



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: CPS 8511/3

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 | <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 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:
- (i) of records required under condition 5 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 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. |
| EP Act | <i>Environmental Protection Act 1986</i> (WA) |
| 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*

31 May 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 8511/3 |
| Permit type: | Area permit |
| Applicant name: | Forshaw Pastoral Company |
| 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: | 31 May 2022 |
| 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.

On 19 August 2021, the applicant applied to amend CPS 8511/1 to increase the duration of the clearing permit by five years, noting that the authorised clearing had not been undertaken. Subsequently, CPS 8511/2 was granted on 1 October 2021.

Since the granting of CPS 8511/2, it has come to the Department of Water and Environmental Regulations (the department) attention that a portion of the area approved to clear under CPS 8511/3, namely the two northernmost pivots, slightly extend beyond the northern boundary of Lot 39 on Deposited Plan 238417, and beyond the applicants pastoral lease boundary (Nita Downs Pastoral Lease).

Subsequently this administrative amendment to the clearing permit is to shift the two northernmost pivot areas approved for clearing south, so that they are fully contained within Lot 39 on Deposited Plan 238417.

The assessment against the administrative amendment is consistent with that undertaken for clearing permit CPS 8511/1 and can be found within Decision Report CPS 8511/1.

1.4. Site maps

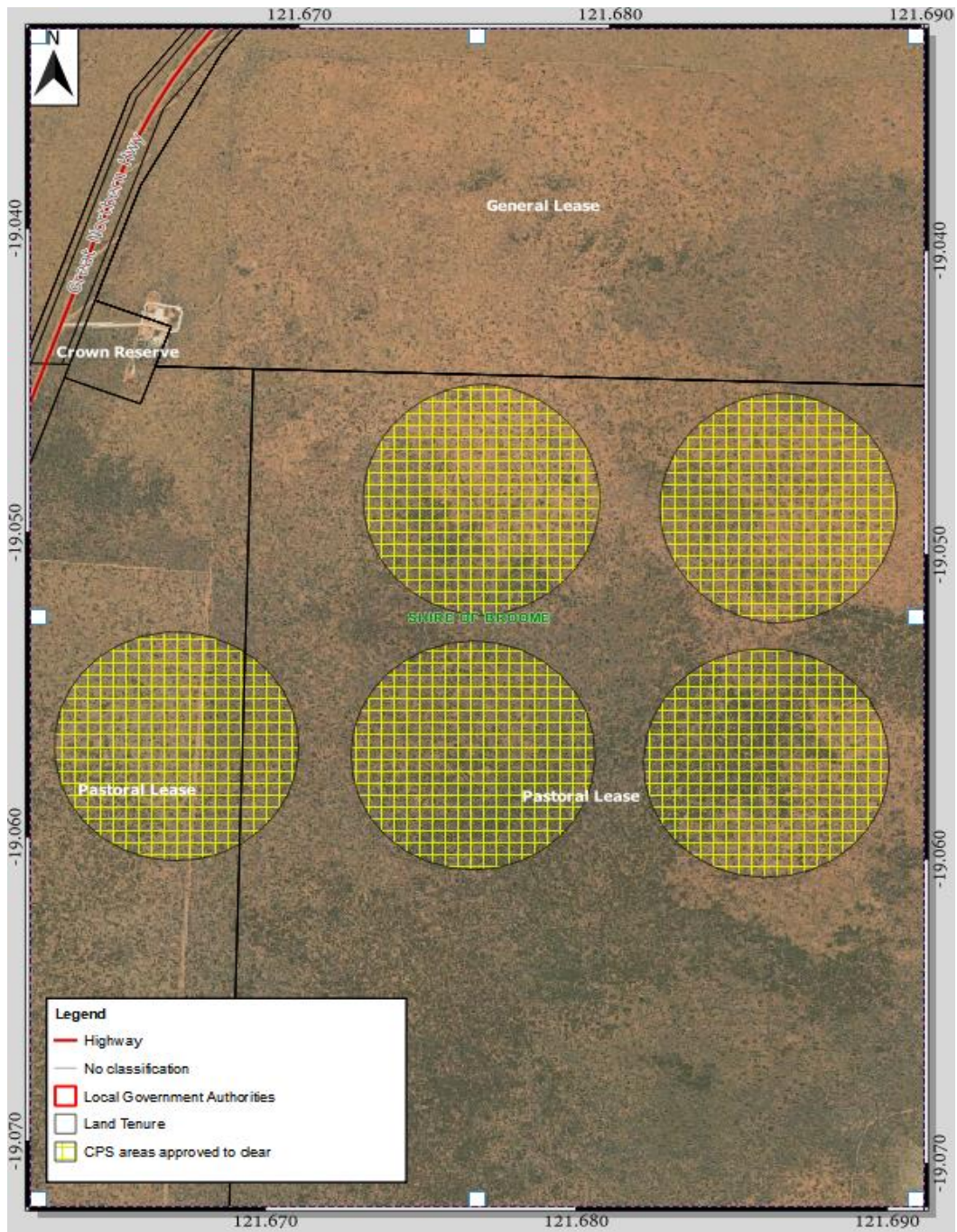


Figure 1. Map of areas approved to clear under CPS 8511/3.

1.5. Assessment

This administrative amendment is to shift the two northernmost pivots approved for clearing south, so that they are fully contained within Lot 39 on Deposited Plan 238417, noting that these pivots currently extend beyond Lot 39, and beyond the applicants pastoral lease.

The assessment against the clearing principles and planning and other matters has not changed due to this amendment, and can be found within the Clearing Permit Decision Report CPS 8511/1.