



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	8657/1
Permit Holder:	Shire of Broome
Duration of Permit:	From 22 January 2020 to 22 January 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 upgrading existing groyne and construction of a jetty.

2. Land on which clearing is to be done

Lot 600 on Deposited Plan 410010, Broome

3. Area of Clearing

The Permit Holder shall not clear more than 0.28 hectares of native vegetation within the area cross-hatched yellow on attached Plan 8657/1.

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.

5. Type of clearing authorised

This Permit authorises the Permit Holder to clear native vegetation for the activities described in condition 1 of this Permit to the extent that the Permit Holder has the power to carry out works involving clearing for those activities under the *Local Government Act 1995* or any other written law.

PART II—MANAGEMENT CONDITIONS

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:

- 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.

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:

- clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- ensure that no known 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.

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, 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 trees);
- (d) actions taken to avoid, minimise and reduce the impacts and the extent of clearing in accordance with condition 6 of this Permit; and
- (e) actions taken to minimise the risk of the introduction and spread of *weeds* in accordance with condition 7 of this Permit.

9. Reporting

The Permit Holder must provide to the *CEO* the records required under Condition 8 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
NATIVE VEGETATION REGULATION

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

23 December 2019

Plan 8657/1

0°0'0.000"

40°0'0.000"E

80°0'0.000"E

120°0'0.000"E

160°0'0.000"E



0°0'0.000"




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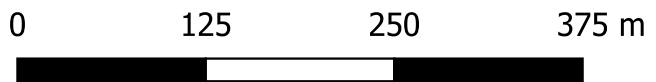
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Legend

-  CPS areas approved to clear
-  Cadastre - LGATE 218
-  Road Centrelines



Officer delegated under section 20 of the
Environmental Protection Act 1986



GOVERNMENT OF
WESTERN AUSTRALIA



1. Application details

1.1. Permit application details

Permit application No.: 8657/1
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Shire of Broome

1.3. Property details

Property: 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:
0.28	0	Mechanical Removal	Building or structure (Seawall construction)

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 23 December 2019

Reasons for Decision: The clearing permit application was received on 26 August 2019 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 at variance with principle (f) and is not likely to be at variance with any of the remaining clearing principles.

Based on the assessment of the application, the Delegated Officer determined that the application area is an artificial groin composed of rocky debris and concrete blocks mostly devoid of vegetation except scattered mangrove and non native grasses. The artificial groin does not resemble habitat suitable for any of the conservation significant flora or fauna that occurs in the local area according to available databases. Although the application area occurs within a mapped occurrence of the Threatened Ecological Community (TEC) 'Species-rich faunal community of the intertidal mudflats of Roebuck Bay' (listed as vulnerable), it does not form part of the mudflats and is not likely to impact the TEC. Weed management measures will mitigate any potential impacts to the adjacent TEC.

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 proposed clearing is for the upgrade of the existing groyne and construction of a jetty (Figure 1).

Vegetation Description: The vegetation within the application area has not been mapped. The nearest mapped vegetation type 20m north to the application area is Beard vegetation association Dampierland_750 which is described as shrublands, pindan woodland; comprising of *Acacia tumida* shrubland with grey box and cabbage gum medium woodland over ribbon grass and curly spinifex (Government of Western Australia, 2018).

Based on images provided in support of the application, the application area is mostly devoid of vegetation except scattered mangrove and grasses (MBS environmental, 2019; Figure 2). Grey mangroves (*Avicennia marina*) occur adjacent to the existing groyne. Beyond the clearing area, to the north and south, and around the eastern shoreline of Roebuck Bay, are larger areas of mature mangrove habitat including the Grey mangrove (*Avicennia marina*) and the Stilted mangrove (*Rhizophora stylosa*) (MBS environmental, 2019).

Vegetation Condition: The condition of the vegetation within the application area was determined based on available aerial imagery and a report provided by the applicant (MBS environmental, 2019). The vegetation within the application area was considered to be in Good condition, which is described as vegetation structure significantly altered with obvious signs of multiple disturbance. Retains basic vegetation structure or ability to regenerate (Trudgen, 1988).

Soil and Landform Type: The application area is mapped as Carpentaria System (Mapping unit: 335Cr), which is described as 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).

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.

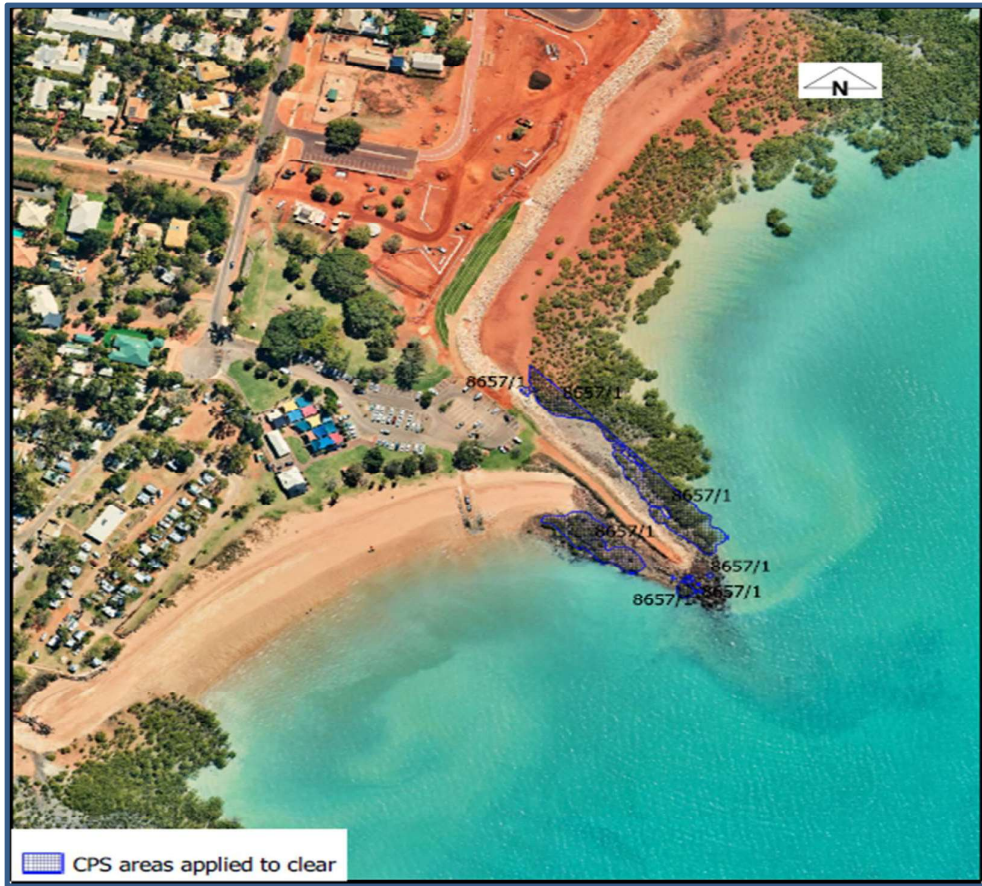


Figure 1: Map of application area in blue cross-hatch.



Figure 2 Photo from south side of Groin, facing Northwest, shows sparse vegetation and lack of soil profile (MBS environmental, 2019).

3. Assessment of application against clearing principles

According to available databases, one Threatened flora and 20 priority flora species have been recorded within the local area. Based on the mapped soil and vegetation types 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 an artificial groin (Figure 2) composed of rocky debris and concrete blocks mostly devoid of vegetation except scattered mangrove and grasses, the proposed clearing is not likely to impact on any threatened or priority flora. The application area does not contain the same vegetation or soil types of the abovementioned threatened and priority flora known to occur within the local area (Western Australian Herbarium (1998-)).

According to available databases, 23 threatened fauna species, 15 priority fauna species, three other specially protected fauna species, 52 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 the above significant fauna species, and is not likely to comprise significant habitat for indigenous fauna.

According to available databases, the application area occurs within a mapped occurrence of the 'Species-rich faunal community of the intertidal mudflats of Roebuck Bay' threatened ecological community (TEC), listed as vulnerable under the *Biodiversity Conservation Act 2016*. Noting the application area is an artificial groin composed of rocky debris and concrete blocks, the proposed clearing is not representative of the abovementioned TEC (MBS environmental, 2019). Weed management measures will mitigate any potential impacts to the adjacent 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 water courses are mapped within the application area. The proposed clearing is likely to result in the clearing of approximately 0.2 hectares of mangrove vegetation associated with the tidal waters. Whilst the proposed clearing includes vegetation associated with a coastal wetland, noting the extent of undisturbed mangrove vegetation within the local area, the proposed clearing is not likely to have a significant 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.

The purpose of the clearing is to upgrade the historic Town Beach Jetty that is currently eroding (MBS Environmental, 2019). The proposed jetty will adjoin a recent seawall improvement that will further stabilise the beach and thus mitigate the risk of flooding occurring beyond the beach. Noting, 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 at variance with principle (f) and is not likely to be at variance to any of the remaining clearing principles.

Planning instruments and other relevant matters

The application was advertised on the Department of Water and Environmental Regulation's (DWER) website on 31 October 2019, inviting submissions from the public within a 21 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. No response has been received by DWER to date.

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

The Shire of Broome obtained a letter of authority from the Kimberley Ports Authority (KPA) for the proposed clearing of 0.28ha within Lot 600 on Deposited Plan 410010.

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 2019.
- Environmental Protection Authority (EPA) (2018) Internal memorandum from EPA Infrastructure Assessment dated 18 April 2018 (DWER Ref: A1680606).
- 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>
- MBS Environmental (2019). Native vegetation Clearing Permit Application, Broom Town Beach Gryone Upgrade and Jetty Project, Consultant Report compiled on the behalf of the Shire of Broom.
- 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.
- Trudgen, M.E. (1988). A Report on the Flora and Vegetation of the Port Kennedy Area. Unpublished report prepared for Bowman Bishaw and Associates, West Perth.
- Western Australian Herbarium (1998-). FloraBase - the Western Australian Flora. Department of Biodiversity, Conservation and Attractions. <https://florabase.dpaw.wa.gov.au/> Accessed November 2019.

GIS Databases:

- Aboriginal Sites of Significance
- Bush Forever Sites
- Clearing Regulations - Environmentally Sensitive Areas-
- Department of Biodiversity Conservation and Attractions, Tenure
- Groundwater salinity, state wide
- Hydrology, linear
- IBRA Australia
- Land for Wildlife
- PDWSA, CAWSA, RIWI Act Areas
- Remnant vegetation
- SAC Biodatasets (accessed November 2019)
- Soils, statewide
- Town Planning Scheme Zones