



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: CPS 8511/2

Duration of Permit: From 5 October 2019 to 5 October 2026

PERMIT HOLDER

Forshaw Pastoral Company Pty Ltd

LAND ON WHICH CLEARING IS TO BE DONE

Lot 39 on Deposited Plan 238417, Eighty Mile Beach, (Nita Downs Station)

Lot 41 on Deposited Plan 238418, Eighty Mile Beach (Nita Downs Station)

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 250 hectares of native vegetation within the areas cross hatched yellow in Figure 1 of Schedule 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. Direction of Clearing

The Permit Holder must:

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

3. Soil Erosion Management

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

4. 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 4(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 4(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 4(a) of this Permit, and/or greater bilbies are relocated under condition 4(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 (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
 - (ii) a description of the camera monitoring measures undertaken under condition 4(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 4(c) of this Permit;
 - (v) the location of any greater bilbies, as referred to under condition 4(a) of this Permit, captured 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;
 - (vi) the date, time, vegetation type and weather conditions at each location where greater bilbies are captured under condition 4(d)(v) of this Permit;
 - (vii) the scientific name and gender of each greater bilby relocated under condition 4(c) of this Permit;
 - (viii) the location of any greater bilbies, identified in accordance with condition 4(a) of this Permit, relocated 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;
 - (ix) the date, time, vegetation type and weather conditions at each location where greater bilbies are relocated under condition 4(d)(viii) of this Permit;
 - (x) the name of the *fauna specialist* that relocated fauna under condition 4(c) of this Permit; and
 - (xi) a copy of the fauna licence authorising the relocation of fauna under condition 4(c) of this Permit.

5. 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	(a) the species composition, structure, and density of the cleared area; (b) the location where clearing occurred, recorded using a GPS set to GDA94, 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 1; (f) actions undertaken in accordance with condition 2; (g) actions undertaken in accordance with condition 3; (h) actions undertaken in accordance with condition 4; (i) a report detailing the date and methods of the clearance survey undertaken in accordance with condition 4.

6. Reporting

- (a) The Permit Holder must provide to the *CEO* on or before 30 June of each year, a written report:
- of records required under condition 5 of this Permit; and
 - 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 2026, the Permit Holder must provide to the *CEO* a written report of records required under condition 5 of this Permit where these records have not already been provided under condition 6(a) of this Permit.

DEFINITIONS

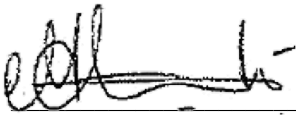
In this permit, the terms in Table 2 below have the meanings defined.

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</i> (WA) and designated as responsible for the administration of the EP Act, which includes Part V Division 3.

Term	Definition
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
A/MANAGER
NATIVE VEGETATION REGULATION

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

1 October 2021

SCHEDULE 1

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

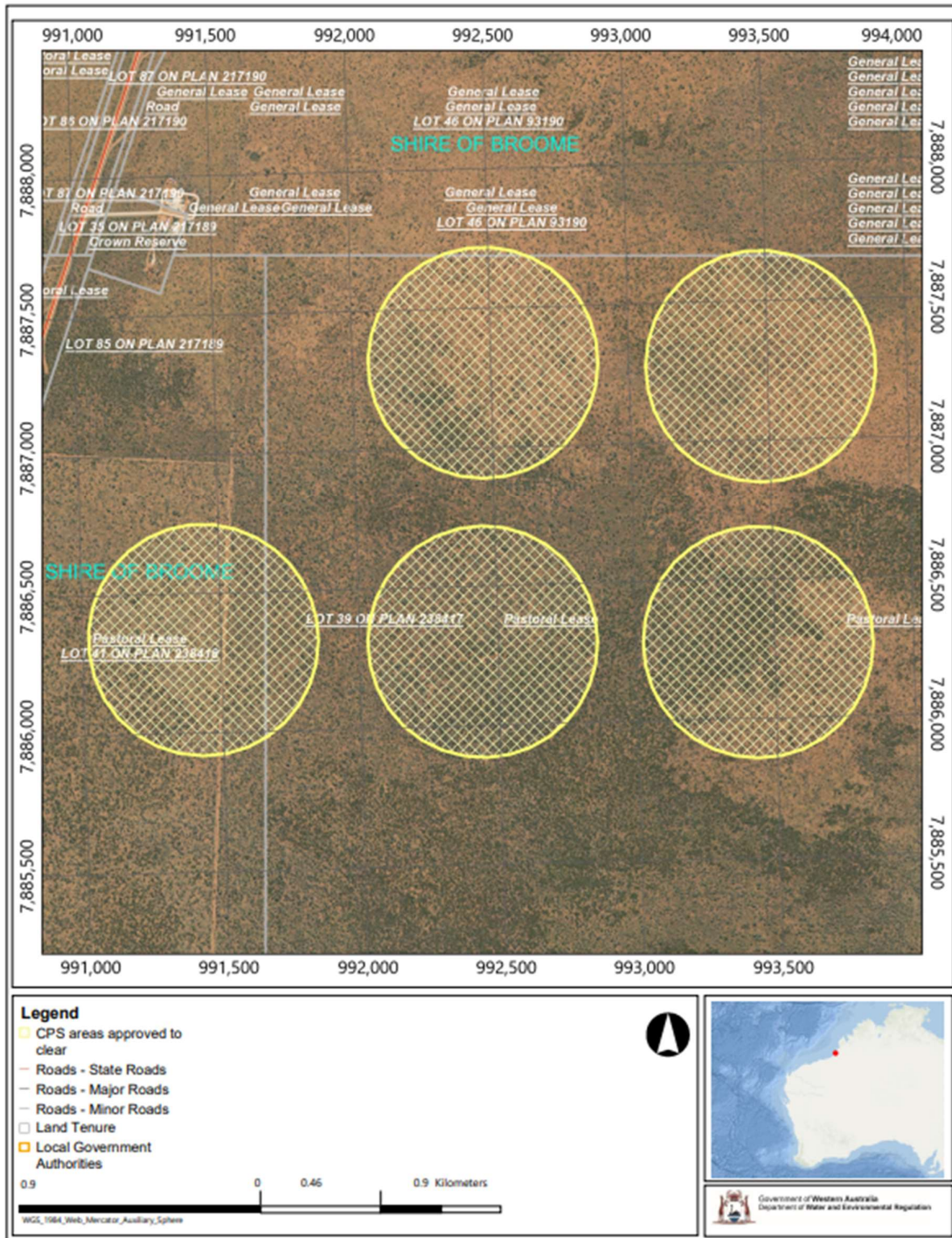


Figure 1: Boundary of the area (cross-hatched yellow) within which clearing may occur.



Clearing Permit Decision Report

1 Application details and outcome

1.1. Permit application details

Permit number:	CPS 8511/2
Permit type:	Area permit
Applicant name:	Forshaw Pastoral Company
Application received:	20 August 2021
Application area:	250 hectares of native vegetation
Purpose of clearing:	Establishing irrigated fodder crops
Method of clearing:	Mechanical
Property:	Lot 39 on Deposited Plan 238417 and Lot 41 on Deposited Plan 238418
Location (LGA area/s):	Shire of Broome
Localities (suburb/s):	Nita Downs Station

1.2. Decision on application

Decision:	Granted
Decision date:	1 October 2021
Decision area:	250 hectares of native vegetation

1.3. Reasons for decision

On 5 September 2019, Clearing Permit (area permit) CPS 8511/1 was granted to clear up to 250 hectares of native vegetation on Nita Downs Station in the Shire of Broome, for the purpose of establishing irrigated fodder crops. To date, the clearing authorised under CPS 8511/1 has not been undertaken, and the current amendment application is to increase the duration of the clearing permit by five years.

DWER historically granted a clearing permit (purpose permit) over the proposed clearing area on 27 September 2017, being Clearing Permit CPS 7122/1. The applicant initially applied to clear up to 800 hectares of native vegetation under CPS 7122/1, however later amended the application area to 250 hectares to reduce environmental impacts. The applicant later applied for CPS 8511/1, to replace the CPS 7122/1 Purpose Permit with an Area Permit, and allow for a future permit transfer, noting that Purpose Permits are unable to be transferred.

As part of CPS 7122/1 the applicant commissioned targeted flora and fauna surveys. The flora survey identified two priority flora species within the application area, being *Seringia katatona* and *Phyllanthus eremicus*. Since that survey in 2017, both species have been excluded from the priority flora species list maintained by the Department of Biodiversity, Conservation and Attractions, as they are more widespread and common than previously thought.

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.

Based on the assessments undertaken for CPS 7122/1 and CPS 8511/1, and a review of current environmental

information, the Delegated Officer determined that:

- the application area provides suitable habitat for the greater bilby (*Macrotis lagotis*);
- the proposed clearing activities 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 the 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 issued 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 in Decision Reports CPS 7122/1 and CPS 8511/1.

The Delegated Officer also considered that the applicant holds a Department of Water and Environmental Regulation licence to take groundwater under the *Rights in Water and Irrigation Act 1914*. The 6GL per annum allocation of the licence is sufficient to irrigate the areas proposed for clearing. The licence is subject to a groundwater operating strategy which sets out monitoring requirements.

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 Assessment of application against the clearing principles

The proposed amendments to CPS 8511/1 relate to extending the permit duration of the permit by five years.

A review of current environmental information indicates that the environmental values present within the permit area remain unchanged from the previous assessment of the permit.

The clearing permit amendment application was advertised on the Department of Water and Environmental Regulation's (DWER) website on 31 August 2021, inviting submissions from the public within a 14 day period. No public submissions were received in relation to this amendment application.

4 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)
- Aboriginal Heritage Places (DPLH-001)
- Cadastre (LGATE-218)
- Cadastre Address (LGATE-002)
- 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
- Public Drinking Water Source Areas (DWER-033)
- 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)