

NATIVE VEGETATION CLEARING PERMIT APPLICATION SUPPORTING DOCUMENT

BROOME STREETERS JETTY AND CHINATOWN DRAIN WORKS

PREPARED FOR:



AUGUST 2020

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BROOME STREETER'S JETTY AND CHINATOWN DRAIN WORKS NATIVE VEGETATION CLEARING PERMIT APPLICATION

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1. INTRODUCTION

1.1 STREETER'S JETTY

The Shire of Broome (SoB) wishes to undertake restoration works at Streeter's Jetty and the associated historic careening beds and swimming beach. Streeter's Jetty, in the Chinatown area of Broome, is highly significant as the oldest and only remaining maritime jetty used by Broome's Pearl lugger fleet and is heritage listed (Place Number 04553). Streeter's Jetty is located approximately 2 km north east of the centre of Broome, running southeast into Dampier Creek (Figure 1).

Streeter's Jetty, a timber-framed jetty built in several stages, has cultural heritage significance as it was central to the Broome-based pearling operations from the time of its construction in 1886 until the 1980s, was an integral component of Broome's tramway system (constructed in 1899) and is of social significance to the Broome community and visitors.

The Chinatown Development Strategy (Hassell 2012) included a vision to '*Create a landscaped interpretative forecourt to Streeter's Jetty to enhance visibility, access and visitor comfort*'. The Shire is planning a 'Jetty to Jetty' walk trail which will extend from Streeter's Jetty to Town Beach, with the trail to include interpretative signage and other material which helps to share the stories of the area's history and unique environmental attributes (Cardno (WA) 2014). Significant improvement works have already been undertaken at Town Beach to the south.

The jetty, the associated careening beds and small beach, are inundated by a regrowth of mangroves (Plate 1), and the removal of this vegetation is required:

- To allow the safe completion of the proposed restoration construction works.
- To prevent future deterioration of the restored jetty through mangrove growth beneath the structure.
- To restore public access to the careening beds and adjacent swimming beach.



Plate 1: Mangroves Encroaching Around Streeter's Jetty (SoB 2020)

Significant colonisation of mangroves (approximately 0.25 ha) has occurred since the last jetty reconstruction in 2000, along the northern side of the jetty, immediately to the south of the jetty, and on the inside of the approach channel (Figure 1, Figure 2). It is proposed that an additional area immediately surrounding the jetty will be cleared, to allow for access by small recreational, a possible hovercraft beach landing and for intermittent use by other commercial vessels on an as needs basis. Additional clearing is proposed along the channel leading into the jetty, to allow for vessel access, and within and adjacent to the historic careening beds and swimming beach to promote community and visitor use of the area (Figure 1). There is local community support for the proposed works (Appendix 2).



Legend

- Proposed Clearing Extent
- Careening Beds

Scale: 1:1800
 Original Size: A4
 Air Photo Date: Landgate 2018
 Grid: MGA94(51)

420000 m
 420150 m
 420300 m
 420450 m

8014700 m
 8014850 m

Figure 1

Streeter's Jetty Location and Proposed Clearing Area

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420000 m 420150 m 420300 m 420450 m

8014700 m 8014850 m

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Figure 2
Mangroves Adjacent to Streeter's Jetty (2000)

Shire of Broome
Streeter's Jetty and Short
Street Drain Clearing Permit

Scale: 1:1800
Original Size: A4
Air Photo Date: Landgate 2000
Grid: MG94K(51)

9/06/2020 F2 Streeters Jetty 2000

W:\Shire of Broome\Streeters Jetty & Chinatown Drain\Approval Applications\NVCP\GIS\Shire of Broome NVCP.map

Legend

- Proposed Clearing Extent
- Careening Beds



1.2 CHINATOWN DRAIN

The proposed works at the Chinatown (Short Street) Drain involve the removal of vegetation and superficial sediment material within the drain which has built up over approximately 20 years since the drain was constructed. Numerous mangroves have colonised the drain area (Plate 2) since the previous works in year ~2000. Clearing is required to allow for the drainage channel to be cleared of vegetation, debris and superficial sediment. This important drain accepts stormwater from the majority of the Chinatown area and runs under Paspaley Plaza Shopping Centre and into Dampier Creek. Due to the current sedimentation build-up it does not freely flow, resulting in a constant body of water (Plate 2). Unfortunately this body of water is often trapped by tidal activity, becoming stagnant, and is of health concerns to both the public and to SoB staff when carrying out routine maintenance.



Plate 2: Mangroves Encroaching Around Chinatown Drain (SoB 2020)

Clearing will occur along a distance of up to 290 m, to a width of approximately 5 m (Figure 3), to allow for the base of the drainage channel (0.5 m), batter slopes on either side (1:1) and an adjacent corridor for construction and maintenance access (3 m). The access corridor will be located to the west of the drain to avoid impacts to mangroves to the east of the channel.

Numerous mangroves (across a 0.04 ha area) have infilled and/or colonised the southern end of the drain since the previous works in year ~2000 (Figure 4).

1.3 CLEARING

An assessment against the ten clearing principles was undertaken in relation to the proposed clearing, based on information collected from a desktop review of the proposed clearing area, and site photographs.

The assessment of the proposed clearing against the ten clearing principles determined that the clearing of 0.65 ha of vegetation (mangroves) would not be at variance with eight of the ten clearing principles. The proposed clearing may be at variance to Principle b, due to the proposed clearing of mangrove habitat which may support roosting by the Black Flying Fox and Little Red Flying Fox, and is likely to be at variance to Principle f due to the proposed clearing of mangrove habitat within the Roebuck Bay wetland (DBCA-045) and Directory of Important Wetlands Roebuck Plains System (WA021).

Appropriate environmental management procedures will be implemented to ensure potential indirect impacts associated with the clearing are minimised.



Scale: 1:1400
 Original Size: A4
 Air Photo Date: Landgate 2018
 Grid: MGA94(51)
 0 50 m

Shire of Broome
 Streeters Jetty and Short
 Street Drain Clearing Permit

Figure 3
**Chinatown Drain Location
 and Proposed Clearing Area**

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Scale: 1:1400
 Original Size: A4
 Air Photo Date: Landgate 2003
 Grid: MGA94(51)

0 50 m

Shire of Broome
 Streeters Jetty and Short
 Street Drain Clearing Permit

Figure 4
**Mangroves Adjacent to
 Chinatown Drain (2003)**

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2. SOCIAL AND ENVIRONMENTAL SETTING

2.1 CLIMATE

The northern coastal region of Western Australia is characterised by the Koppen and Geiger Climate Classification as BSh – hot semi-arid climate featuring hot summers, and warm to cool winters (BoM 2017). The closest official Bureau of Meteorology (BoM) weather station currently operating is Broome Airport where quality-controlled climate data is available dating back to 1939. The minimum average monthly temperature ranges from 13.7°C to 26.5°C and maximum average monthly temperature ranges from 28.9°C to 34.3°C (BoM 2017). Rainfall of more than 1 mm occurs on average on 35.5 days per year, with the maximum mean monthly rainfall being 191.1 mm (during January). The annual average rainfall is approximately 622.8 mm per annum (BoM 2017).

2.2 TENURE

Streeter's Jetty intersects a number of Lots, some of which are Reserves under Management Order to the Shire of Broome (or Reserves with no Management Order in place), and some of which are Unallocated Crown Land (UCL), as follows (refer also Figure 5):

- Lot 3000 on Deposited Plan 67468 (UCL).
- Lot 600 on Deposited Plan 410010 (under the management of the Kimberley Ports Authority).
- Lot 611 on Deposited Plan 410013 (SoB holds a Management Order for Reserve 53252 over this Lot).
- Lot 616 on Deposited Plan 410013 (SoB holds a Management Order for Reserve 53252 over this Lot).

No clearing is proposed within Lots 2071 and 3067 which are adjacent to (landwards of) Streeter's Jetty.

The Chinatown Drain intersects a number of Lots, some of which are Reserves under Management Order to the Shire of Broome (or Reserves with no Management Order in place), as follows (refer also Figure 6):

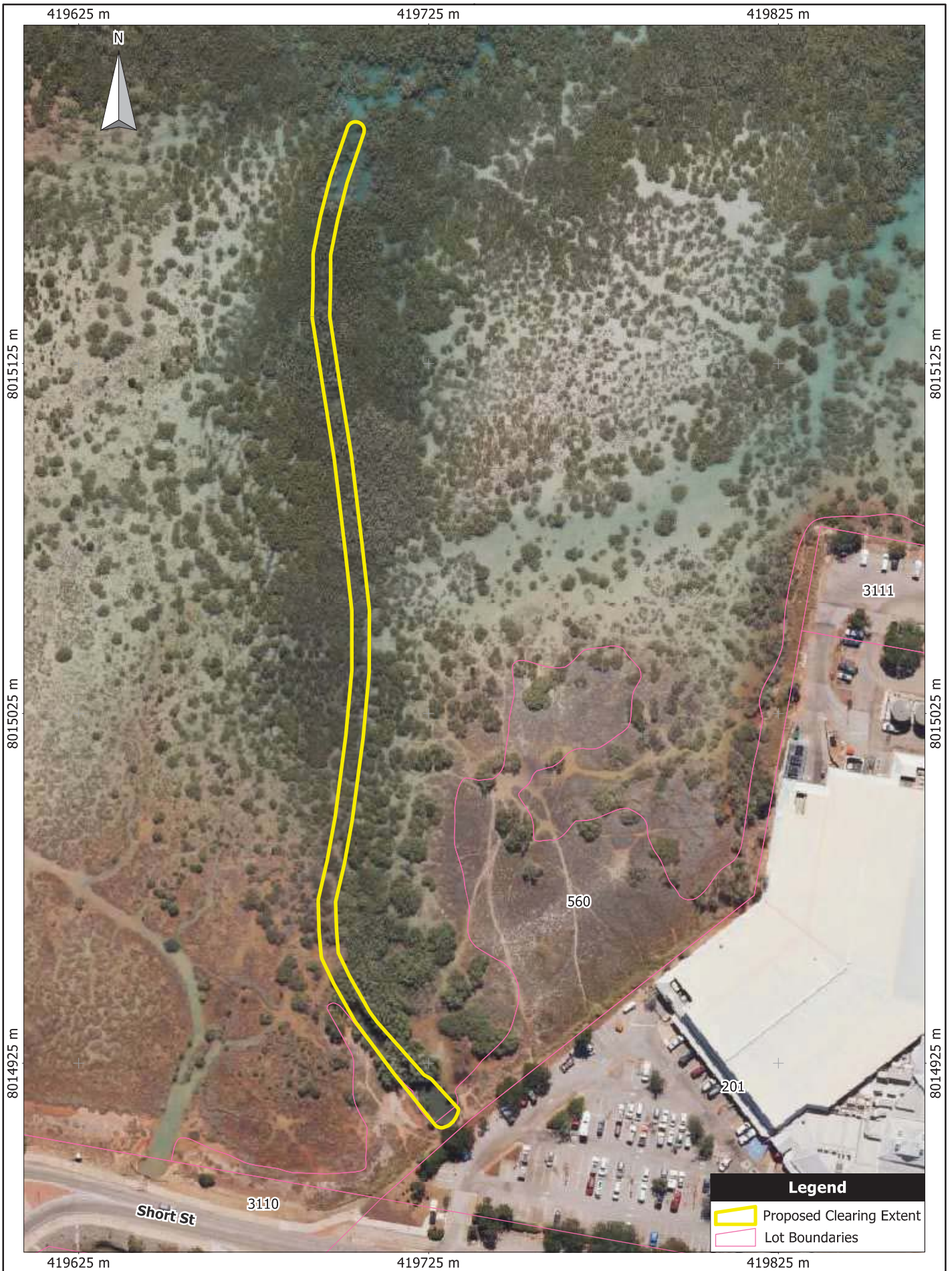
- Lot 560 on Deposited Plan (SoB holds a Management Order for Reserve 51176 over this Lot).
- Lot 616 on Deposited Plan 410013 (SoB holds a Management Order for Reserve 53252 over this Lot).

Certificates of Title and Management Orders are provided in Appendix 1.



<p>Scale: 1:1800 Original Size: A4 Air Photo Date: Landgate 2018 Grid: MG94(51)</p>	<p>420000 m 420150 m 420300 m 420450 m</p>	<p>8014700 m 8014850 m</p>	<p>420000 m 420150 m 420300 m 420450 m</p>
<p>Shire of Broome Streeters Jetty and Short Street Drain Clearing Permit</p>	<p>Figure 5 Lots Intersected by Streeters Jetty Clearing Area</p>		
<p>W:\Shire of Broome\Streeters Jetty & Chinatown Drain\Approval Applications\NVCP\GIS\Shire of Broome NVCP.map 9/06/2020 F5 Streeters Jetty with Lots</p>			

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Scale: 1:1400
 Original Size: A4
 Air Photo Date: Landgate 2018
 Grid: MGA94(51)
 0 50 m

Shire of Broome
 Streeter's Jetty and Short
 Street Drain Clearing Permit

Figure 6
**Lots Intersected by
 Chinatown Drain Clearing**

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2.3 ABORIGINAL AND EUROPEAN HERITAGE

On 25 February 2010 agreements recognising the connection of the Yawuru People with land in and around Broome were signed. These Indigenous Land Use Agreements (ILUAs) were registered by the National Native Title Tribunal on 6 August 2010. Various lands were transferred to Yawuru ownership, enabling the traditional owners to actively participate in the development of Broome. These ILUAs also set aside land as conservation estate to be jointly managed by the Yawuru, the Department of Parks and Wildlife, and the SoB. The entire foreshore is significant to the Yawuru, with Roebuck Bay being a traditional foraging area.

Streeter's Jetty is highly significant as the oldest and only remaining maritime jetty used by Broome's Pearl lugger fleet and is listed by the State Heritage Office as a heritage place (Place Number 04553).

2.4 VEGETATION

Vegetation mapping of the Broome area was completed on a broad scale (1:250,000) by Beard (1972-80). These vegetation units were re-assessed by Shepherd et al. (2001) to account for clearing in the intensive land use zone, dividing some larger vegetation units into smaller units. There is one Beard / Shepherd vegetation unit in the area adjacent to the clearing areas: "*Dampierland_750: Pindan woodland. Acacia thicket with eucalypt woodland over spinifex Acacia tumida, Eucalyptus tectifera, Corymbia grandifolia, Triodia pungens, T. bitextura*" (Shepherd et al. 2001). No terrestrial native vegetation is proposed to be cleared.

Grey mangroves (*Avicennia marina*) occur adjacent to Streeter's Jetty (Plate 1) and the Chinatown Drain (Plate 2). Stands of the Stilted mangrove (*Rhizophora stylosa*) occur further offshore from the jetty, including within the proposed clearing area.

Beyond both clearing areas are extensive areas of mature mangrove habitat including the Grey mangrove and the Stilted mangrove. The proposed clearing will impact up to 0.65 ha of mangroves, much of which represents regrowth subsequent to previous repair and maintenance works. The proposed clearing represents less than 1.5% of the locally mapped extent. Extensive mangroves occur across the local area and more regionally (refer Section 3.6).

3. ASSESSMENT OF CLEARING PRINCIPLES

3.1 NATIVE VEGETATION CLEARING PRINCIPLES

Clearing applications are assessed against 10 principles as outlined in Schedule 5 of the *EP Act 1986*. These principles aim to ensure that all potential impacts resulting from removal of native vegetation are assessed in an integrated way and apply to all lands throughout Western Australia. The principles address the four environmental areas of biodiversity significance, land degradation, conservation estate and ground and surface water quality.

The following sections discuss the potential impacts associated with clearing for the upgrade and maintenance works. A summary of the outcomes of the assessment against the 10 Clearing Principles is provided in Table 1.

Table 1: Summary of Clearing Assessment Against Clearing Principles

Principle Number	Clearing Principle	Outcome
a	Native vegetation should not be cleared if it comprises a high level of biological diversity.	Not at variance
b	Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia.	May be at variance
c	Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.	Not at variance
d	Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a Threatened Ecological Community (TEC).	Not at variance
e	Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.	Not at variance
f	Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.	Likely at variance
g	Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.	Not at variance
h	Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation areas.	Not at variance
i	Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.	Not at variance
j	Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence of flooding.	Not at variance

3.2 BIODIVERSITY

Clearing principle a: Native vegetation should not be cleared if it comprises a high level of biological diversity.

The proposed Streeter's Jetty clearing area includes isolated Grey mangrove trees and more dense areas of the Grey mangrove, as well as some areas supporting the Stilted mangrove. These two species of mangrove do not represent a diverse vegetation community.

The proposed clearing is not at variance to Principle a.

3.3 SIGNIFICANT FAUNA HABITAT

Clearing principle b: Native vegetation should not be cleared if it comprises the whole or part of, or is necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia.

The proposed clearing areas, in particular the areas adjacent to Streeter's Jetty, contain mature mangrove trees which can provide roosting habitat for the Black Flying Fox (*Pteropus alecto*) and Little Red Flying Fox (*Pteropus scapulatus*). Extensive areas of mangrove habitat, as mature or older than that present adjacent to the channel, occur immediately adjacent to the proposed clearing area, and are expected to represent equivalent roosting habitat.

The Roebuck Bay Ramsar site is an internationally important staging site for shorebirds migrating within the East-Asian Australasian Flyway. Many shorebirds also spend the austral summer there (i.e. October to March) and a significant proportion of young birds that remain in Australia during their first year use it in winter (i.e. April to September). A known shorebird roost site, 'Western Open Mangroves', is located approximately 1 km east of Streeter's Jetty (Bennelongia 2009). The shoreline in the vicinity of the proposed clearing area is not identified as a key feeding or roosting site.

The proposed clearing may be at variance to Principle b, but impacts to fauna are not expected to be significant given the small extent of mature mangroves to be cleared within an extensive local and regional extent.

3.4 SIGNIFICANT FLORA

Clearing principle c: Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.

Available Department of Biodiversity Conservation and Attractions (DBCA) databases document one rare flora species (*Seringia exastia*) as having been recorded in the local area. *Seringia exastia* is known from 18 locations in the Broome area, from red sandy soils associated with hummock grasslands. Noting the absence of this habitat within the proposed clearing areas, the proposed clearing is highly unlikely to impact this species (DBCA 2018a).

The proposed clearing is not at variance to Principle c.

3.5 THREATENED ECOLOGICAL COMMUNITIES

Clearing principle d: Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a threatened ecological community.

Two Threatened Ecological Communities (TECs) have been recorded in the region; TEC 44 the 'Species-rich faunal community of the intertidal mudflats of Roebuck Bay' and TEC 67 the 'Monsoon (vine) thickets on coastal sand dunes of Dampier Peninsula' (DBCAs 2018a, 2018b). Neither intersect the proposed clearing area.

The clearing area does not include native vegetation that comprises the whole or a part of, or is necessary for the maintenance of, a TEC, and the proposed clearing is not at variance to Principle d.

3.6 REMNANT VEGETATION

Clearing principle e: Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.

The vegetation to be cleared is not significant as a remnant of native vegetation in an area that has been extensively cleared. Extensive mangroves occur across the local area and more regionally (refer Section 2.4). Historic aerial imagery shows that between 1965 and 1984 a significant increase in the local mangrove extent occurred in proximity to Streeter's Jetty (Plate 3).

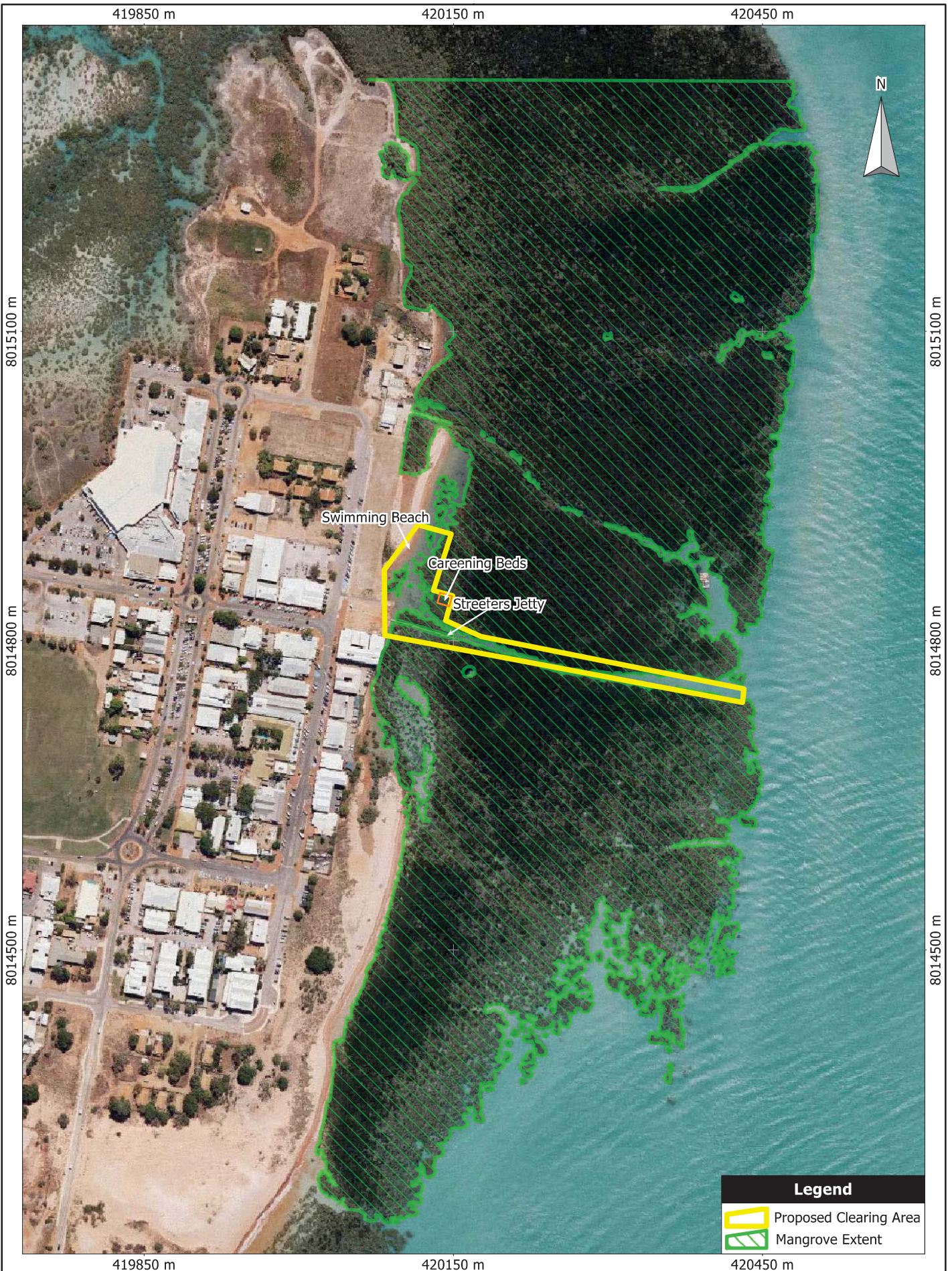


Plate 3: Aerial imagery from 1965 (left) and 1984 (right) Showing Changing Mangrove Extent in Proximity to Streeters Jetty

Significant colonisation and/or expansion of mangroves (approximately 0.25 ha) has occurred since the last jetty reconstruction in 2000, along the northern side of the jetty, immediately to the south of the jetty, and on the inside of the approach channel (Figure 2, Figure 7). A significant proportion (49%) of the proposed clearing of 0.51 ha is regrowth.

The mangrove extent adjacent to the Chinatown Drain has also significantly increased since the drain's construction (refer Figure 4, Figure 8). A significant proportion (29%) of the proposed clearing of 0.14 ha is regrowth.

The proposed clearing will not be at variance with Clearing Principle e.



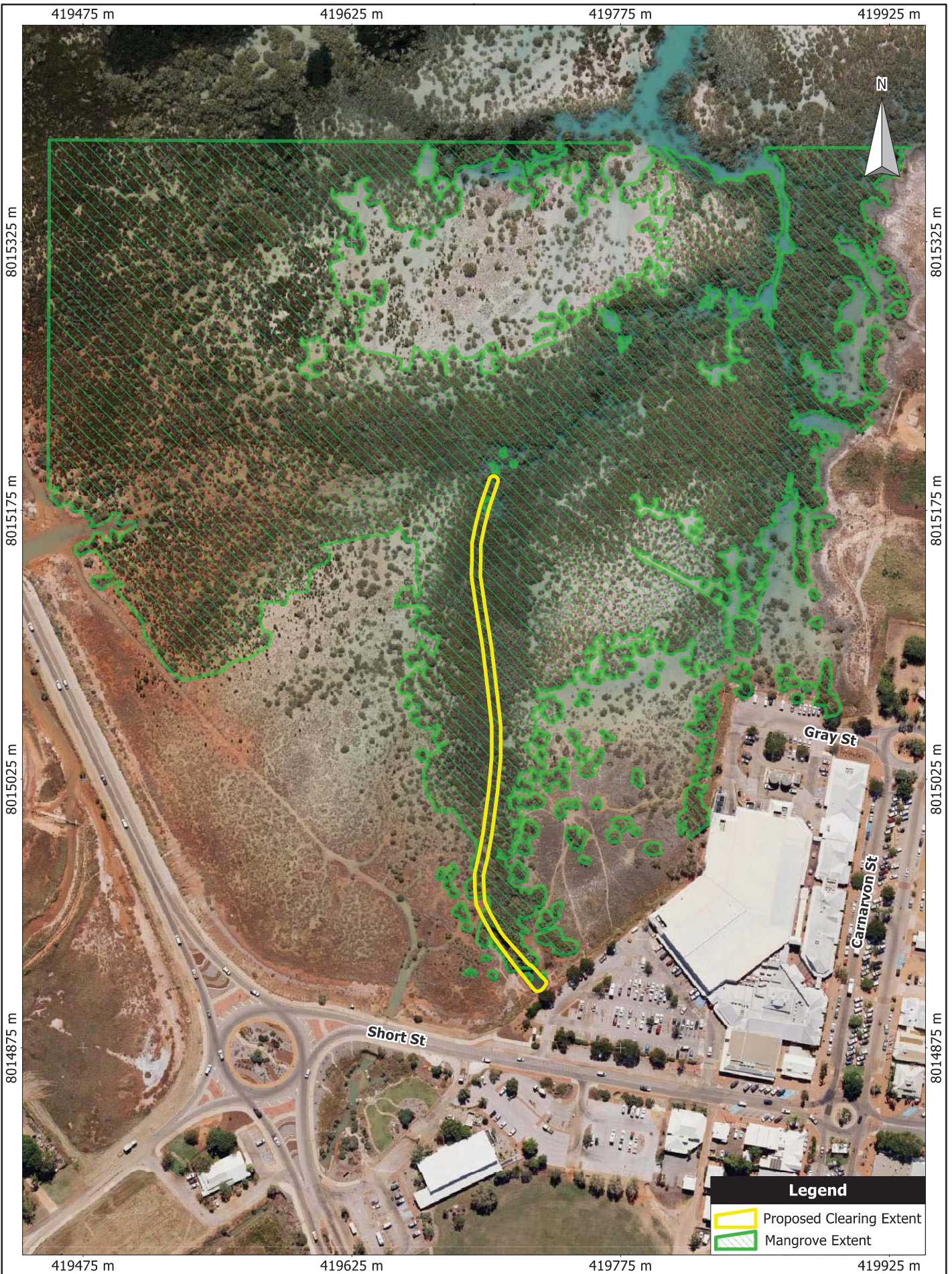
Scale: 1:4800
 Original Size: A4
 Air Photo Date: Landgate 2018
 Grid: MGA94(51)
 0 100 m

Shire of Broome
 Streeter's Jetty and Short
 Street Drain Clearing Permit

Figure 7
**Mangrove Extent in Proximity
 to Streeter's Jetty (2018)**

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Scale: 1:2700
 Original Size: A4
 Air Photo Date: Landgate 2018
 Grid: MGA94(51)

0 50 m

Shire of Broome
 Streeter's Jetty and Short
 Street Drain Clearing Permit

Figure 8
**Mangrove Extent in Proximity
 to Chinatown Drain (2018)**

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3.7 WATERCOURSE OR WETLAND ENVIRONMENTS

Clearing principle f: Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.

The Roebuck Bay wetland (DBCA-045) / Directory of Important Wetlands Roebuck Plains System (WA021) overlaps the proposed clearing area.

The clearing will impact up to 0.65 ha of mangroves, much of which represents regrowth subsequent to previous repair and maintenance works. The proposed clearing represents less than 1.5% of the locally mapped extent. Extensive mangroves occur across the local area and more regionally (refer Section 3.62.4).

The clearing is likely to be at variance with principle f, given it will occur within a recognised wetland area.

3.8 LAND DEGRADATION

Clearing principle g: Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.

The purpose of the clearing associated with the Chinatown Drain is to allow for drain maintenance and removal of the standing water which represents a health risk. Thus, the clearing in this area will reduce the risk of flooding and land degradation. The clearing associated with Streeter's Jetty is to allow for restoration works at the jetty and public access to the associated historic careening beds and swimming beach. Maintenance and removal of rubbish at the beach and dune adjacent to the jetty is also proposed, so the risk of land degradation will be reduced as a result of the proposed clearing.

The proposed clearing is not at variance to Principle g.

3.9 CONSERVATION ESTATE

Clearing principle h: Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.

The Yawuru Nagulagun/Roebuck Bay Marine Park occurs to the east and south of the proposed clearing area. The proposed clearing will not impact the values of this conservation area.

The proposed clearing is not at variance to Principle h.

3.10 SURFACE AND GROUNDWATER QUALITY

Clearing principle i: Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.

There are no underground or surface freshwater features, except for the Chinatown (Short Street) Drain, within the proposed clearing area. No impacts to surface or underground freshwater water quality are expected as a result of the clearing.

The clearing of mangroves has the potential to cause slight increases in turbidity in the marine environment but this is expected to be minor and to rapidly dissipate due to the large tidal range, leading to a high flushing rate, in the area. A significant deterioration in the quality of marine water quality is considered unlikely.

The proposed clearing is not at variance to Principle i.

3.11 FLOODING POTENTIAL

Clearing principle j: Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence of flooding.

The Streeter's Jetty clearing area faces Roebuck Bay and is largely protected from significant wave action during ambient conditions, but can be subject to erosion in cyclone events (Baird 2017). The shoreline is noted as currently stable based on historical record and monitoring of the shoreline position is ongoing (Baird 2017). The clearing of mangroves adjacent to the jetty and approach channel is not expected to cause, or exacerbate, the incidence of flooding.

The proposed Chinatown Drain works will assist in drainage of the adjacent carpark and in mitigating the flood risk.

The proposed clearing is not at variance to Principle j.

4. CONCLUSION

The proposed clearing is necessary for the restoration of the historically important Streeter's jetty, and for the maintenance of the existing Chinatown Drain.

The proposed clearing was assessed as not at variance with eight of the ten clearing principles. The proposed clearing may be at variance to Principle b due to the proposed clearing of mangrove habitat which may support roosting by the Black Flying Fox and Little Red Flying Fox. The proposed clearing is likely to be at variance to Principle f due to the proposed clearing of mangrove habitat within the Roebuck Bay wetland (DBCA-045) and Directory of Important Wetlands Roebuck Plains System (WA021).

Given the small scale of clearing and local and regional abundance of dense mangrove habitat, the clearing is unlikely to lead to any significant environmental impacts. All efforts will be made to minimise clearing and associated impacts to the environment.

5. REFERENCES

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APPENDICES

APPENDIX 1: CERTIFICATES OF TITLE AND MANAGEMENT ORDERS

ORIGINAL

FORM LAA-1023



WESTERN AUSTRALIA
LAND ADMINISTRATION ACT 1997
TRANSFER OF LAND ACT 1893 as amended

Doc No: 1170721-128691
File(s): RES 51176;LEG059
Date: 21 JUL 2017

SECTION 46

MANAGEMENT ORDER (XE)

RESERVE DESCRIPTION (NOTE 1)

RESERVE DESCRIPTION (NOTE 1)	EXTENT	VOLUME	FOLIO
51176	Whole	3002	878
51176	Whole	3020	991

MANAGEMENT BODY (NOTE 2)

- i) Yawuru Native Title Holders Aboriginal Corporation RNTBC of PO Box 425 BROOME WA 6725
- ii) Shire of Broome of PO Box 44 BROOME WA 6725

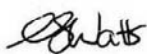
CONDITIONS (NOTE 3)

See Annexure

THE MINISTER FOR LANDS (IN THE NAME OF AND ON BEHALF OF THE STATE OF WESTERN AUSTRALIA) ORDERS THAT THE CARE, CONTROL AND MANAGEMENT OF THE ABOVE RESERVE BE PLACED WITH THE MANAGEMENT BODY DESCRIBED ABOVE FOR THE PURPOSE FOR WHICH THE LAND COMPRISING THE RESERVE IS RESERVED UNDER SECTION 41 OF THE LAND ADMINISTRATION ACT 1997, AND FOR PURPOSES ANCILLARY OR BENEFICIAL TO THAT PURPOSE SUBJECT TO THE CONDITIONS ABOVE

Dated this 29 day of May in the year 2017

ATTESTATION (NOTE 4)

 NAME: Carmen Watts
SENIOR STATE LAND OFFICER
TEAM: Delivery Pos No: 335 3173



ORIGINAL

INSTRUCTIONS

1. If insufficient space in any section, Additional Sheet Form B1 should be used with appropriate headings. The boxed sections should only contain the words "See Annexure".
2. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by parties.
3. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the person signing this document and their witnesses.

NOTES

1. RESERVE DESCRIPTION
Reserve number and details to be stated. The Volume and Folio numbers to be stated.
2. MANAGEMENT BODY
State the full name and address of management body.
3. CONDITIONS
Detail the conditions specified by the Minister to be observed by the management body in its care control and management of the Reserve.
4. ATTESTATION
This document is to be executed by the Minister for Lands or a person to whom the power to grant a management order under section 46 of the Land Administration Act 1997 has been duly delegated under section 9(1) of the Act (if applicable).

EXAMINED

N635579 XE

30 May 2017 08:48:58 Path

MANAGEMENT ORDER (XE)

LODGED BY Department of Lands

ADDRESS DoL - Kimberley - Box 98C

PHONE No.
FAX No.

REFERENCE No. Ruth de Ridder 01627-1978 ph 6552
4653 fax 6552 4417

ISSUING BOX No.

PREPARED BY Department of Lands

ADDRESS DoL - Kimberley - Box 98C

PHONE No.
FAX No.

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY

TITLES, LEASES, DECLARATIONS ETC LODGED HEREWITH

1. Duplicate MO	Received Items
2. _____	Nos. ①
3. _____	
4. _____	Receiving Clerk
5. _____	~
6. _____	

122602-012

Registered pursuant to the provisions of the TRANSFER OF LAND ACT 1893 as amended on the day and time shown above and particulars entered in the Register.

ORIGINAL

FORM B1

WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893 AS AMENDED

ANNEXURE / ADDITIONAL PAGE TO MANAGEMENT ORDER (XE)

RESERVE DESCRIPTION (NOTE 1)	EXTENT	VOLUME	FOLIO
51176	Whole	3002	878
51176	Whole	3020	991

CONDITIONS (NOTE 3)

1. The Reserve is only to be used for the designated purpose of "Conservation, Recreation and Traditional and Customary Aboriginal Use and Enjoyment".
2. Power to Lease (or sub-lease or licence) for the designated purpose is granted for the whole or any portion of the Reserve for any term not exceeding twenty one (21) years, subject to the approval in writing of the Minister for Lands being first obtained for any lease, sublease or assignment of lease, pursuant also to the provisions of section 18 of the Land Administration Act 1997.
3. The Management Body must keep and maintain the Reserve and any buildings and structures effected on the Reserve in good repair and in a structurally safe condition.
4. The Management Body must effect, maintain, and keep current throughout the term of this Management Order a public risk insurance policy for an amount not less than \$20,000,000.00 for any one claim (or such other amount as the Minister may reasonably require at any time and for time to time after notice to the Management Body).

LANDGATE USE ONLY <<< COPY OF ORIGINAL >>>

DUPLICATE

FORM LAA-1023

SECTION 46

WESTERN AUSTRALIA
LAND ADMINISTRATION ACT 1997
TRANSFER OF LAND ACT 1893 as amended

MANAGEMENT ORDER (XE)

RESERVE DESCRIPTION (NOTE 1)

RESERVE DESCRIPTION (NOTE 1)	EXTENT	VOLUME	FOLIO
53252	Whole	3167	790
53252	Whole	3167	785

MANAGEMENT BODY (NOTE 2)

Shire of Broome of POST OFFICE BOX 44 BROOME WA 6725


CONDITIONS (NOTE 3)

To be used for the designated purpose of "Recreation and Drainage" only

THE MINISTER FOR LANDS (IN THE NAME OF AND ON BEHALF OF THE STATE OF WESTERN AUSTRALIA) ORDERS THAT THE CARE, CONTROL AND MANAGEMENT OF THE ABOVE RESERVE BE PLACED WITH THE MANAGEMENT BODY DESCRIBED ABOVE FOR THE PURPOSE FOR WHICH THE LAND COMPRISING THE RESERVE IS RESERVED UNDER SECTION 41 OF THE LAND ADMINISTRATION ACT 1997, AND FOR PURPOSES ANCILLARY OR BENEFICIAL TO THAT PURPOSE SUBJECT TO THE CONDITIONS ABOVE

Dated this 1 day of May in the year 2018

ATTESTATION (NOTE 4)


NAME: Kevin Harrison
SENIOR STATE LAND OFFICER
TEAM: Delivery
Pos 00025295.

DUPLICATE

INSTRUCTIONS

1. If insufficient space in any section, Additional Sheet Form B1 should be used with appropriate headings. The boxed sections should only contain the words "See Annexure".
2. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by parties.
3. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the person signing this document and their witnesses.

NOTES

1. RESERVE DESCRIPTION
Reserve number and details to be stated. The Volume and Folio numbers to be stated.
2. MANAGEMENT BODY
State the full name and address of management body.
3. CONDITIONS
Detail the conditions specified by the Minister to be observed by the management body in its care control and management of the Reserve.
4. ATTESTATION
This document is to be executed by the Minister for Lands or a person to whom the power to grant a management order under section 46 of the Land Administration Act 1997 has been duly delegated under section 9(1) of the Act (if applicable).

N890289 XE

07 May 2018 08:51:06 Perth



DUPLICATE

MANAGEMENT ORDER (XE)

LODGED BY Department of Planning Lands and Heritage

ADDRESS DPLH - Kimberley - Box 98C

PHONE No.
FAX No.

REFERENCE No. Janine Finch 00158-2018 Ph: 6552 4587
Fax: 6552 4417

ISSUING BOX No. *98C*

PREPARED BY Department of Planning Lands and Heritage

ADDRESS DPLH - Kimberley - Box 98C

PHONE No.
FAX No.

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY

TITLES, LEASES, DECLARATIONS ETC LODGED HEREWITH

1. _____ Received Items
2. _____ Nos.
3. _____
4. _____ Receiving Clerk
5. _____
6. _____

EXAMINED

NAME
SIGNATURE
DATE

170830-003



Registered pursuant to the provisions of the TRANSFER OF LAND ACT 1893 as amended on the day and time shown above and particulars entered in the Register.

WESTERN



AUSTRALIA

REGISTER NUMBER 611/DP410013	
DUPLICATE EDITION N/A	DATE DUPLICATE ISSUED N/A

**RECORD OF QUALIFIED CERTIFICATE
OF
CROWN LAND TITLE
UNDER THE TRANSFER OF LAND ACT 1893
AND THE LAND ADMINISTRATION ACT 1997
NO DUPLICATE CREATED**

VOLUME **LR3167** FOLIO **785**

The undermentioned land is Crown land in the name of the STATE OF WESTERN AUSTRALIA, subject to the interests and Status Orders shown in the first schedule which are in turn subject to the limitations, interests, encumbrances and notifications shown in the second schedule.


REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 611 ON DEPOSITED PLAN 410013

**STATUS ORDER AND PRIMARY INTEREST HOLDER:
(FIRST SCHEDULE)**

STATUS ORDER/INTEREST: RESERVE UNDER MANAGEMENT ORDER

PRIMARY INTEREST HOLDER: SHIRE OF BROOME OF POST OFFICE BOX 44 BROOME WA 6725
(XE N890289) REGISTERED 7/5/2018

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)**

1. N890288 RESERVE 53252 FOR THE PURPOSE OF RECREATION AND DRAINAGE REGISTERED 7/5/2018.
N890289 MANAGEMENT ORDER. CONTAINS CONDITIONS TO BE OBSERVED. REGISTERED 7/5/2018.

Warning: (1) A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
Lot as described in the land description may be a lot or location.
(2) The land and interests etc. shown hereon may be affected by interests etc. that can be, but are not, shown on the register.
(3) The interests etc. shown hereon may have a different priority than shown.

-----END OF CERTIFICATE OF CROWN LAND TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP410013
PREVIOUS TITLE: LR3167-785
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AUTHORITY: SHIRE OF BROOME
RESPONSIBLE AGENCY: DEPARTMENT OF PLANNING, LANDS AND HERITAGE (SLSD)

END OF PAGE 1 - CONTINUED OVER

ORIGINAL CERTIFICATE OF CROWN LAND TITLE
QUALIFIED

REGISTER NUMBER: 611/DP410013

VOLUME/FOLIO: LR3167-785

PAGE 2

NOTE 1: N536762 CORRESPONDENCE FILE 02322-1963-01RO.
NOTE 2: SUBJECT TO SURVEY - NOT FOR ALIENATION PURPOSES

LANDGATE USE ONLY <<< COPY OF ORIGINAL >>> LANDGATE USE ONLY

WESTERN



AUSTRALIA

REGISTER NUMBER 616/DP410013	
DUPLICATE EDITION N/A	DATE DUPLICATE ISSUED N/A

**RECORD OF QUALIFIED CERTIFICATE
OF
CROWN LAND TITLE**

VOLUME **LR3167** FOLIO **790**

UNDER THE TRANSFER OF LAND ACT 1893
AND THE LAND ADMINISTRATION ACT 1997
NO DUPLICATE CREATED

The undermentioned land is Crown land in the name of the STATE OF WESTERN AUSTRALIA, subject to the interests and Status Orders shown in the first schedule which are in turn subject to the limitations, interests, encumbrances and notifications shown in the second schedule.



REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 616 ON DEPOSITED PLAN 410013

**STATUS ORDER AND PRIMARY INTEREST HOLDER:
(FIRST SCHEDULE)**

STATUS ORDER/INTEREST: RESERVE UNDER MANAGEMENT ORDER

PRIMARY INTEREST HOLDER: SHIRE OF BROOME OF POST OFFICE BOX 44 BROOME WA 6725
(XE N890289) REGISTERED 7/5/2018

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)**

1. N574051 MEMORIAL, HERITAGE OF WESTERN AUSTRALIA ACT 1990. AS TO PORTION ONLY - SEE DEPOSITED PLAN 410047. LODGED 13/3/2017.
2. N890288 RESERVE 53252 FOR THE PURPOSE OF RECREATION AND DRAINAGE REGISTERED 7/5/2018.
N890289 MANAGEMENT ORDER. CONTAINS CONDITIONS TO BE OBSERVED. REGISTERED 7/5/2018.

- Warning:
- (1) A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required. Lot as described in the land description may be a lot or location.
 - (2) The land and interests etc. shown hereon may be affected by interests etc. that can be, but are not, shown on the register.
 - (3) The interests etc. shown hereon may have a different priority than shown.

-----END OF CERTIFICATE OF CROWN LAND TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP410013
PREVIOUS TITLE: LR3167-790
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AUTHORITY: SHIRE OF BROOME

END OF PAGE 1 - CONTINUED OVER

ORIGINAL CERTIFICATE OF CROWN LAND TITLE
QUALIFIED

REGISTER NUMBER: 616/DP410013

VOLUME/FOLIO: LR3167-790

PAGE 2

RESPONSIBLE AGENCY:

DEPARTMENT OF PLANNING, LANDS AND HERITAGE (SLSD)

NOTE 1: N536762 CORRESPONDENCE FILE 02322-1963-01RO.
NOTE 2: SUBJECT TO SURVEY - NOT FOR ALIENATION PURPOSES
NOTE 3: N846157 DEPOSITED PLAN 413367 LODGED

LANDGATE USE ONLY <<< COPY OF ORIGINAL >>> LANDGATE USE ONLY

Reserve Enquiry Detail [5100L]

[Screen Friendly Print](#)

Reserve	53252	Legal Area (ha)	110
Name		Status	Current
Type		Current Purpose	RECREATION AND DRAINAGE
Notes			
File Number			
Additional Reserve Information	RESERVE COMPRISES LOT 611 & LOT 616 ON DP410013 (N890288)		

Class	Responsible Agency	Date of Last Change
C	DEPARTMENT OF PLANNING, LANDS AND HERITAGE (SLSD)	31/05/2018

Management Orders	Document	Land Use	Local Government Authority
SHIRE OF BROOME	N890289	DRAINAGE RECREATION	BROOME, SHIRE OF

Add Item	CLT Number	Parcel Identifier	Street Address	Suburb	File Number	PIN	Area
<input type="checkbox"/>	LR3167-785	Lot 611 On Plan 410013			02322-1963- 01RO.	12256123 4122	
<input type="checkbox"/>	LR3167-790	Lot 616 On Plan 410013			02322-1963- 01RO.	12265885 3895	
<input type="checkbox"/>	LR3167-790	Lot 616 On Plan 410013			02322-1963- 01RO.	12265886 6513	

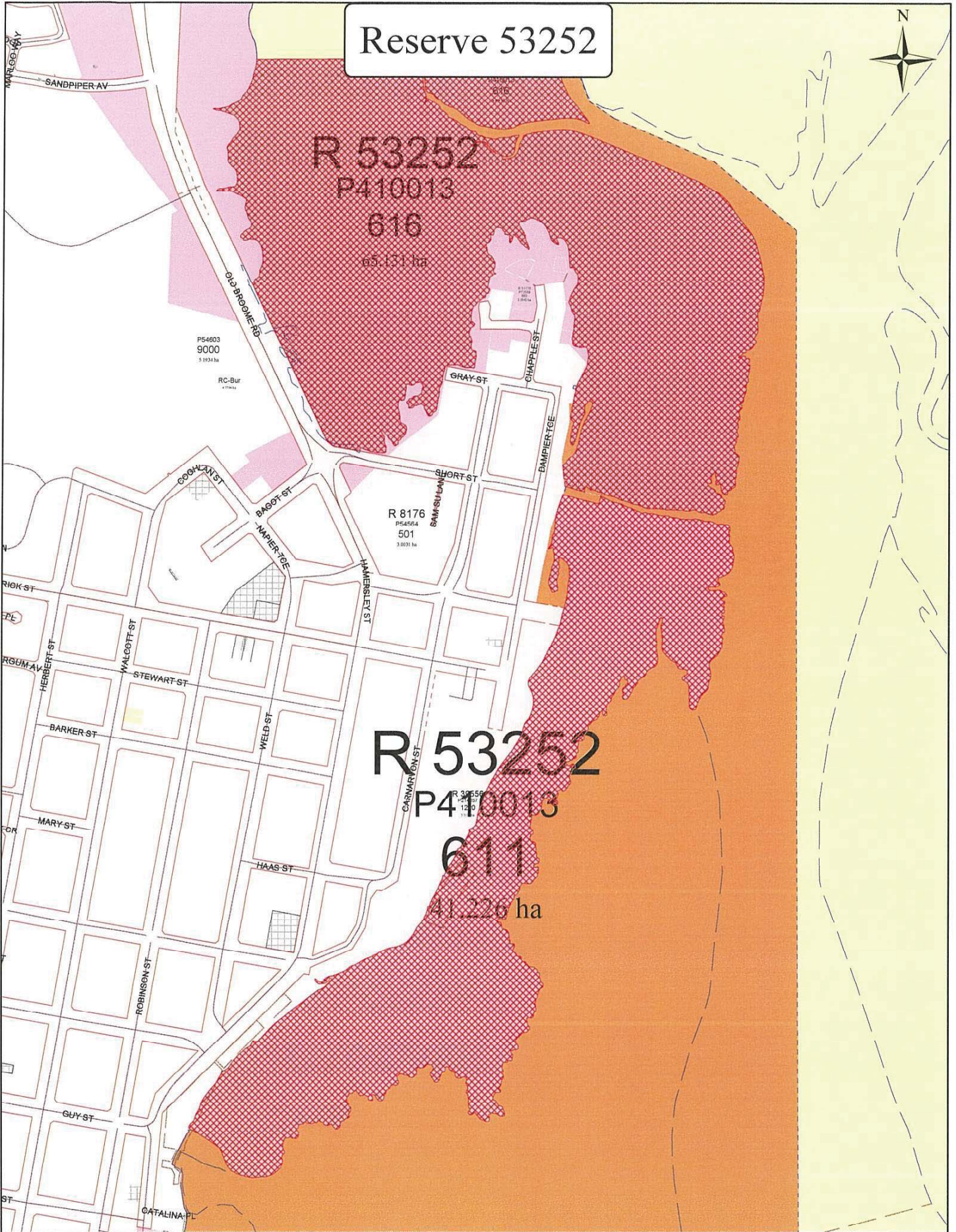
Reserve Number 53252

Previous Certificates of Title	Historic Crown Allotments

Gaz Page/Document	Date	Type	Text
N890288	07/05/2018	Current Area	110.0000
N890288	07/05/2018	Class	C
N890288	07/05/2018	Current Purpose	RECREATION AND DRAINAGE
N890289	07/05/2018	Current Vesting	MANAGEMENT ORDER SHIRE OF BROOME

This product is for information purposes only. A search of the original documentation is required for all legal purposes.
Western Australian Land Information Authority (Landgate)

Reserve 53252



Scale : 1:10000 (MGA)
MGA : SW=418892.924,8013228.806 Zone 51 / NE=420906.634,8015857.464 Zone 51
Lat/Long : -17°58'03.458", 122°14'02.415" / -17°56'38.197", 122°15'11.235" H 263mm by W 201mm

Printed : 11:20 Wed 6/Jun/2018
© Western Australian Land Information Authority 2018

This product is for information purposes only and is not guaranteed. The information may be out of date and should not be relied upon without further verification from the original documents. Where the information is being used for legal purposes then the original documents must be searched for all legal requirements.

Email regarding access to Lot 3000



After further consideration it looks like the jetty falls under section 3.53 (Control of certain unvested facilities) of the *Local Government Act 1995*, meaning that the Shire as the Local Government Authority is responsible for controlling and managing it. As such, the Shire does not need our authority for access for the proposed works. This email should suffice for the purposes of the Native Vegetation Clearing Permit.

It is noted, however, that there are memorials over the proposed area related to the heritage listing of the jetty. It is recommended that you liaise with our heritage teams at HeritageEnquiries@dplh.wa.gov.au (Aboriginal heritage) and HCWArefferrals@dplh.wa.gov.au (State heritage) to ensure that you meet any requirements under heritage legislation.

Please do not hesitate to contact me if you have any queries or require any additional information.

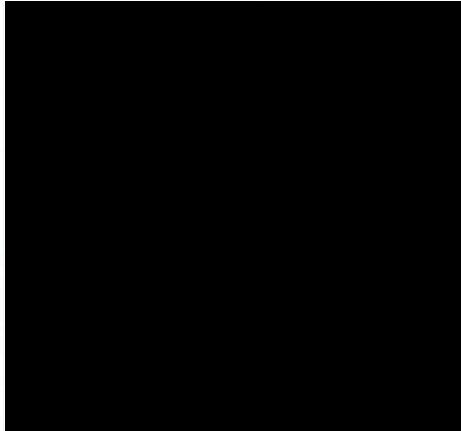
Kind regards



The department is responsible for planning and managing land and heritage for all Western Australians – now and into the future

The department acknowledges the Aboriginal peoples of Western Australia as the traditional custodians of this land and we pay our respects to their Elders, past and present.

Disclaimer: this email and any attachments are confidential, and may be legally privileged. If you are not the intended recipient, any use, disclosure, distribution or copying of this material is strictly prohibited. If you have received this email in error please notify the sender immediately by replying to this email, then delete both emails from your system.



Doc No: I200610-171811
File(s): DAM-1/LT3000

Date: 10 JUN 2020

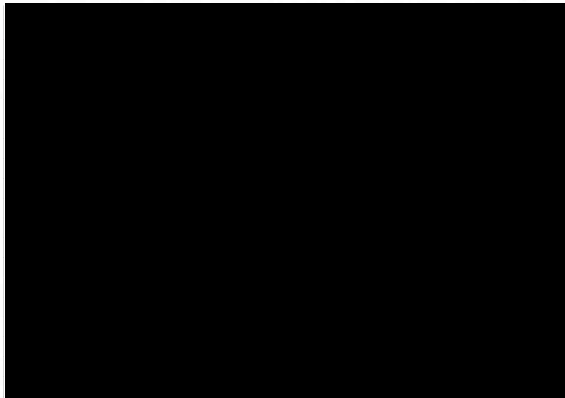
Disposal:

RE: STREETERS JETTY REFURBISHMENT AND ASSOCIATED CLEARING

I refer to your letter dated 5 June 2020 requesting approval to undertake minor clearing works in Lot 600.

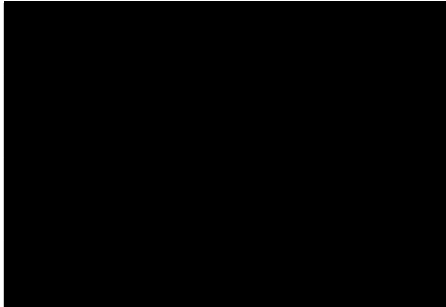
Kimberley Ports Authority (**KPA**) does not have any objections for the Shire of Broome to undertake the proposed clearing works in Lot 600 as per the extents on diagram (Figure 5) dated 3 June 2020.

KPA understands that the clearing will prevent any future deterioration to the reconstructed jetty structure from mangrove growth and inundation, and to be able to restore public access to the historic Pearling Lugger Careening beds and swimming beach.



APPENDIX 2: LETTERS OF SUPPORT

14th August 2020



RE: STREETERS JETTY REFURBISHMENT AND SHORT STREET DRAINAGE REINSTATEMENT- LETTER OF SUPPORT

We refer to the above and to your correspondence of the 3rd July 2020 and to a subsequent meeting to discuss the project in more detail on the 24th July 2020.

We hereby provide a letter acknowledging that the Shire seeks to submit a Clear Native Vegetation permit application. We support the Shire preparing and submitting the application however note that some areas of the foreshore for both projects are under the Yawuru determination of exclusive possession native title and the grant of the clearing permit may be a 'future act' under the Native Title Act 1993. In addition there are significant Yawuru cultural and historical values in this precinct together with the sensitive mangal habitat along Dampier Creek and adjacent to the Nagulagun Roebuck Bay Marine Park Boundary.

We therefore request the following:

- A copy of the native vegetation clearing permit application that is submitted by the Shire
- Notification that the application may be granted and a further opportunity to comment in relation to Yawuru native title, heritage and environmental interests and concerns.
- A copy of the permit and conditions, if approved together with update on the scope of the projects prior to works commencing.
- Two Yawuru Cultural Monitors must be on site when the works take place.

