



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 7342/2
Permit Holder:	Forshaw Pastoral Company Pty Ltd
Duration of Permit:	27 October 2017 – 27 October 2027

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 irrigated agriculture.

2. Land on which clearing is to be done

Lot 502 and Lot 503 on Deposited Plan 418831, Eighty Mile Beach (Nita Downs Station).

3. Area of Clearing

The Permit Holder must not clear more than 200 hectares of *native vegetation* within the areas cross-hatched yellow in Figure 1 of Schedule 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.

PART II – MANAGEMENT CONDITIONS

5. Avoid, minimise and reduce impacts and extent of 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 descending 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.

6. Direction of clearing

The Permit Holder must:

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

7. Soil Erosion Management

The Permit Holder must ensure that the planting of crop species occurs within three months of the authorised clearing being undertaken.

8. Fauna management

- (a) Immediately prior to undertaking any clearing authorised under this Permit, the Permit Holder shall engage a *fauna specialist* to undertake clearance surveys using transects spaced at a maximum 100 metres on average within the areas 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 is identified under condition 8(a) of this Permit, the Permit Holder shall;
 - (i) engage a *fauna specialist* to flag the location of the burrow/s showing signs of recent use;
 - (ii) not clear within five metres of the flagged burrow/s;
 - (iii) engage a *fauna specialist* to monitor with cameras, the flagged burrow/s for a maximum of five 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 8(b)(iv) of this Permit, the Permit Holder shall 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 Section 28 of the *Biodiversity Conservation Regulations 2018*.
- (d) Where active greater bilby burrows are identified under condition 8(a) of this Permit, and/or greater bilbies are relocated under condition 8(c) of this Permit, the Permit Holder shall include the following in a report submitted to the *CEO*:
 - (i) The location of any active greater bilby burrows identified, using a Global Positioning System unit set to Geocentric Datum Australia 1994 or 2020, expressing the coordinates in Eastings and Northings or decimal degrees;
 - (ii) a description of the camera monitoring measures undertaken under condition 8(b)(iii) of this Permit;
 - (iii) the date and time of greater bilbies recorded as independently moving from a flagged burrow;
 - (iv) the gender of each greater bilby captured under condition 8(c) of this Permit;
 - (v) the location of any greater bilbies, as referred to under condition 8(a) of this Permit, captured using a Global Positioning System unit set to Geocentric Datum Australia 1994 or 2020, expressing the coordinates in Eastings and Northings or decimal degrees;
 - (vi) the date, time, vegetation type and weather conditions at each location where greater bilbies are captured under condition 8(d)(v) of this Permit;
 - (vii) the scientific name and gender of each greater bilby relocated under condition 8(c) of this Permit;
 - (viii) the location of any greater bilbies, identified in accordance with condition 8(a) of this Permit, relocated using a Global Positioning System unit set to Geocentric Datum Australia 1994 or 2020, expressing the 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 8(d)(viii) of this Permit;
 - (x) the name of the *fauna specialist* that relocated fauna under condition 8(c) of this Permit; and

- (xi) a copy of the fauna licence authorising the relocation of fauna under condition 8(c) of this Permit.

PART III - RECORD KEEPING AND REPORTING

9. Records must be kept

The Permit Holder must maintain the following 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	<ul style="list-style-type: none"> (a) the species composition, structure, and density of the cleared area; (b) the location where clearing occurred, recorded using a Global Positioning System unit set to Geocentric Datum Australia 1994 or 2020, expressing the coordinates in Eastings and Northings; (c) the date that the area was cleared; (d) the size of the area cleared (in hectares); (e) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 5; (f) actions undertaken in accordance with condition 6; (g) actions undertaken in accordance with condition 7; (h) actions undertaken in accordance with condition 8; (i) a report detailing the date and methods of the clearance survey undertaken in accordance with condition 8.

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 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 5 July 2027, 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

In this permit, the terms in Table 2 below 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 (s) 3(1) of the EP Act.
condition	a condition that this clearing permit is subject to under s.51H of the EP Act.
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 CEO as a suitable fauna specialist for the bioregion, and who holds a valid fauna licence issued under the <i>Biodiversity Conservation Act 2016</i> .
department	means the department established under section 35 of the <i>Public Sector Management Act 1994 (WA)</i> and designated as responsible for the administration of the EP Act, which includes Part V Division 3.
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
native vegetation	has the meaning given under s.3(1) and s.51A of the EP Act.
suitable habitat	means habitat known to support <i>Macrotis lagotis</i> within the known current distribution of the species

END OF CONDITIONS



Meenu Vitarana
MANAGER
NATIVE VEGETATION REGULATION

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

26 October 2022

SCHEDULE 1

The boundary of the areas authorised to be cleared are shown cross-hatched yellow in the map below (Figure 1).

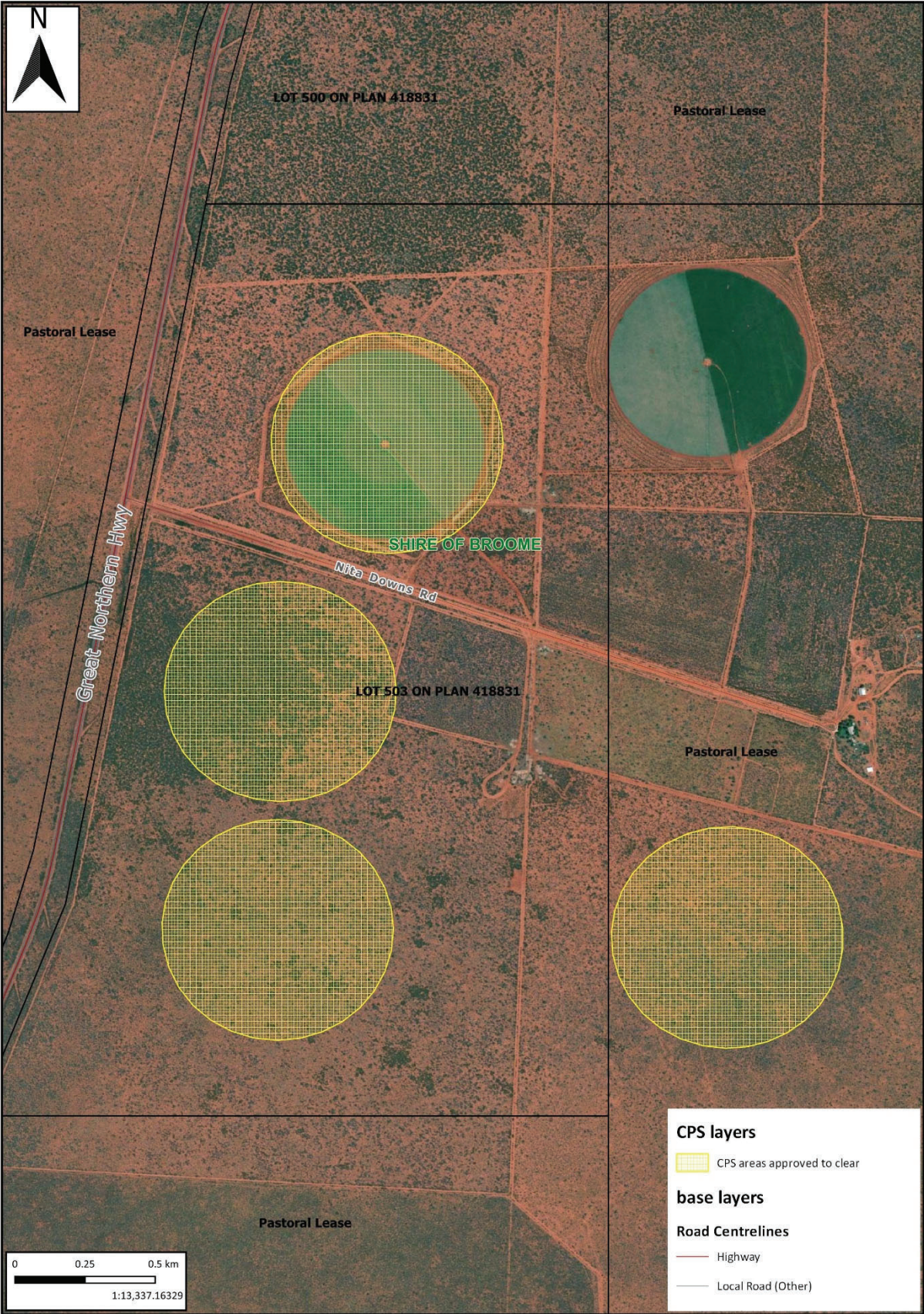


Figure 1: Boundary of the areas (cross-hatched yellow) within which clearing may occur.



Clearing Permit Decision Report

1 Application details and outcome

1.1. Permit application details

Permit number:	CPS 7342/2
Permit type:	Purpose permit
Applicant name:	Forshaw Pastoral Company
Application received:	1 August 2022
Application area:	200 hectares of native vegetation
Purpose of clearing:	Irrigated agriculture
Method of clearing:	Mechanical
Property:	Lot 502 and Lot 503 on Deposited Plan 418831
Location (LGA area/s):	Shire of Broome
Localities (suburb/s):	Eighty Mile Beach (Nita Downs Station)

1.2. Decision on application

Decision:	Granted
Decision date:	26 October 2022
Decision area:	200 hectares of native vegetation

1.3. Reasons for decision

This amendment application was accepted, assessed, and determined in accordance with sections 51E and 51O of the Environmental Protection Act 1986 (EP Act). The Department of Water and Environmental Regulation (DWER) advertised the application for public submissions and no public submissions were received.

On 27 September 2017, Clearing Permit (area permit) CPS 7342/1 was granted to clear up to 200 hectares of native vegetation on Nita Downs Station in the Shire of Broome for the purpose of irrigated agriculture. To date, the entirety of the clearing authorised under CPS 7342/1 has not been undertaken (one 50 hectare pivot has been cleared to date), and the current amendment application is to extend the duration of the clearing permit by five years.

To support CPS 7342/1 the applicant commissioned a targeted flora (Biota Environmental Sciences, 2017) and fauna (Broome Bird Observatory, 2017) survey of the application area. The survey methods were considered adequate to identify potentially occurring conservation significant flora and fauna species.

The flora survey identified two priority flora species within the application area, being *Seringia katatona* and *Phyllanthus eremicus* (Biota Environmental Sciences, 2017). Since the time of survey, both species have been excluded from the priority flora species list maintained by the Department of Biodiversity, Conservation and Attractions (DBCA), as they are more widespread and common than previously thought. The name *Phyllanthus eremicus* is also no longer current and this species is now known as *Lysiandra eremica* (R.L.Barrett & I.Telford) R.W.Bouman.

The fauna survey targeted the greater bilby (*Macrotis lagotis*) and spectacled hare wallaby (*Lagorchestes conspicillatus* subsp. *leichardti*). The fauna survey identified secondary evidence of the greater bilby in the form of an inactive burrow and a scat within the north-western most pivot proposed for clearing (Broome Bird Observatory, 2017). The survey noted that greater bilbies are likely to occur at times within the proposed pivot areas, however were likely to be in low abundance based on the extent of activity identified (Broome Bird Observatory, 2017). DBCA provided advice on the application and concurred with this view (DBCA, 2017a; 2017b).

The fauna survey did not identify spectacled hare-wallaby in the application area (Broome Bird Observatory, 2017). The fauna survey noted that the juvenile spinifex (*Triodia* sp.) within the application area was not of an age to provide quality habitat for this species, and on that basis, it was unlikely to occur on site (Broome Bird Observatory, 2017). While the spinifex is now five years older, it is considered that the risk of impact to this species is minimal, and engagement in slow directional clearing methods would allow this species to move into adjacent vegetation ahead of the clearing activity, if present.

A current desktop assessment of the application area did not identify the presence of any additional conservation listed flora or fauna species within, or nearby, the application area. The night parrot may occur within the local area (50 kilometre radius of the application area), based on recent sightings of this species in the Broome area. This species requires old growth spinifex (*Triodia* sp.) for roosting and nesting. The fauna survey noted that the majority of spinifex within the application area was young due to fire activity (1-3 years old). Therefore, the proposed clearing is not likely to impact on this species.

Similarly, according to current datasets, no threatened or priority ecological communities have been recorded within the application area.

Based on the assessment undertaken for CPS 7342/1, and a review of current environmental information, the Delegated Officer determined that:

- the application area provides suitable habitat for the greater bilby (*Macrotis lagotis*) and spectacled hare-wallaby (*Lagorchestes conspicillatus* subsp. *leichardti*);
- the proposed clearing may result in direct impacts to any greater bilby and/or spectacled hare-wallaby utilising the application area at the time of clearing; and
- the proposed clearing may cause land degradation in the form of wind erosion between clearing and crop establishment.

To minimise impacts to the greater bilby and spectacled hare-wallaby the clearing permit contains conditions requiring:

- pre-clearance surveys to identify greater bilby within the application area, and the relocation of any individuals recorded during pre-clearance surveys;
- slow, progressive one directional clearing to allow the greater bilby and spectacled hare-wallaby to move into adjacent habitat ahead of the clearing activity; and
- the requirement to obtain a fauna licence pursuant to the *Biodiversity Conservation Regulations 2018*.

To minimise the potential for appreciable land degradation, the clearing permit contains conditions requiring the planting of crop species within three months of any clearing being undertaken, to minimise wind erosion.

No additional environmental impacts have been identified during the assessment of this application, therefore the above-mentioned impacts are consistent with those identified with Decision Report CPS 7342/1. Similarly, there are no additional planning or other matters that have arisen since the grant of Clearing Permit CPS 7342/1 that would influence the decision to approve the amendment in this instance.

In determining to grant the amended clearing permit subject to conditions, the Delegated Officer found that the proposed clearing is unlikely to lead to an unacceptable risk to the environment.

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)
- *Conservation and Land Management Act 1984* (WA) (CALM Act)
- *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act)
- *Soil and Land Conservation Act 1945* (WA)

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)

3 Sources of information

GIS databases

Publicly available GIS Databases used (sourced from www.data.wa.gov.au):

- 10 Metre Contours (DPIRD-073)
- Aboriginal Heritage Places (DPLH-001)
- Cadastre (LGATE-218)
- Contours (DPIRD-073)
- DBCA – Lands of Interest (DBCA-012)
- DBCA Legislated Lands and Waters (DBCA-011)
- Directory of Important Wetlands in Australia – Western Australia (DBCA-045)
- Environmentally Sensitive Areas (DWER-046)
- Flood Risk (DPIRD-007)
- Groundwater Salinity Statewide (DWER-026)
- Hydrography – Inland Waters – Waterlines
- Hydrological Zones of Western Australia (DPIRD-069)
- IBRA Vegetation Statistics
- Imagery
- Local Planning Scheme – Zones and Reserves (DPLH-071)
- Native Title (ILUA) (LGATE-067)
- Offsets Register – Offsets (DWER-078)
- Pre-European Vegetation Statistics
- Ramsar Sites (DBCA-010)
- Regional Parks (DBCA-026)
- Remnant Vegetation, All Areas
- RIWI Act, Groundwater Areas (DWER-034)
- RIWI Act, Surface Water Areas and Irrigation Districts (DWER-037)
- Soil Landscape Land Quality – Flood Risk (DPIRD-007)
- Soil Landscape Land Quality – Phosphorus Export Risk (DPIRD-010)
- Soil Landscape Land Quality – Subsurface Acidification Risk (DPIRD-011)
- Soil Landscape Land Quality – Water Erosion Risk (DPIRD-013)
- Soil Landscape Land Quality – Water Repellence Risk (DPIRD-014)
- Soil Landscape Land Quality – Waterlogging Risk (DPIRD-015)
- Soil Landscape Land Quality – Wind Erosion Risk (DPIRD-016)
- Soil Landscape Mapping – Best Available
- Soil Landscape Mapping – Systems
- Wheatbelt Wetlands Stage 1 (DBCA-021)

Restricted GIS Databases used:

- ICMS (Incident Complaints Management System) – Points and Polygons
- Threatened Flora (TPFL)
- Threatened Flora (WAHerb)
- Threatened Fauna
- Threatened Ecological Communities and Priority Ecological Communities
- Threatened Ecological Communities and Priority Ecological Communities (Buffers)

References

Biota Environmental Services (2017) Nita Downs Irrigation Pivots Rare Flora Survey. Additional Information provided for Clearing Permit Application CPS 7342/1. (DWER Ref A1487839).

Broome Bird Observatory (2017) Greater Bilby and Spectacled Hare-wallaby assessment. Additional Information provided for Clearing Permit Application CPS 7342/1 (DWER Ref A1485874).

Department of Biodiversity, Conservation and Attractions (DBCA) (2017a) Flora advice received from the Department of Biodiversity, Conservation and Attractions on 21 August 2017 for Clearing Permit Applications CPS 7342/1 (DWER Ref A1508658).

Department of Biodiversity, Conservation and Attractions (DBCA) (2017b) Fauna advice received from the Department of Biodiversity, Conservation and Attractions on 8 August 2017 for Clearing Permit Application 7342/1 (DWER Ref A1503775).

Foreshow Pastoral Company (2022) Clearing permit amendment application CPS 7342/1, received 1 August 2022 (DWER Ref DWERDT638360).