Permit

### 1.2. Proponent details

Proponent's name: MR Jamie Burton

### 1.3. Property details

Property: LOT 263 ON PLAN 194605 ( WATERBANK 6725)  
LOT 398 ON PLAN 194609 (Lot No. 398 GREAT NORTHERN WATERBANK 6725)

Local Government Area: Shire of Broome

Colloquial name:

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
142.5		Mechanical Removal	Pastoral Diversification

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 12 February 2015

## 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; Acacia tumida shrubland with grey box & cabbage gum medium woodland over ribbon grass & curly spinifex (Shepherd et al. 2001).	The clearing of 142.5 hectares on Lot 263 on Deposited Plan 194605 and Lot 398 on Deposited Plan 194609 Waterbank is for the purpose of irrigated crops of sorghum and Rhodes grass	Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery 1994)  To  Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994)	The condition of the vegetation was established through a site visit conducted by Department of Environment Regulation officers on 29 January 2015 (DER, 2015).  The application area is largely comprised of open Pindan woodland. Portions of the application area have been heavily disturbed by a recent fire and impacted by significant grazing with few native understorey species (DER, 2015).

## 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 is not likely to be at variance to this Principle

The application to clear is for 142.5 hectares of native vegetation for the purpose of irrigated crops of sorghum and Rhodes grass. The area under application consists of two areas. Area one (approximately 110 hectares) has been previously cleared and consists of Acacia shrubland regrowth in degraded (Keighery 1994) condition (78 hectares) and thin strips of Acacia shrubland that has not been previously cleared but impacted on by weed encroachment in a very good to good (Keighery 1994) condition (32 hectares). Area two consists of one circular area (32.5 hectares) and consists of Acacia woodland on pindan soils in good (Keighery 1994) to degraded condition. Area two has been impacted by heavy grazing by cattle (DER, 2015).

Three records of a priority flora species (P1) has been recorded within a 15 kilometre radius of the application area. This species inhabits sandy pindan country (Western Australian Herbarium, 1998- ) which is consistent with the application area (DER, 2015). This species is known from five locations within a range of 220 kilometres east-west and 225 kilometres north-south. Plants are scattered and uncommon where it has been recorded (Parks and Wildlife 2014a). A targeted flora survey for this species was recommended within the

south western pivot area (area two) which has not been previously cleared (Parks and Wildlife 2014a). A site inspection undertaken by Department of Environment Regulation officers in January 2015 observed that the south western pivot area was in a degraded to good (Keighery 1994) condition and the understorey was impacted by cattle grazing and weeds (DER 2015). In addition, this priority species was not observed within the application area (DER 2015). Therefore, it is not considered likely for the application area to contain priority flora habitat.

The proposed clearing is also not considered likely to impact on significant habitat for local conservation significant fauna species given that the majority of area one has been previously cleared and area two has been impacted by cattle grazing.

The local area (20 kilometre radius) surrounding the application is highly vegetated, retaining approximately 99 percent native vegetation cover.

Given that the application area does not contain significant habitat for conservation significant flora or fauna species and is surrounded by a highly vegetated area which is likely to contain higher biodiversity than the application area, it is not considered likely for the proposed clearing to be at variance to this Principle.

**Methodology**   References  
-DER (2015)  
-Keighery (1994)  
-Parks and Wildlife (2014a)  
GIS Databases  
-SAC Bio datasets (4-11-2014)

**(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**  
The application to clear is for 142.5 hectares of native vegetation for the purpose of irrigated crops of sorghum and Rhodes grass. The area under application consists of two areas. Area one (approximately 110 hectares) has been previously cleared and consists of Acacia shrubland regrowth in degraded (Keighery 1994) condition (78 hectares) and thin strips of Acacia shrubland that has not been previously cleared but impacted on by weed encroachment in a very good (Keighery 1994) condition (32 hectares). Area two consists of one circular area (32.5 hectares) and consists of Acacia woodland on pindan soils in good to degraded (Keighery 1994) condition. Area two has been impacted by heavy grazing by cattle (DER, 2015).

The local area (20 kilometre radius) surrounding the application is highly vegetated, retaining approximately 99 percent native vegetation cover.

*Macrotis lagotis* (bilby), listed as specially protected under the state Wildlife Conservation Act 1950 and vulnerable under the federal Environment Protection and Biodiversity Conservation Act 1999 has been recorded within the local area (20 kilometre radius) (DEC, 2007-). Some of these records have been found as recently as 2012 (Parks and Wildlife 2014b).

A site visit undertaken by Department of Environment Regulation officers in January 2015 did not observe any Bilby burrows within the application area (DER 2015). However, as this species has a large foraging range and is known to move up to five kilometres between burrows on consecutive days, the application area may form foraging habitat for this species (Parks and Wildlife 2014b).

Given that no burrows were observed within the application area and that the majority of area one has been previously cleared, is in a degraded (Keighery 1994) condition and contains isolated strips of very good (Keighery 1994) condition vegetation, it is not considered likely for this portion of the application area to contain significant habitat for the Bilby. In addition, given that area two has been impacted by grazing, it is not considered likely for this portion of the application area to contain significant habitat for the Bilby, particularly considering the surrounding highly vegetated undisturbed landscape.

Other conservation significant fauna have been recorded within the local area (20 kilometre radius) however all of these consist of birds of prey such as *Falco hypoleucos* (grey falcon) (P4), *Falco peregrinus* (peregrine falcon) (Other Specially Protected Fauna) (DEC, 2007-) and wetland bird species associated with the ANCA wetland occurring 3.2 kilometres to the south of the application area. These species are all highly mobile and therefore the application area is not considered to consist of significant habitat for these species.

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

**Methodology**   References  
-DEC (2007-)  
-DER (2015)  
-Keighery (1994)  
-Parks and Wildlife (2014b)  
GIS Databases  
-SAC Bio datasets (4-11-2014)

**(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**

The nearest record of rare flora is over 60 kilometres from the proposed clearing, on a different mapped vegetation and soil type to the application area.

Therefore, the vegetation under application is unlikely to support rare flora and the proposed clearing is not likely to be at variance to this principle.

**Methodology** GIS Databases  
 -SAC Bio Datasets (4-11-2014)  
 -Soils, Statewide  
 - Pre-European Vegetation

**(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**

One threatened ecological community (TEC), Roebuck Bay mudflats (vulnerable) has been recorded within 40 kilometres southwest of the application area. This TEC falls on a different mapped soil and vegetation type to the application area.

As the application area does not occur along the coast, it is not likely to be at variance to this clearing principle.

**Methodology** GIS Databases  
 -SAC Bio Datasets (4-11-2014)  
 -Soils, Statewide  
 -Pre-European Vegetation

**(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 not likely to be at variance to this Principle**

The local area (20 kilometre radius) is approximately 99 percent vegetated. The vegetation has been mapped as Beard vegetation association 750, of which there is approximately 99 percent pre-European extent remaining (Government of Western Australia, 2013).

The application is for 142.5 hectares of native vegetation that may be considered an area of high biodiversity due to its value as habitat for *Macrotis lagotis* (bilby) and potential to contain priority flora.

However, as it does not fall within a highly cleared landscape, the vegetation under application is unlikely to be significant as a remnant of native vegetation and the application is not likely to be at variance to this clearing principle.

	Pre-European (ha)	Current Extent (ha)	Remaining (%)	Extent in Parks and Wildlife Managed Lands (%)
IBRA Bioregion*				
Dampierland	8,345,172	8,321,243	99	1
Shire*				
Shire of Broome	5,469,435	5,436,145	99	1
Beard Vegetation Association in Bioregion*				
750	1,229,182	1,225,280	99	2

**Methodology** References:  
 \*Government of Western Australia (2013)  
 GIS Databases:  
 - Interim Biogeographic Regionalisation of Australia  
 - Pre-European Vegetation  
 - SAC Bio datasets (4-11-2014)

**(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**

A minor non-perennial watercourse occurs 247 meters west of the application area and is separated from the application area by contiguous native vegetation.

The Roebuck Plains System ANCA wetland occurs 3.2 kilometres southeast and an area subject to inundation associated with this wetland occurs 3 kilometres southeast of the application area.

Given the distance to this wetland and watercourse, it is not likely that the application area consists of vegetation growing in association with a watercourse or wetland. Therefore the proposed clearing is not likely to be considered at variance to this principle.

**Methodology** GIS Databases  
-Hydrography, linear  
-ANCA, wetlands  
-Lake Eda 50cm Orthomosaic - Landgate 2005

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

**Comments Proposal may be at variance to this Principle**

The chief soils covering the area under application have been mapped as red earthy sands (Northcote et al. 1960-68). The regional rainfall is mapped as 650 millimetres per annum. There is very little overland flow within the application area given the porous nature of the soils and flat (0.5 percent) topography (DAFWA 2014).

Given the sandy soil present within the application area and the size of the proposed clearing (142.5 hectares over two areas) it is considered likely that wind erosion may occur. Appropriate management strategies such as clearing shortly before planting at the onset of the wet season, using minimum tillage methods and retaining crop stubble of at least 150 millimetre height will minimise the risk of soil erosion (DAFWA 2014).

Therefore, the proposed clearing may be variance to this principle. The applicant has advised that they will plant shortly after clearing and maintain a generous stubble base to protect the soil from wind erosion. If implemented, these management measures will be appropriate to manage the risk of wind erosion.

**Methodology** References  
-DAFWA (2014)  
-Northcote et al. (1960-68)  
GIS Databases  
-Soils, statewide  
-Hydrography, linear

**(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 at variance to this Principle**

There are no mapped conservation areas within the local area (20 kilometre radius).

Therefore, this application is not at variance to this principle.

**Methodology** GIS Databases  
-Parks and Wildlife 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**

A minor non-perennial watercourse occurs 247 meters west and an ANCA wetland (Roebourne Plains System) occurs 3.2 kilometres southeast of the application area. In addition, an area subject to inundation in association with this ANCA wetland occurs 3 kilometres southeast of the application area. These wetlands and watercourse are separated from the proposed clearing area by contiguous native vegetation.

The deep free draining soils within the application area have a low salt store therefore the proposed clearing is not considered likely to cause salinity and affect underground water quality (DAFWA 2014).

There is very little overland flow within the application area given the porous nature of the soils and flat (0.5 percent) topography (DAFWA 2014). Given this, and that the wetlands and watercourse in the nearby area are separated from the proposed clearing by continuous vegetation, it is not considered likely for the clearing to cause deterioration in the quality of surface water.

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

**Methodology**   References  
-DAFWA (2014)  
GIS Databases  
-Hydrography, linear  
-ANCA, wetlands

**(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**

A minor non-perennial watercourse occurs 247 meters west and an ANCA wetland (Roebourne Plains System) occurs 3.2 kilometres southeast of the application area. In addition, an area subject to inundation in association with this ANCA wetland occurs 3 kilometres southeast of the application area. These wetlands and watercourse are separated from the proposed clearing area by contiguous native vegetation.

The regional rainfall is mapped as 650 millimetres per annum. The chief soils covering the area under application have been mapped as red earthy sands (Northcote et al. 1960-68). There is very little overland flow within the application area given the porous nature of the soils and flat (0.5 percent) topography (DAFWA 2014).

Given the sandy soils mapped within the areas under application and the highly vegetated local area (20 kilometre radius) it is not considered likely that the proposed clearing will cause or exacerbate flooding.

**Methodology**   References  
-DAFWA (2014)  
-Northcote et al. (1960-68)  
GIS Databases  
-Hydrography, linear  
-ANCA, wetlands  
-Average Annual Rainfall Isohyets

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

**Comments**

The application to clear is for 142.5 hectares of native vegetation for the purpose of irrigated crops.

A site visit was undertaken by DER on 29 January 2015.

The applicant holds a Pastoral Lease over the area under application which expires on 30 June 2015.

A Diversification Permit under the Land Administration Act 1997 is required in order to undertake the proposed cropping. The grant of a diversification permit, issued by Department of Regional Development and Lands, is pending the decision of this clearing application.

The proposed clearing occurs within a groundwater area proclaimed under the Rights in Water and Irrigation Act 1914 and therefore a water licence is required to extract water for irrigation. The applicant did have a water licence for the application area for irrigation of up to 500 hectares which expired on the 31 December 2012. The applicant has advised that they applied to renew the licence prior to the expiry but this was not possible as their diversification permit area was not correct. The Department of Water (2014) has advised the applicant that once a diversification permit has been received they will issue a water licence for the application area.

There are no Aboriginal Sites of Significance mapped within the application area.

Native title notification of this application was sent to the Kimberley Land Council and Bindunbur Native Title claimants.

A submission has been received from the Yawuru Native Title Holders Aboriginal Corporation RNTBC (Yawuru RNTBC 2014). The Yawuru RNTBC are concerned that the proposed clearing will cause deterioration in the water quality of nearby wetlands and watercourses that flow into Yuwura land to the south and further south near Roebuck Bay which contains significant environmental values such as threatened ecological communities, threatened wetlands and fauna habitat. These concerns have been addressed in the relevant principle above.

The Yawuru RNTBC has requested that a clearing permit should not be granted unless the potential impact of the clearing on the Roebuck Plains inundation area, Roebuck Bay wetlands and Lake Eda has been fully determined and have been found minimal. It is also advised that the Bindunbur native title claimants be properly consulted about the possible heritage impacts (Yawuru RNTBC 2014). It is the applicant's responsibility to ensure that their responsibilities under the Aboriginal Heritage Act 1972 have been fulfilled prior to clearing.



The applicant is planning to cultivate forage sorghum and Rhodes grass which are permitted organisms under section 11 of the Biosecurity and Agriculture Management Act 2007. DAFWA (2014) has advised that the proposed purpose of the clearing (cultivation of irrigated crops) is likely to cause the spread of weeds into neighbouring vegetation as these two species have a moderate and high weed risk rating. DAFWA recommends that the proposed weed monitoring system condition on the proposed diversification permit is supported.

**Methodology**   References:  
-Yuwuru RNTBC (2014)  
-DAFWA (2014)  
-Keighery (1994)  
-Department of Water (2014)  
GIS database:  
- Native Title Claims  
- Aboriginal Sites of Significance

#### 4. References

DAFWA (2014); Land Degradation Advice and Assessment Report for clearing permit application CPS 6318/1 received 24 November 2014; Department of Agriculture and Food Western Australia (DER ref A835160).

DEC (2007 - ) NatureMap: Mapping Western Australia's Biodiversity. Department of Environment and Conservation. URL: <http://naturemap.dec.wa.gov.au/>.

Department of Water (2014) Direct Interest Letter response for CPS 6318/1 - J and V Burton - Lot 263 on Deposited Plan 194605 and Lot 398 on Deposited Plan 194609 Waterbank. DER ref A830251

DER (2015) CPS 6318/1 - J and V Burton - Lot 263 on Deposited Plan 194605 and Lot 398 on Deposited Plan 194609 Waterbank - Site inspection report for clearing application. Department of Environment Regulation. DER ref A863651

DEWHA (2012) Species Profile and Threats Database, *Macrotis lagotis*. <http://www.environment.gov.au/cgi-bin/sprat>. Accessed 13 May 2013. Department of Environment, Water, Heritage and the Arts, Canberra, ACT

Government of Western Australia (2013) 2012 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of October 2012. WA Department of Environment and Conservation, Perth.

Havel, J.J. and Matisse Consulting Pty Ltd (2002) Review of management options for poorly represented vegetation complexes, Conservation Commission.

Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.

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.

Parks and Wildlife (2014a) Flora advice for clearing permit application CPS 6318/1 received 24 November 2014; Department of Parks and Wildlife (DER ref A835140)

Parks and Wildlife (2014b) Fauna advice for clearing permit application CPS 6318/1 received 26 November 2014; Department of Parks and Wildlife (DER ref A836693)

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.

Yuwuru RNTBC (2014) Direct interest submission for clearing permit application CPS 6318/1 received 24 November 2014. Yuwuru Native Title Holders Aboriginal Corporation RNTBC Inc (DER ref A834488)