



GOVERNMENT OF
WESTERN AUSTRALIA

CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 7345/2
Permit Holders:	Baldy Bay Pty Ltd
Duration of Permit	From 28 July 2017 to 28 July 2022

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 non-irrigated agriculture.

2. Land on which clearing is to be done

Lot 702 on Deposited Plan 28193, Lake Argyle.

3. Area of Clearing

The Permit Holder shall not clear more than 147 hectares of native vegetation within the areas cross hatched yellow on attached Plan 7345/2.

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 – ASSESSMENT SEQUENCE AND MANAGEMENT PROCEDURES

5. Period in which clearing is authorised

The Permit Holder shall not clear any native vegetation:

- (a) between 1 November and 30 March of any given year; and
- (b) unless planting crop species within three months of the authorised clearing being undertaken.

6. Avoid, minimise and reduce the 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 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.

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*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared; and
- (b) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

PART III – RECORD KEEPING AND REPORTING

8. Records to be kept

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

- (a) in relation to the clearing of native vegetation authorised under this Permit,
 - (i) 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 or decimal degrees;
 - (ii) the date that the area was cleared;
 - (iii) the size of the area cleared (in hectares);
 - (iv) action taken in accordance with condition 5 of this Permit;
- (i) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 6 of this Permit; and
- (ii) actions taken to minimise the risk of the introduction and spread of *weeds* in accordance with condition 7 of this Permit.

9. Reporting

- (a) The Permit Holder must provide to the *CEO* on or before 30 June of each year, a written report demonstrating adherence to all conditions of this permit, and setting out the records required under condition 8 of this permit in relation to clearing and other activities carried out between 1 January and 31 December of the previous 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.
- (a) Prior to 1 April 2022, the Permit Holder must provide to the *CEO* a written report of records required under condition 8 of this Permit where these records have not already been provided under condition 9(a) of this Permit.

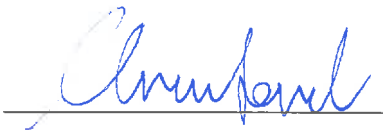
DEFINITIONS

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

CEO means the Chief Executive Officer of the Department responsible for the administration of the clearing provisions under the *Environmental Protection Act 1986*; and

weed/s means 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.



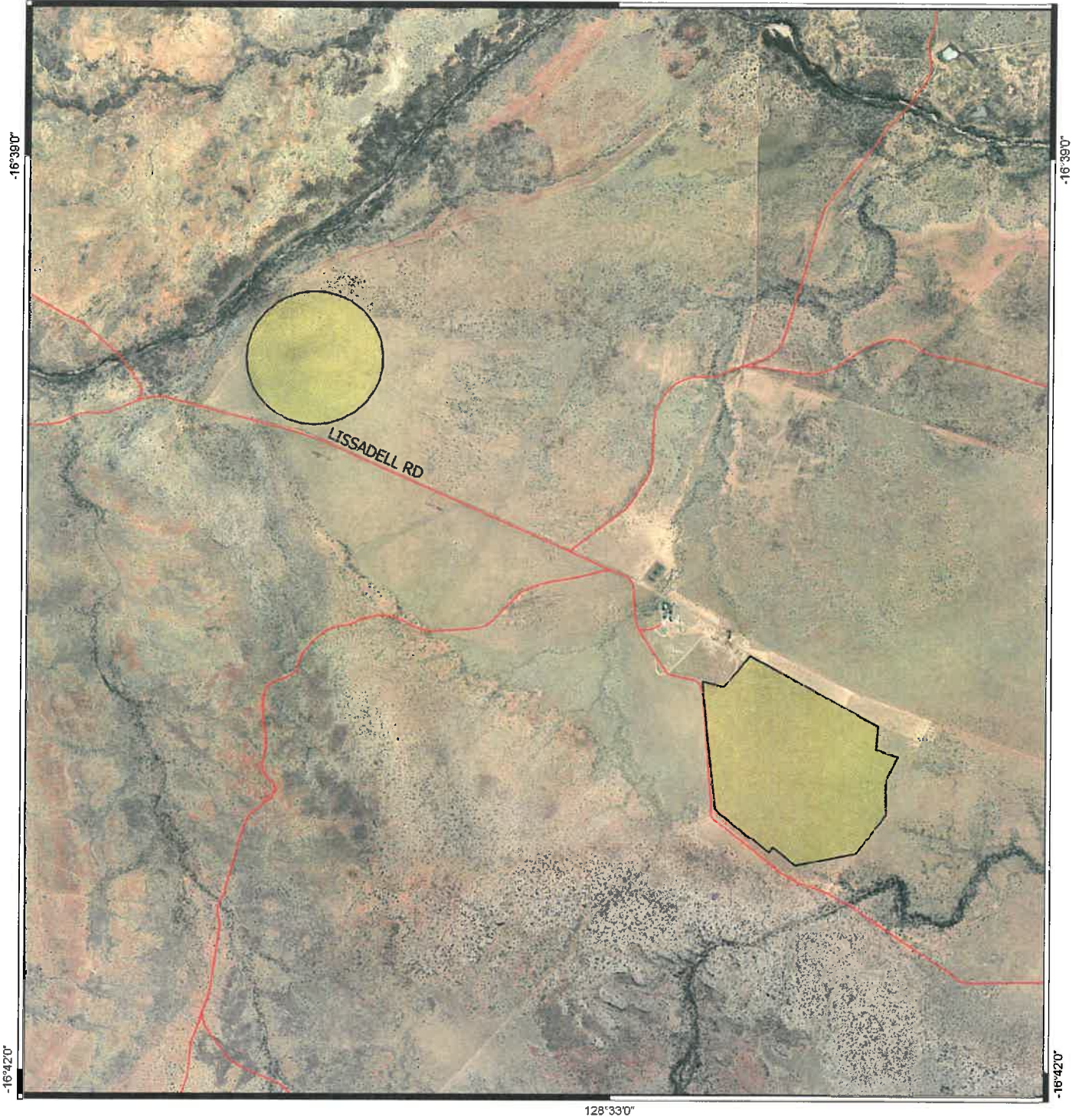
Abbie Crawford
A/MANAGER
CLEARING REGULATION

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

25 June 2018

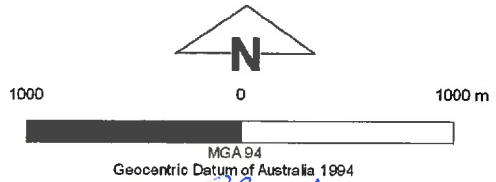
Plan 7345/2

128°33'0"



Legend

-  Areas approved to clear
-  Roads
-  LGA
- WANow_Imagery



[Signature] Date: 25/6/18
Officer with delegated authority under Section 20
of the Environmental Protection Act 1986





Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 7345/2
Permit type: Area Permit

1.2. Applicant details

Applicant's name: Baldy Bay Pty Ltd
Application received date: 8 January 2018

1.3. Property details

Property: Lot 702 on Plan 28193, Lake Argyle
Local Government Authority: Wyndham-East Kimberley, Shire of
Localities: Lake Argyle

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
147	0	Mechanical Removal	Pastoral diversification

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 25 June 2018

Reasons for Decision: The applicant has applied to amend Clearing Permit CPS 7345/1 to change the area of native vegetation approved to clear under that permit. As a result of this request the proposed clearing area has changed from 150 hectares to 147 hectares.

The assessment against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986* (EP Act) concluded that the clearing principle variance levels are consistent with those identified in the Decision Report for Clearing Permit Application CPS 7345/1, and the proposed clearing is at variance to principle (f), may be at variance to principles (i) and (j), is not at variance to principle (e) and is not likely to be at variance to the remaining clearing principles.

The Delegated Officer determined that the proposed clearing may result in the increased run-off and sedimentation of a minor non perennial watercourse and may exacerbate flooding. To mitigate the potential impacts to surface water quality and flooding, a condition has been placed on the permit that requires the applicant to plant the intended crops over the cleared areas within three months of the date of clearing. The applicant will also be required to clear outside of Kununurra's wet season (November to March).

The Delegated Officer also determined that the proposed clearing may cause the spread of weeds into adjacent areas of remnant vegetation. To mitigate potential impacts to adjacent remnant vegetation, a weed management condition has been placed on the permit. The weed management condition requires earth-moving machinery to be clean of weeds when entering and exiting the clearing area and restrict the movement of machines and other vehicles to the limits of the area to be cleared.

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

2. Site Information

Clearing Description

The application to amend proposes to clear 147 hectares of native vegetation within Lot 702 on Deposited Plan 28193, Lake Argyle, for the purpose of non-irrigated cropping. The original application (CPS 7345/1) comprised two areas, one rectangular area of 100 hectares and one circular area comprising 50 hectares (see Figure 2 below). The rectangular 100 hectare portion of the original application area has been removed as part of this amendment. A separate area of native vegetation comprising 97 hectares has been included within the amended application area (see Figure 1 below).

Vegetation Description

The application area is largely mapped as Beard vegetation association 4000 (approximately 143.2 hectares), which is described as grasslands, tall bunch grass savanna, sparse low tree; coolibah, inland bloodwood; Mitchell grass and Hindus grass and *Eucalyptus microtheca* and *Corymbia opaca* over *Astrebla* sp. and *Iseilema* spp. (Shepherd et al., 2001).

The remainder of the application area is mapped as Beard vegetation association 827, which is described as hummock grasslands, low tree steppe; terminalia over *Triodia wiseana* on limestone (Shepherd et al., 2001).

A site inspection of the western portion of the application area undertaken by officers of the former Department of Environment Regulation (DER) on 23 February 2017 identified mixed open woodland (*Eucalyptus* sp., *Bauhinia cunninghamii*, *Ficus* sp., *Atalaya hemiglauca*) over mixed tussock grasses and herbs to mixed tussock grassland over mixed herbs with exotic *Citrullus lanatus* and *Vachellia farnesiana* and emergent *Bauhinia cunninghamii*, *Corymbia* sp. and *Acacia synchronicia* (DER, 2017).

Vegetation Condition

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)

A site inspection of the western portion of the application area identified it to be in a good to degraded (Keighery, 1994) condition (DER, 2017). Photographs of the eastern portion of the application area indicate that it is largely in a degraded (Keighery, 1994) condition.

Soils

The application area is mapped as the Argyle Land System, described as gently undulating plains on limestone and shale with cracking clay soils. The former DER site inspection identified that the soils within the western portion of the amended application area comprise of brown/black clays. The soils within the eastern portion of the application area are expected to comprise a similar soil type.



Figure 1. Amended Application Area CPS 7345/2

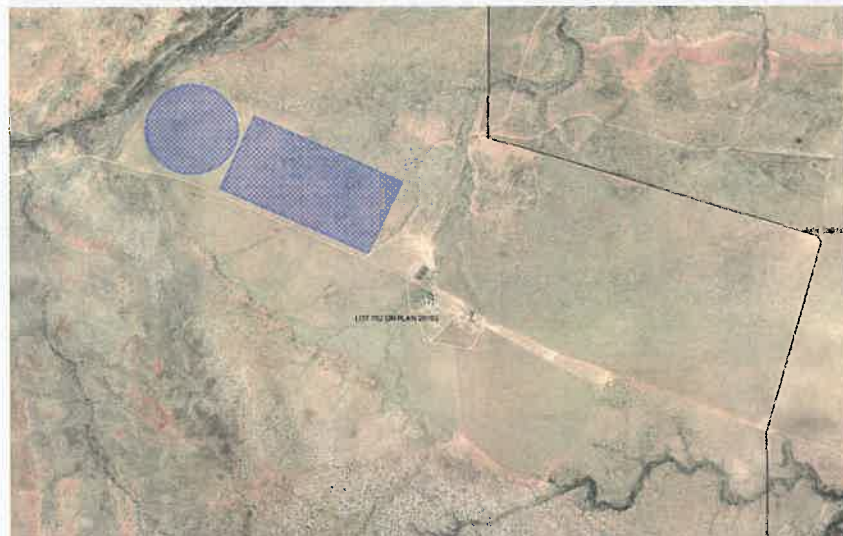


Figure 2. Original Application Area CPS 7345/1

3. Assessment of application against clearing principles

The applicant provided photographs of the eastern portion of the application area, which show that it has been subject to cattle grazing and is largely in a degraded (Keighery, 1994) condition (AFS Agriculture, 2018).

A review of available datasets, and additional information received from the Department of Biodiversity, Conservation and Attractions (DBCA, 2018) did not identify any additional environmental impacts to those identified under the assessment of CPS 7345/1 (details of which can be found in Decision Report CPS 7345/1).

Specifically, the amended application area is unlikely to provide suitable habitat for rare or priority flora and fauna species, is not representative of any threatened ecological communities and is unlikely to significantly impact on any priority ecological communities. DBCA noted that "the clearing for this proposal is unlikely to have any significant impacts to biodiversity values in the area" (DBCA, 2018). Noting this, it is considered that the largely degraded (Keighery, 1994) amended application area is not likely to comprise of a high level of biological diversity.

The local area considered in the assessment of this application is defined as a 50 kilometre radius surrounding the application area. The local area is extensively vegetated and contains approximately 99.6 per cent native vegetation cover. The application area is within the Ord Victoria Plain Bioregion which retains approximately 99.9 per cent of its pre-European vegetation. The two mapped Beard vegetation associations within the application area retain 99 and 100 per cent of their pre-European extents within the Ord Victoria Plain Bioregion respectively. Noting the abovementioned extents, the application area is not considered to be located within an extensively cleared landscape.

There is a minor non-perennial watercourse mapped within the eastern portion of the application area, and there are several other minor watercourses mapped within 200 metres. Noting this, the proposed clearing will impact on vegetation growing in association with a mapped watercourse. Given that the eastern most application area is largely in a degraded (Keighery, 1994) condition, and that riparian habitat in better condition occurs within and around nearby larger water bodies such as Limestone Creek, Bow River, Ord River and Lake Kununurra, the proposed clearing is not likely to significantly impact on riparian habitat within the local area.

Previous advice from the Commissioner of Soil and Land Conservation (CSLC) for CPS 7345/1 advised that episodic high rainfall can occur, especially in the build up and over the wet season. The CSLC noted that although the gradient across the site is less than 2 per cent, it is sufficient to initiate soil erosion during storm events if they occur before plant cover has re-established on site (CSLC, 2017). The CSLC further advised that surface soils may be prone to wind erosion once the protective vegetation cover is removed by clearing. The CSLC concluded that these risks can be managed by minimising the time of exposure to both wind and water erosion, and noted that erosion is unlikely to occur provided sufficient crop residues are maintained at the end of each production cycle (CSLC, 2017). It is considered that the CSLC comments are applicable to the amended application area.

The closest conservation area to the application area is a linear portion of the Lake Argyle and Lake Kununurra Ramsar site associated with Limestone Creek, located approximately 3.1 kilometres north east of the application area. Noting the distance between the application area and this Ramsar site, the extent of native vegetation remaining in the local area, and that the application area has been subject to significant historical disturbance, the proposed clearing is not likely to impact on this conservation area.

Noting the risk of wind and water erosion during storm events immediately post clearing, it is also considered that the proposed clearing may result in the short term sedimentation of the abovementioned nearby watercourses.

To minimise the potential risk of wind erosion, water erosion, flooding and sedimentation, the applicant will be required to clear outside of the wet season (November to March) and plant crop species within three months of clearing to help stabilise soils.

Given the above, the proposed clearing is at variance to principle (f), may be at variance to principles (i) and (j), is not at variance to principle (e) and is not likely to be at variance to the remaining clearing principles.

Planning instruments and other relevant matters

The clearing permit application was advertised on the DWER website on 19 January 2018 with a 21 day submission period. No public submissions have been received in relation to this application.

The applicant advised that the newly proposed clearing area would be used for the dryland cropping of *Cavalcade* (*Centrosema pascuorum*), which is a species already approved for dryland cropping in the applicants current Diversification Permit (s120.16-009).

The Department of Planning, Lands and Heritage (DPLH) provided comment on the proposed clearing and advised that it "has been contacted by the Lessee and is supportive of the change of clearing area subject to DWER assessing that the area is appropriate for clearing" (DPLH, 2018).

DBCA provided comment on the proposed end land use and advised that "as *Centrosema pascuorum* has a medium weed risk rating and has not been trialled locally, there would need to be stringent conditions of use for this species. This should include the establishment of a weed monitoring system to cover the proposed area as well as a buffer beyond the application area where any plants introduced by this application are controlled immediately." (DBCA, 2018).

Consistent with the applicants original pastoral diversification permit associated with CPS 7345/1, it is expected that a weed management condition will be placed on the applicant's revised Pastoral Diversification Permit, to manage the potential spread of the intended crop species outside of the proposed development area.

The previous weed management condition on the Pastoral Diversification Permit required for a weed monitoring system to be established to cover the permit area and a 50 metre buffer area beyond the permit area boundary. The condition also required for any introduced plants found outside the permit area to be controlled immediately.

4. References

- AFS Agriculture (2018) Additional Information Provided to Support Clearing Permit Application CPS 7345/2. DWER Ref A1590089.
- Commissioner of Soil and Land Conservation (CSLC) (2017); Land Degradation Advice and Assessment Report for Clearing Permit Application CPS 7345/1, received 16 January 2017. Department of Agriculture and Food Western Australia (DER Ref 1358911).
- Department of Biodiversity, Conservation and Attractions (DBCA) (2018) Direct Interest Advice for Clearing Permit Application CPS 7345/2, received 24 January 2017 (DER Ref A1667544).
- Department of Environment Regulation (DER) (2017) Site Inspection Report for Clearing Permit Application CPS 7345/1. Site inspection undertaken 23 February 2017 (DER Ref A1413579).
- Department of Planning, Lands and Heritage (DPLH) (2018) Advice Regarding Clearing Permit Application CPS 7345/2, received 19 February 2018 (DER Ref A1692600).
- 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, Extent, Type and Status. Resource Management Technical Report 249. Department of Agriculture, Western Australia.