



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: CPS 8006/1
File Number: DER2018/000338
Duration of Permit: From 19 July 2018 to 19 July 2020

PERMIT HOLDER

Shire of Broome

LAND ON WHICH CLEARING IS TO BE DONE

Lot 556 on Deposited Plan 77711, Broome
Lot 600 on Deposited Plan 410010, Broome

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 0.38 hectares of native vegetation within the area shaded yellow on attached Plan 8006/1.

CONDITIONS

1. 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.

2. 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;
- (b) ensure that no *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
- (c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

3. Records must be kept

The Permit Holder must maintain the following records for activities done pursuant to this Permit, in relation to the clearing of native vegetation authorised under this Permit:

- (a) 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;
- (b) the date that the area was cleared;
- (c) the size of the area cleared (in hectares);
- (d) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 1 of this Permit; and
- (e) actions taken to minimise the risk of the introduction and spread of weeds in accordance with condition 2 of this Permit.

4. Reporting

The Permit Holder must provide to the *CEO* the records required under condition 3 of this Permit, when requested by the *CEO*.

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*;

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 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 Biodiversity, Conservation and Attractions Regional Weed Rankings Summary, regardless of ranking; or
- (c) not indigenous to the area concerned.



Mathew Gannaway
MANAGER
CLEARING REGULATION

Officer delegated under Section 20 of the Environmental Protection Act 1986

19 June 2018

Plan 8006/1



Legend

- Areas approved to clear
- Roads
- Local Government Authority cadastre
- Cadastre
- WANow_Imagery



1:1,729
MGA 94
Geocentric Datum of Australia 1994

Matthew Gannaway Date: 19/05/2018
Officer with delegated authority under Section 20
of the Environmental Protection Act 1986



GOVERNMENT OF
WESTERN AUSTRALIA



1. Application details

1.1. Permit application details

Permit application No.: CPS 8006/1
Permit type: Area Permit

1.2. Applicant details

Applicant's name: Shire of Broome

1.3. Property details

Property: Lot 556 on Deposited Plan 77711, Broome
Lot 600 on Deposited Plan 410010, Broome
Local Government Authority: Shire of Broome
Localities: Broome

1.4. Application

| Clearing Area (ha) | No. Trees | Method of Clearing | For the purpose of: |
|--------------------|-----------|--------------------|--|
| 0.38 | 0 | Mechanical Removal | Building or structure (Seawall construction) |

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 19 June 2018
Reasons for Decision: The clearing permit application was received on 23 February 2018 and has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986*, and it has been concluded that the proposed clearing is not likely to be at variance to any of the clearing principles.

In granting a clearing permit subject to conditions, the Delegated Officer determined that the proposed clearing is not likely to have any unacceptable environmental impacts.

2. Site Information

Clearing Description: The application is for the proposed clearing of 0.38 hectares of native vegetation within Lot 556 on Deposited Plan 77711 and Lot 600 on Deposited Plan 410010, Broome, for the purposes of constructing a seawall.

Vegetation Description: The vegetation within the application area has not been mapped. The closest Beard Vegetation Association (20m from application area, Figure 1) is DAMPIERLAND_750: Shrublands, pindan woodland; *Acacia tumida* shrubland with grey box & cabbage gum medium woodland over ribbon grass & curly spinifex (Government of Western Australia, 2018).

Vegetation Condition: The condition of the vegetation within the application area was determined based on available aerial imagery and applicant's supporting information (360 Environmental, 2018) and is described as degraded: Basic vegetation structure severely impacted by disturbance, scope for regeneration but not to a state approaching good condition without intensive management; to completely degraded: The structure of the vegetation is no longer intact and the area is completely or almost completely without native species (Keighery, 1994).

Soil and Landform Type: The application area is mapped as Carpentaria System (Mapping unit: 335Cr): Coastal plains, extensive bare mud flats, associated sandy margins and minor dunes, saline sands and muds, supporting paperbark thickets, samphire shrublands and fringing mangrove forests (Schoknecht et al., 2004).

A very small portion of the application area (approximately 1%) is mapped as Yeeda System (Mapping unit 335Ye): Red sandplains supporting pindan vegetation with dense acacia shrubs, scattered bloodwood and grey box trees and curly spinifex and ribbon grass (Schoknecht et al., 2004).

Comments: The local area referred to in the assessment of this application is defined as a 50 kilometre radius measured from the perimeter of the application area.

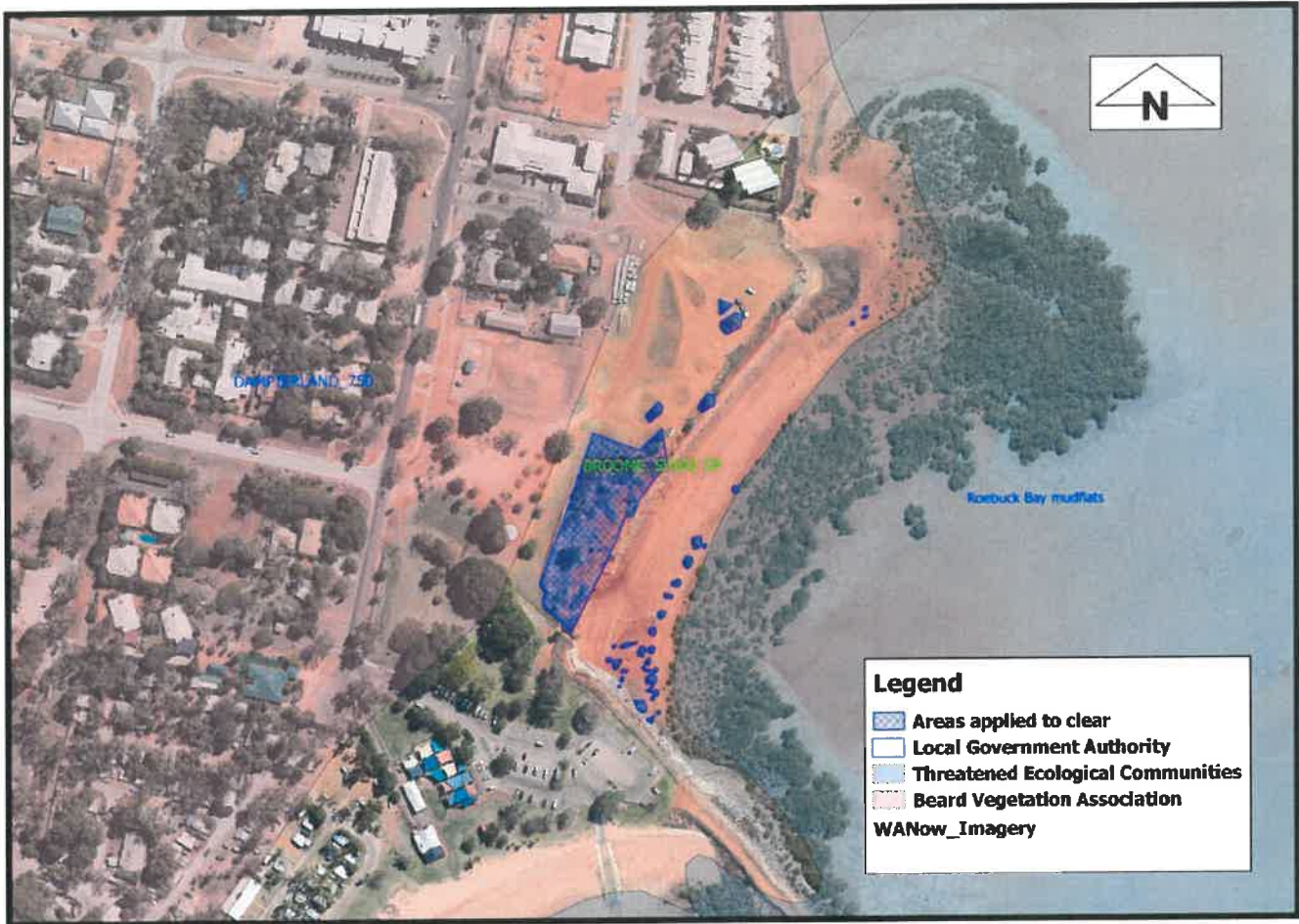


Figure 1: Map of application area (cross-hatched blue)

3. Assessment of application against clearing principles

According to available databases, one rare flora species and 22 priority flora species have been recorded within the local area. Based on the mapped soil and vegetation types within the application area, one rare flora species, *Seringia exastia* (threatened) could potentially occur within the application area. *Seringia exastia* (threatened) is known from 18 recorded occurrences in the Broome area, from red sandy soils associated with hummock grasslands (Western Australian Herbarium, 1998-). Noting that the application area is already devoid of vegetation and consists of bare earth or scattered low grass coverage, the proposed clearing is highly unlikely to impact on this rare flora species (DBCA, 2018).

According to available databases, 23 threatened fauna species, 15 priority fauna species, three other specially protected fauna species, 67 fauna species protected under international agreement and one presumed extinct fauna species have been recorded within the local area (DBCA, 2007-). Noting the habitat requirements of these species, the cleared landscape and the extent of the proposed clearing, the application area is not likely to comprise suitable habitat for conservation significant fauna species, and is not likely to comprise significant habitat for indigenous fauna.

According to available databases, two threatened ecological communities (TEC) and eight priority ecological communities (PEC) have been recorded in the local area. The Commonwealth-listed TEC 'Vine thickets on coastal sand dunes of Dampier Peninsula' (listed as endangered) occurs approximately 1400 meters from the application area, and the state endorsed TEC 'Species-rich faunal community of the intertidal mudflats of Roebuck Bay' (listed as vulnerable) is mapped on the eastern border of the application area. The supporting documentation (360 Environmental, 2018) notes that an extreme level erosion risk for the east side of the Town Beach foreshore reserve exists and that the purpose of this proposal to construct a seawall is to mitigate this risk which should ultimately be of benefit to the TEC 'Species-rich faunal community of the intertidal mudflats of Roebuck Bay' (DBCA, 2018). Impacts to existing coastal biodiversity values as a result of the proposed activities have been considered. At this small scale it is anticipated no significant impacts to the TEC 'Species-rich faunal community of the intertidal mudflats of Roebuck Bay' will occur (DBCA, 2018). The entire application area is located within an Environmentally Sensitive Area which forms part of a buffer for the 'Vine thickets on the coastal sand dunes of Dampier Peninsula' TEC. Noting the species composition of this TEC, the vegetation type within the application area, and the extent of the proposed clearing, the application area is not likely comprise this TEC. The application area is not likely to comprise the whole or part of, or be necessary for the maintenance of, a TEC.

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). The Dampierland Interim Biogeographic Regionalisation of Australia bioregion retains approximately 99 per cent of its pre-European extent of native vegetation, and the closely mapped Beard vegetation association 750 retains approximately 99 per cent of its pre-European extent (Government of Western Australia,

2018). On this basis, and noting the extent of the proposed clearing and that the application area is not likely to include flora or ecological communities of conservation significance or comprise significant habitat for indigenous fauna, the application area is unlikely to be significant as a remnant of native vegetation in an area that has been extensively cleared.

According to available databases, no watercourses are mapped within the application area. The Roebuck Bay wetland intersects the north-eastern border of the application area. 0.06 hectares of vegetation within the application area is mapped as mangrove vegetation, which makes up 1.3 % of the locally mapped mangrove habitat depicted in the area (360 Environmental, 2018). The coastline is located approximately 5 metres east of the application area. Noting the final land-use of the proposed clearing and the size of the application area, the proposed clearing is not likely to impact on vegetation growing in association with a wetland.

According to available databases, the nearest conservation areas include Yawuru Nagulagun / Roebuck Bay Marine Park, mapped 1400 meters northwest of the application area, Broome Bird Observatory, mapped 6300 meters southeast of the application area and Broome Wildlife Centre, mapped 6400 meters northwest of the application area. Noting the distance to these conservation areas and size of the application area, the proposed clearing is not likely to impact on the environmental values of nearby conservation areas.

According to available databases, the application area has relatively flat topography, an average rainfall of 600 millimetres per annum, and groundwater salinity <500 total dissolved solids (milligrams per litre). The purpose of the clearing is to build a seawall 400 m along the shoreline to prevent the erosion of the existing beach cliffs. The sea wall will stabilise the beach and cliffs and thus mitigate the risk of flooding occurring beyond the beach (360 Environmental, 2018). Noting this, the extent of the proposed clearing and the condition of the vegetation within the application area, the proposed clearing is unlikely to cause appreciable land degradation, or cause deterioration in the quality of surface or underground water, or cause or exacerbate the incidence or intensity of flooding.

Given the above, the proposed clearing is not likely to be at variance to any of the clearing principles.

Planning instruments and other relevant matters

The proposal to construct a beach wall has been referred to the Environmental Protection Authority (EPA) by the Shire of Broome (EPA file Number DWERA-000857). The EPA Infrastructure Assessment sought advice from Clearing Regulation on whether the application could be dealt with under Part V Division 2 of the *EP Act 1986* (EPA, 2018a). The EPA determined that the proposal can be assessed under Part V Division 2 of the *EP Act 1986* (EPA, 2018b).

The DBCA advice in relation to TECs in the local area noted that future additional sea wall constructions in the area may result in cumulative impacts which could potentially become significant (DBCA, 2018).

The application was advertised on the Department's website on 7 March 2018, inviting submissions from the public within a twenty-one day period. No submissions were received in relation to this application.

Representative body of the Rubibi Community native title claimant, Kimberley Land Council Aboriginal Corporation was notified of the proposed clearing by email on 06 March 2018. No response has been received by DWER to date.

There is one site of Aboriginal significance within the application area. It is the proponent's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no Aboriginal sites of significance are damaged through the clearing process.

4. References

- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- Department of Biodiversity, Conservation and Attractions (DBCA) (2007-) NatureMap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife. URL: <http://naturemap.dpaw.wa.gov.au/>. Accessed May 2018.
- Department of Biodiversity, Conservation and Attractions (DBCA) (2018) Advice provided in relation to clearing permit application CPS 8006/1, received 15 May 2018 (DWER Ref: A1674826).
- Environmental Protection Authority (EPA) (2018a) Internal memorandum from EPA Infrastructure Assessment dated 18 April 2018 (DWER Ref: A1680606).
- Environmental Protection Authority (EPA) (2018b) Publishing of EPA's determination on whether to assess the proposal. <http://www.epa.wa.gov.au/proposals/broome-town-beach-seawall> Accessed May 2018
- Government of Western Australia. (2018) 2017 South West Vegetation Complex Statistics. Current as of October 2017. WA Department of Biodiversity, Conservation and Attractions, Perth, <https://catalogue.data.wa.gov.au/dataset/dbca>
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Schoknecht, N., Tille, P. and Purdie, B. (2004) Soil-landscape mapping in South-Western Australia – Overview of Methodology and outputs' Resource Management Technical Report No. 280. Department of Agriculture.
- Western Australian Herbarium (1998-). FloraBase - the Western Australian Flora. Department of Biodiversity, Conservation and Attractions. <https://florabase.dpaw.wa.gov.au/> Accessed May 2018

GIS Databases:

- Aboriginal Sites of Significance
- Bush Forever Sites
- Clearing Regulations - Environmentally Sensitive Areas
- Carnaby's Cockatoo: breeding, roosting, feeding
- Department of Biodiversity Conservation and Attractions, Tenure
- Geomorphic Wetlands, Swan Coastal Plain
- Groundwater salinity, statewide
- Heddle Vegetation
- Hydrology, linear
- IBRA Australia
- Land for Wildlife
- PDWSA, CAWSA, RIWI Act Areas
- Remnant vegetation
- SAC Biodatasets (accessed May 2018)
- Soils, statewide
- Town Planning Scheme Zones