



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 9698/2
Permit Holder:	Department of Water and Environmental Regulation
Duration of Permit:	From 21 October 2022 to 21 October 2028

The permit holder is authorised to clear *native vegetation* subject to the following conditions of this permit.

PART I - CLEARING AUTHORISED

1. Clearing authorised (purpose)

The permit holder is authorised to clear *native vegetation* for the purpose of bore hole sites and access tracks.

2. Land on which clearing is to be done

Lot 99 on Deposited Plan 32021 (Unallocated Crown Land), Eighty Mile Beach
Lot 1561 on Deposited Plan 65161 (Pastoral Lease LPL N050392), Eighty Mile Beach
Lot 37 on Deposited Plan 238183 (Pastoral Lease LPL N049664), Eighty Mile Beach
Lot 349 on Deposited Plan 92224 (Crown Reserve R 11175), Lagrange
Lot 264 on Deposited Plan 238183 (Pastoral Lease LPL N049664), Lagrange
Lot 256 on Deposited Plan 238185 (Pastoral Lease LPL N049666), Lagrange
Lot 257 on Deposited Plan 238186 (Pastoral Lease LPL N049667), Lagrange
Unnamed road reserve (PIN 11731946), Lagrange
Lot 1544 on Deposited Plan 75840 (Pastoral Lease LPL N049900), Roebuck

3. Clearing authorised

The permit holder must not clear more than 1.94 hectares of *native vegetation* within the area cross-hatched yellow in Figure 1 to 7 of Schedule 1.

4. Period during which clearing is authorised

The permit holder must not clear any *native vegetation* after 21 October 2027.

PART II □ MANAGEMENT CONDITIONS**5. Avoid, minimise, and reduce impacts and extent of clearing**

In determining the *native vegetation* authorised to be cleared under this permit, the permit holder must apply the following principles, set out in descending 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.

6. Weed management

When undertaking any clearing authorised under this permit, the permit holder must take the following measures to minimise the risk of 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 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.

7. Directional clearing

The permit holder must conduct clearing activities in a slow, progressive manner in a single direction to allow fauna to move into adjacent *native vegetation* ahead of the clearing activity.

8. Fauna management

- (a) Within 14 days prior to undertaking any clearing authorised under this permit, or as otherwise approved by the *CEO*, the permit holder shall engage a *fauna specialist* to undertake clearance surveys for the greater bilby (*Macrotis lagotis*) within the area cross-hatched yellow in Figure 1 - 7 of Schedule 1, using transects spaced at a maximum 100 metres apart, to identify and inspect (if present) greater bilby burrows for signs of use.
- (b) Where evidence of recent burrow use by greater bilbies is identified under condition 8(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 ten 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) In the event that greater bilbies are identified utilising any flagged burrow(s) under condition 8(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 8(a) of this permit, and/or greater bilbies are relocated under condition 8(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 or 2020 (GDA94 or GDA2020), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
 - (ii) a description of the camera monitoring measures undertaken under condition 8(b)(iii) of this permit;
 - (iii) the date and time that greater bilbies were recorded as independently moving from a flagged burrow;
 - (iv) the gender of each greater bilby captured under condition 8(c) of this permit;
 - (v) the location of any greater bilbies captured, using a GPS unit set to GDA94 or GDA 2020, 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 were captured under condition 8(d)(v) of this permit;
 - (vii) the scientific name and gender of each greater bilby relocated under condition 8(c) of this permit;
 - (viii) the location of any greater bilbies relocated, using a GPS unit set to GDA94 or GDA 2020, 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 8(c) of this permit;
 - (x) the name of the *fauna specialist* that relocated fauna under condition 8(c) of this permit; and
 - (xi) a copy of the fauna licence authorising the relocation of fauna under condition 8(c) of this permit.

9. Revegetation and rehabilitation (temporary works)

The permit holder must *revegetate* and *rehabilitate* areas cleared for *temporary works* within six months of the area no longer being required for the purpose for which it was cleared, unless the *CEO*, in writing, advises the permit holder to the contrary.

PART III - RECORD KEEPING AND REPORTING

10. Records that must be kept

The permit holder must maintain 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 the clearing occurred, recorded using a Global Positioning

No.	Relevant matter	Specifications
		<p>System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), or GDA2020) expressing the geographical coordinates in Eastings and Northings;</p> <p>(c) the date that the area was cleared;</p> <p>(d) the size of the area cleared (in hectares);</p> <p>(e) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 5;</p> <p>(f) actions taken to minimise the risk of the introduction and spread of <i>weeds</i> in accordance with condition 6;</p> <p>(g) actions undertaken in accordance with condition 7;</p> <p>(h) actions undertaken in accordance with condition 8;</p> <p>(i) a report detailing the date and methods of the clearance survey undertaken in accordance with condition 8(a); and</p> <p>(j) actions undertaken in accordance with condition 9.</p>

11. Reporting

The permit holder must provide to the *CEO* the records required under condition 10 of this permit when requested by the *CEO*.

DEFINITIONS

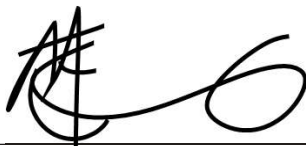
In this permit, the terms in Table 2 have the meanings defined.

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> .
clearance survey/s	A search of immediate impact areas prior to clearing to locate fauna. The clearance survey should focus on locating burrows, recent foraging signs, fresh tracks and scats.
clearing	has the meaning given under section 3(1) of the EP Act.
condition	a condition to which this clearing permit is subject under section 51H of the EP Act.
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)

Term	Definition
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 <i>CEO</i> as a suitable fauna specialist for the bioregion, and who holds a valid fauna licence issued under the <i>Biodiversity Conservation Act 2016</i> .
fill	means material used to increase the ground level, or to fill a depression.
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.
native vegetation	has the meaning given under section 3(1) and section 51A of the EP Act.
rehabilitate/ rehabilitated / rehabilitation	means actively managing an area containing native vegetation in order to improve the ecological function of that area.
revegetate / vegetated / revegetation	means the re-establishment of a cover of local provenance native vegetation in an area using methods such as natural regeneration, direct seeding and/or planting, so that the species composition, structure and density is similar to pre-clearing vegetation types in that area.
temporary works	means access tracks, spoil areas, side tracks, site offices, storage areas, laydown areas, extraction sites, camps, project surveys, pre-construction activities, and similar works associated with a project activity that are temporary in nature.
weeds	means any plant <input type="checkbox"/> (a) that is a declared pest under section 22 of the <i>Biosecurity and Agriculture Management Act 2007</i> ; or (b) published in a Department of Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking summary, regardless of ranking; or (c) not indigenous to the area concerned.

END OF CONDITIONS



Mathew Gannaway
 MANAGER
 NATIVE VEGETATION REGULATION

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

7 June 2024

Schedule 1

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



Figure 1: Map of the boundary of the area within which clearing may occur

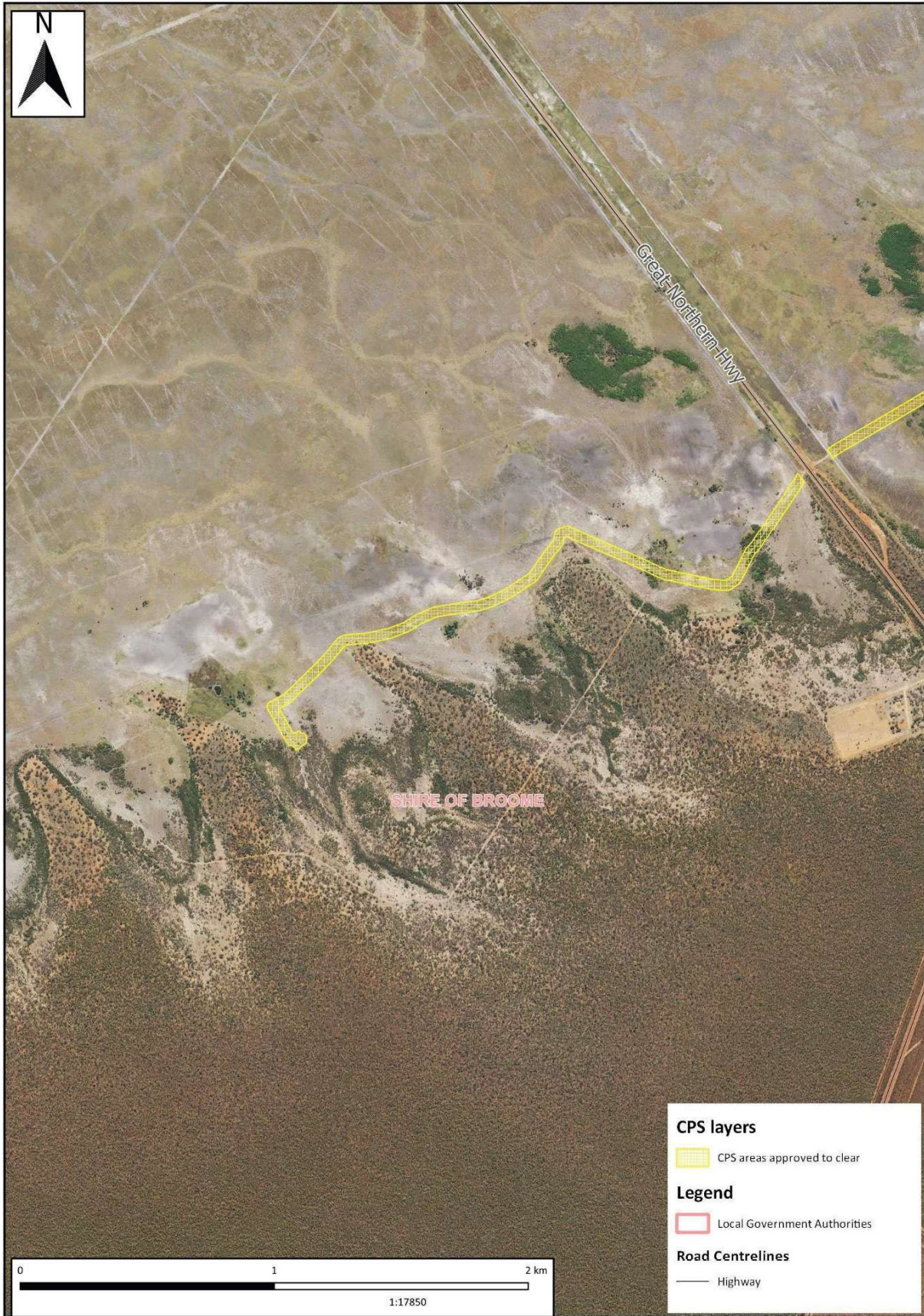


Figure 2: Map of the boundary of the area within which clearing may occur



Figure 3: Map of the boundary of the area within which clearing may occur

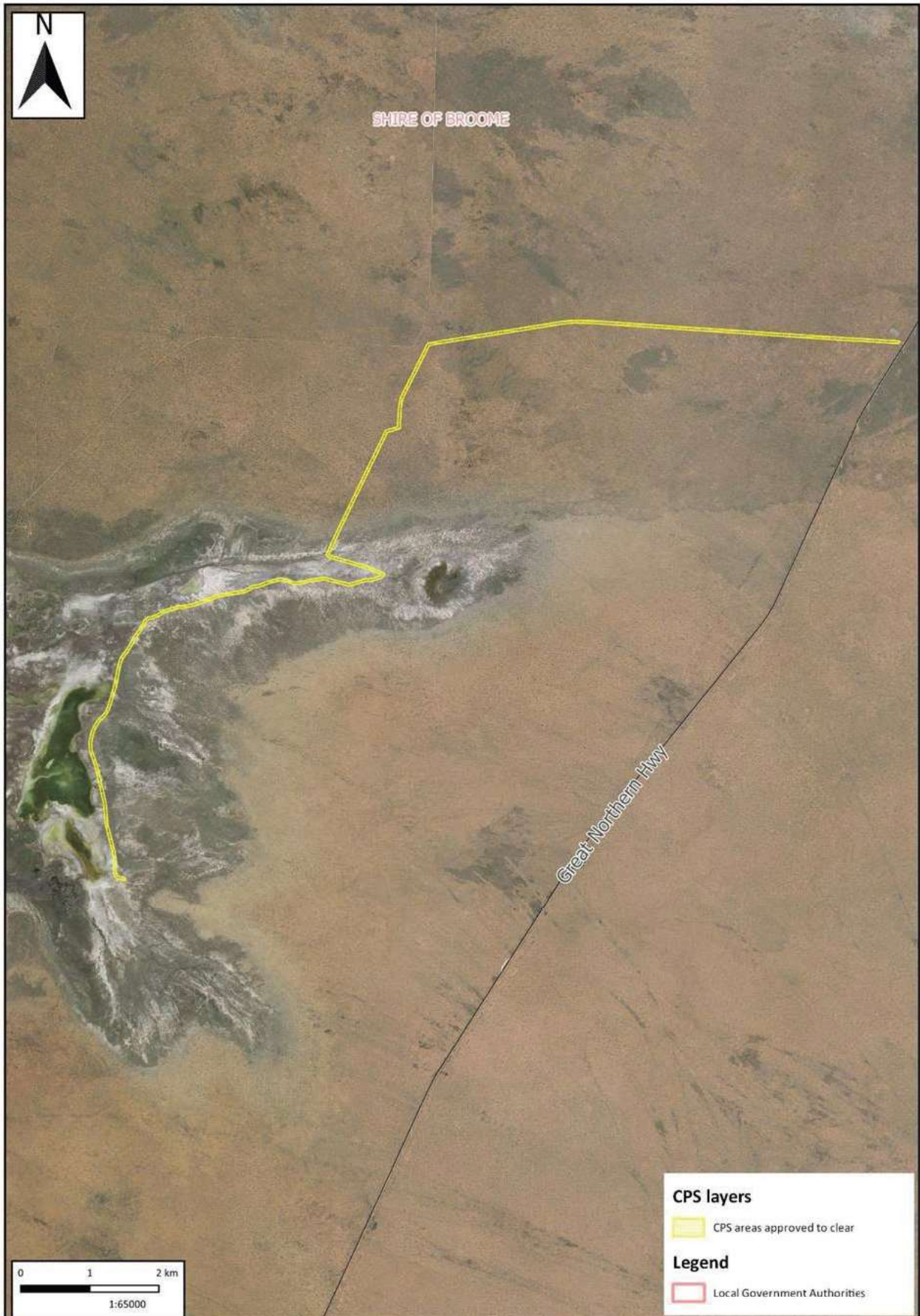


Figure 4: Map of the boundary of the area within which clearing may occur

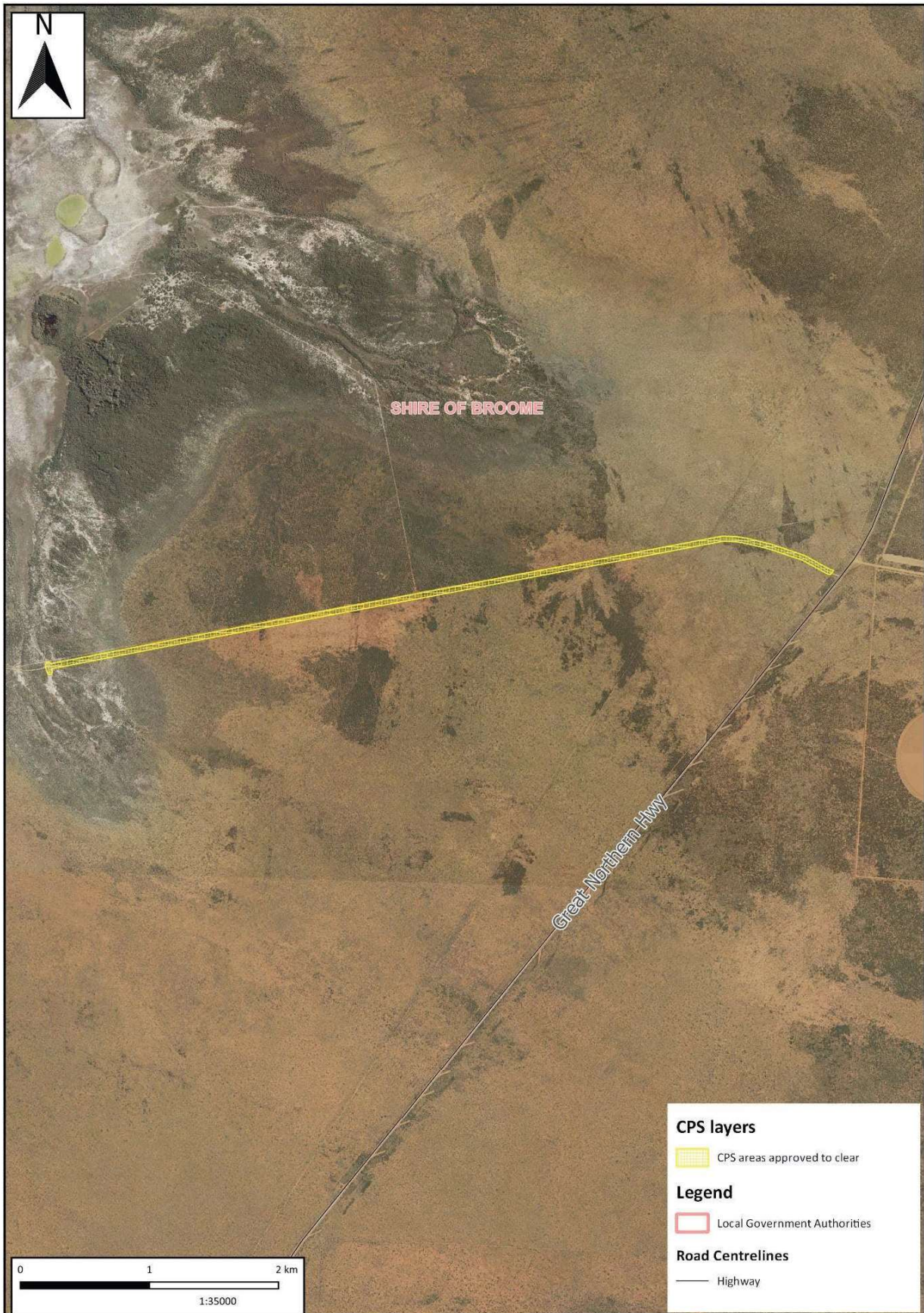


Figure 5: Map of the boundary of the area within which clearing may occur

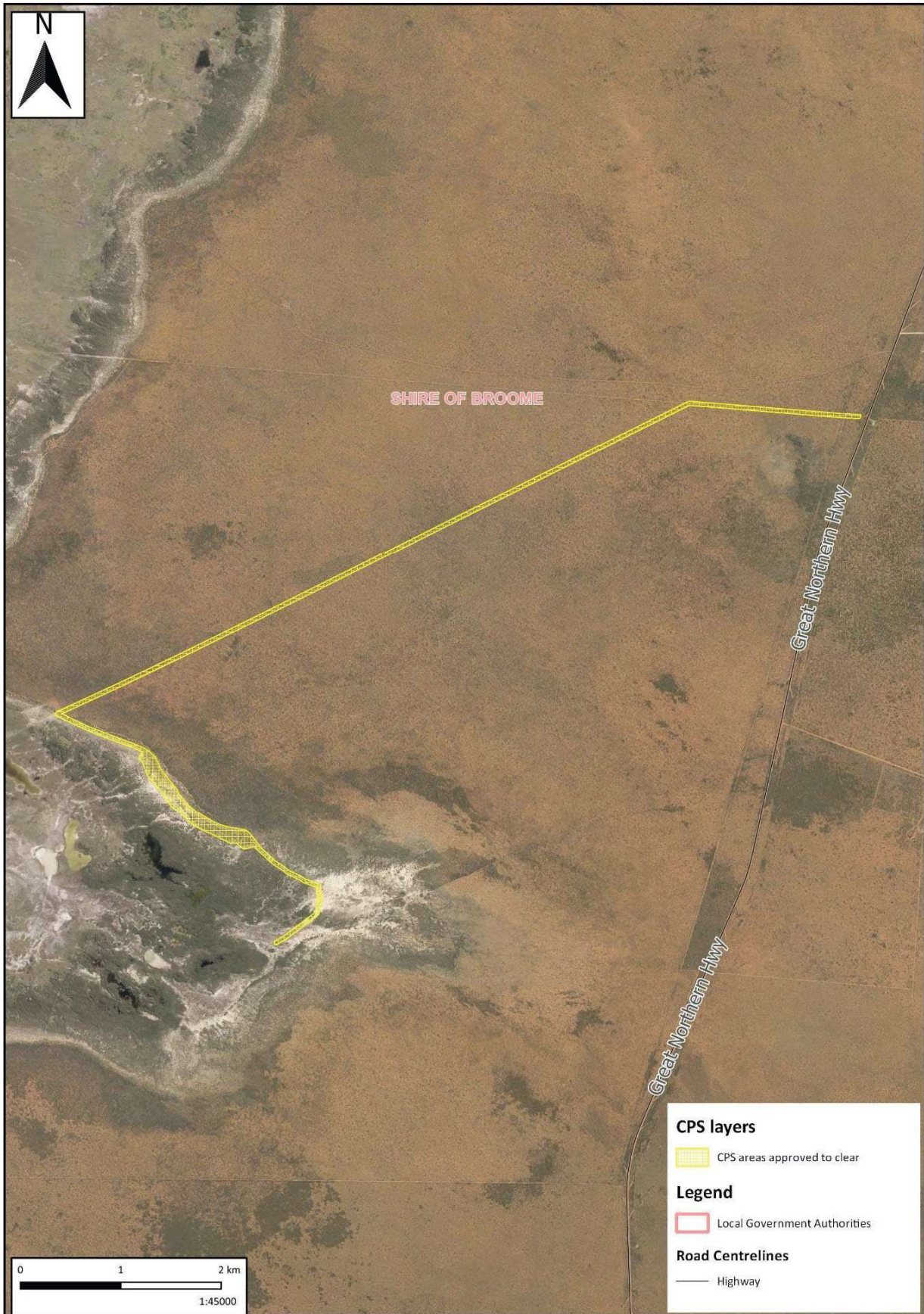


Figure 6: Map of the boundary of the area within which clearing may occur

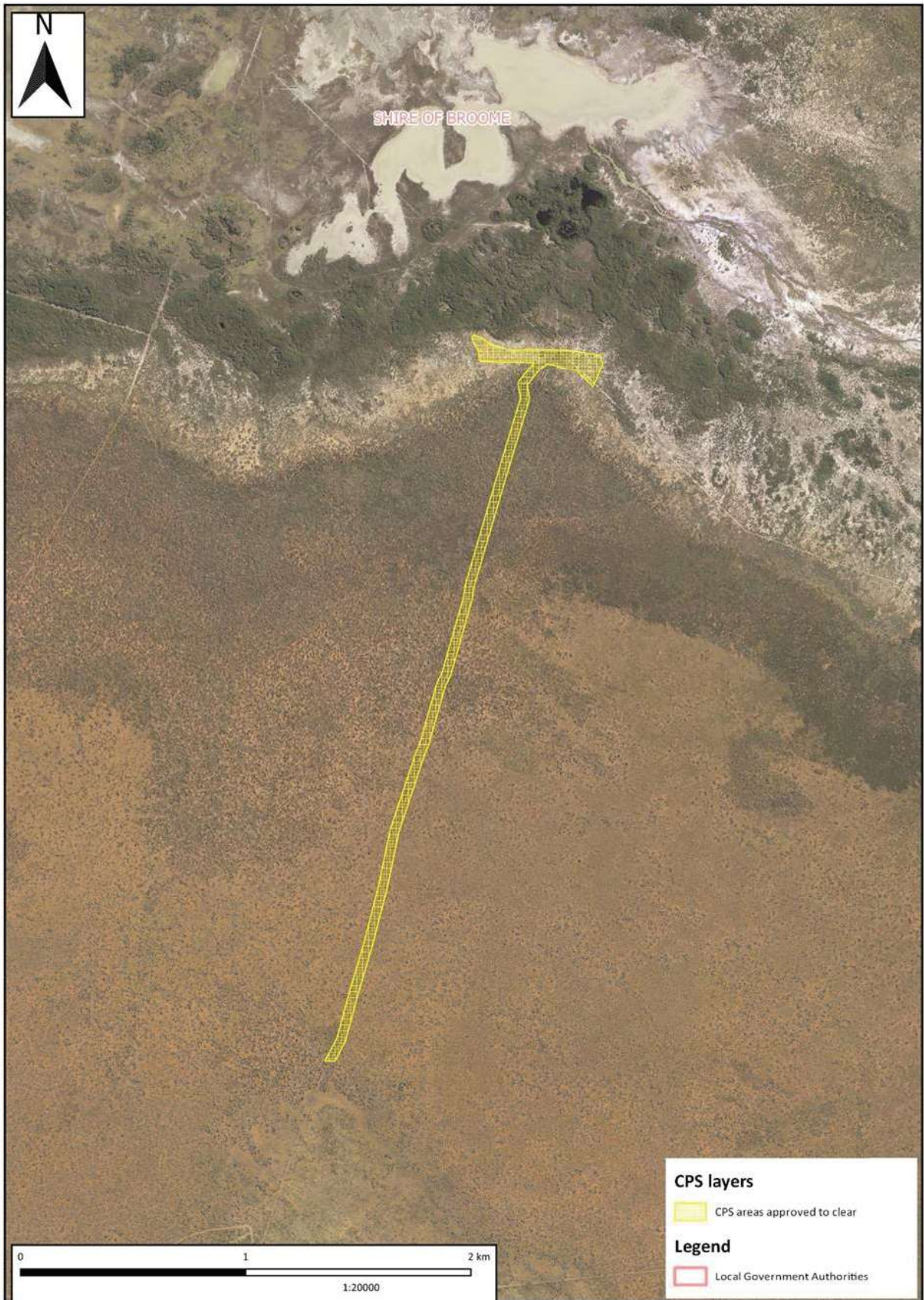


Figure 7: Map of the boundary of the area within which clearing may occur



Clearing Permit Decision Report

1 Application details and outcome

1.1. Permit application details

Permit number:	CPS 9698/2
Permit type:	Purpose permit
Applicant name:	Department of Water and Environmental Regulation
Application received:	27 March 2024
Application area:	1.94 hectares of native vegetation
Purpose of clearing:	Borehole sites and access tracks
Method of clearing:	Mechanical clearing
Property:	<p>Lot 99 on Deposited Plan 32021, Eighty Mile Beach</p> <p>Lot 1561 on Deposited Plan 65161, Eighty Mile Beach</p> <p>Lot 37 on Deposited Plan 238183, Eighty Mile Beach</p> <p>Lot 349 on Deposited Plan 92224, Lagrange</p> <p>Lot 264 on Deposited Plan 238183, Lagrange</p> <p>Lot 256 on Deposited Plan 238185, Lagrange</p> <p>Lot 257 on Deposited Plan 238186, Lagrange</p> <p>Lot 1544 on Deposited Plan 75840, Roebuck</p> <p>Unnamed Road Reserve (PIN 11731946, Lagrange)</p>
Location (LGA area/s):	Shire of Broome
Localities (suburb/s):	<p>Eighty Mile Beach</p> <p>Lagrange</p> <p>Roebuck</p>

1.2. Description of clearing activities

CPS 9698/1 allowed for the Department of Water and Environmental Regulation (DWER) to clear 1.94 hectares of native vegetation for the purpose of bore hole sites and access tracks within the cross-hatched yellow in Figure 1 to 7 of Schedule 1. This amendment is to amend Condition 8(a) of clearing permit CPS 9698/1, to increase the time between pre-clearance bilby survey and clearing to 14 days. To allow flexibility in the above work timeframes, the permit holder has requested additional time between completing preclearance survey for the greater bilby and undertake clearing within the area authorised under the permit CPS 9698/1.

The amount of clearing remains unchanged from that authorised under clearing permit CPS 9698/1 (see Figure 1-7, Section 1.5). No clearing is sought under CPS 9698/2. The applicant advised that no clearing has been undertaken under CPS 9698/1 since the commencement of the permit in October 2022.

1.3. Decision on application

Decision:	Granted
Decision date:	7 June 2024
Decision area:	1.94 hectares of native vegetation, as depicted in Section 1.5, below.

1.4. Reasons for decision

On 21 October 2022, the Native Vegetation Regulation determined to grant DWER's Clearing Permit CPS 9698/1 for the clearing of 1.94 hectares of native vegetation within multiple properties within Eighty Mile Beach, Lagrange and Roebuck, for the purpose of construction of bore hole sites and access tracks.

To allow flexibility in project timeframes, the permit holder has requested additional time between completing pre-clearance fauna surveys and undertaking clearing within the area authorised under the permit CPS 9698/1.

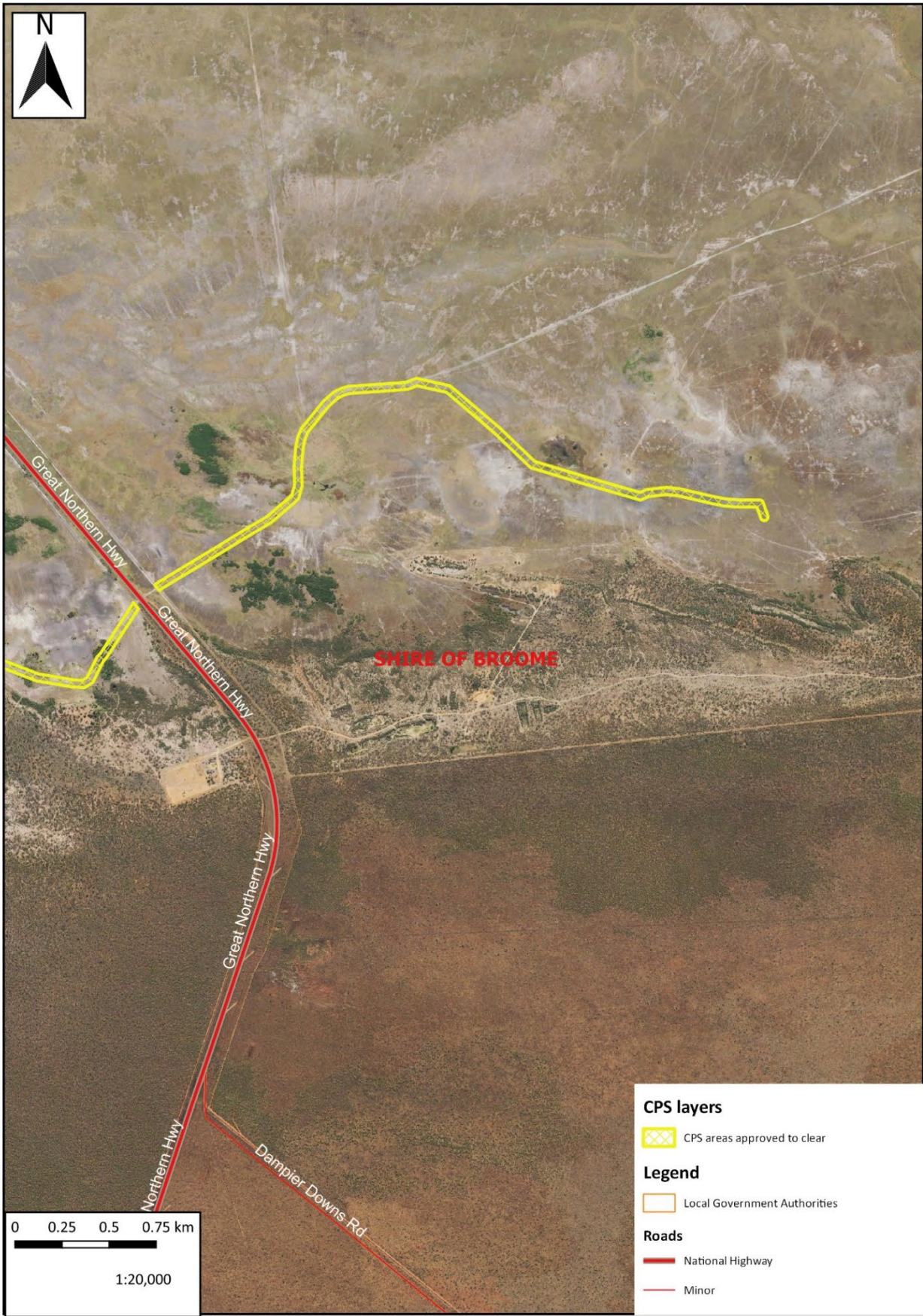
This clearing permit amendment application was submitted, accepted, assessed, and determined in accordance with sections 51E and 51O of the *Environmental Protection Act 1986* (EP Act). The DWER advertised the application for seven days and no submissions were received.

In making this decision, the Delegated Officer took into consideration that the previous assessment was undertaken, in October 2022 and based on the review of current environmental information, did not reveal any new environmental values for further consideration. The Delegated Officer determined that extending the time between undertaking pre-clearance surveys and conducting clearing (as authorised under the permit) from seven days to 14 days is unlikely to affect the ability of the permit holder to identify and avoid impacts to greater bilby if present within the application area (see section 3.2).

The Delegated Officer determined that it was unlikely that a greater bilgy population would disperse past an established habitat buffer within 14 days of being identified during a pre-clearance survey and as such extending the time for undertaking the pre-clearance survey is not likely to lead to an unexpectable risk to the greater bilby.

The assessment against the clearing principles outlined in Schedule 5 of the EP Act is considered not to have changed since the assessment for CPS 9698/1. The Delegated Office had taken the above into consideration and decided to grant an amended clearing permit.

1.5. Site maps



Map A of the application area

Figure 1



Figure 2 Map B of the application area

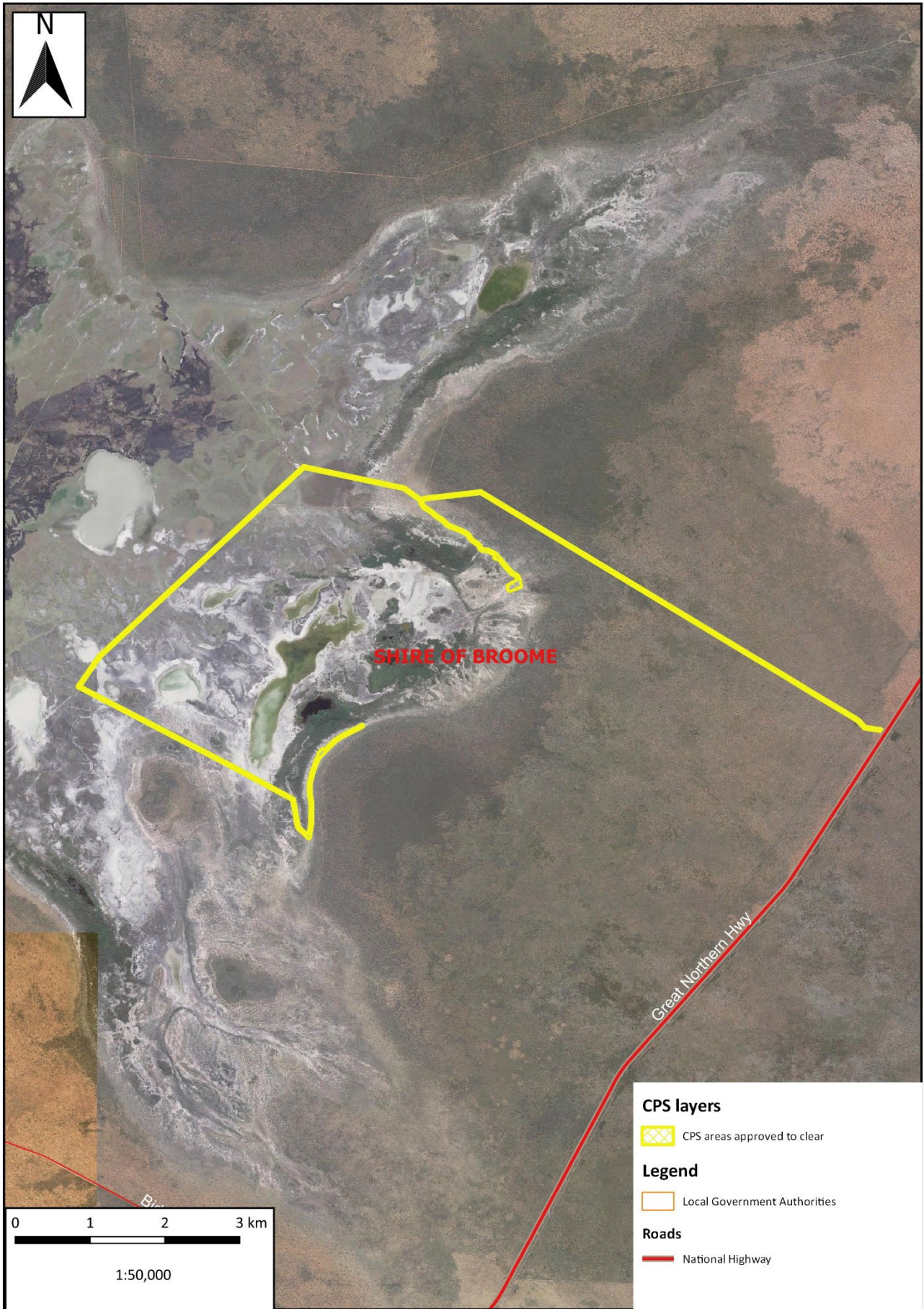


Figure 3 Map C of the application area

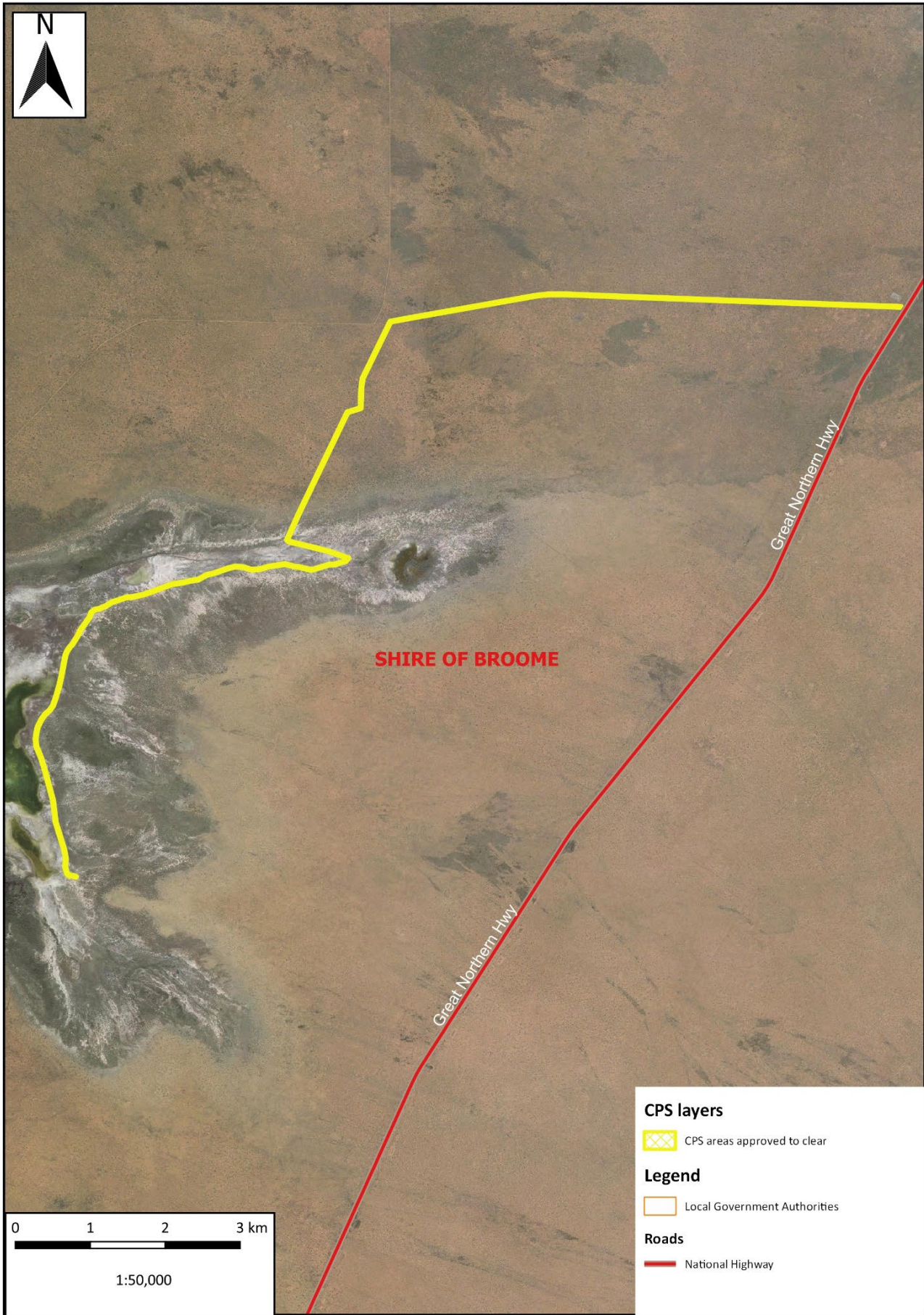


Figure 4 Map D of the application area

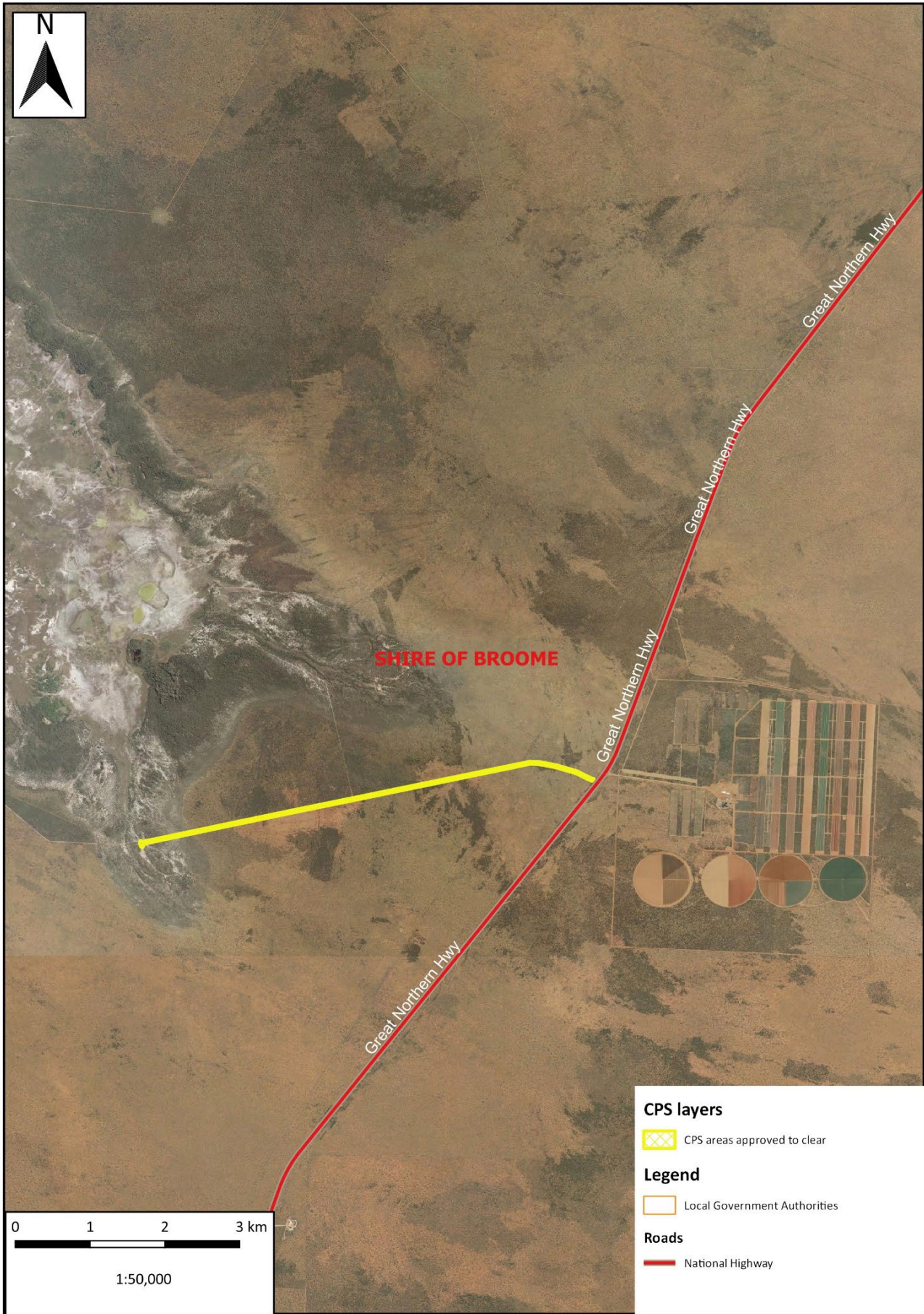


Figure 5 Map E of the application area

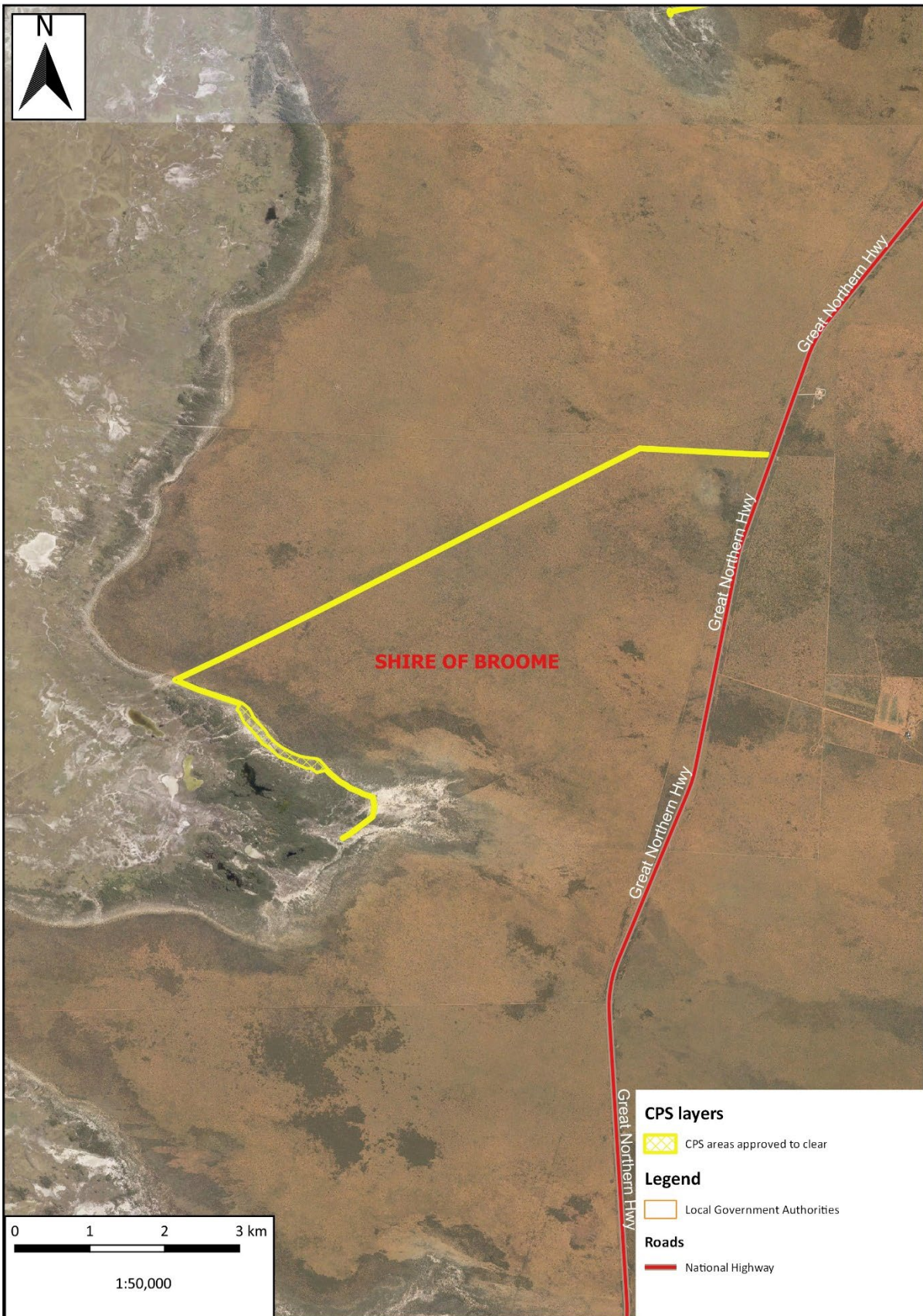


Figure 6 Map F of the application area

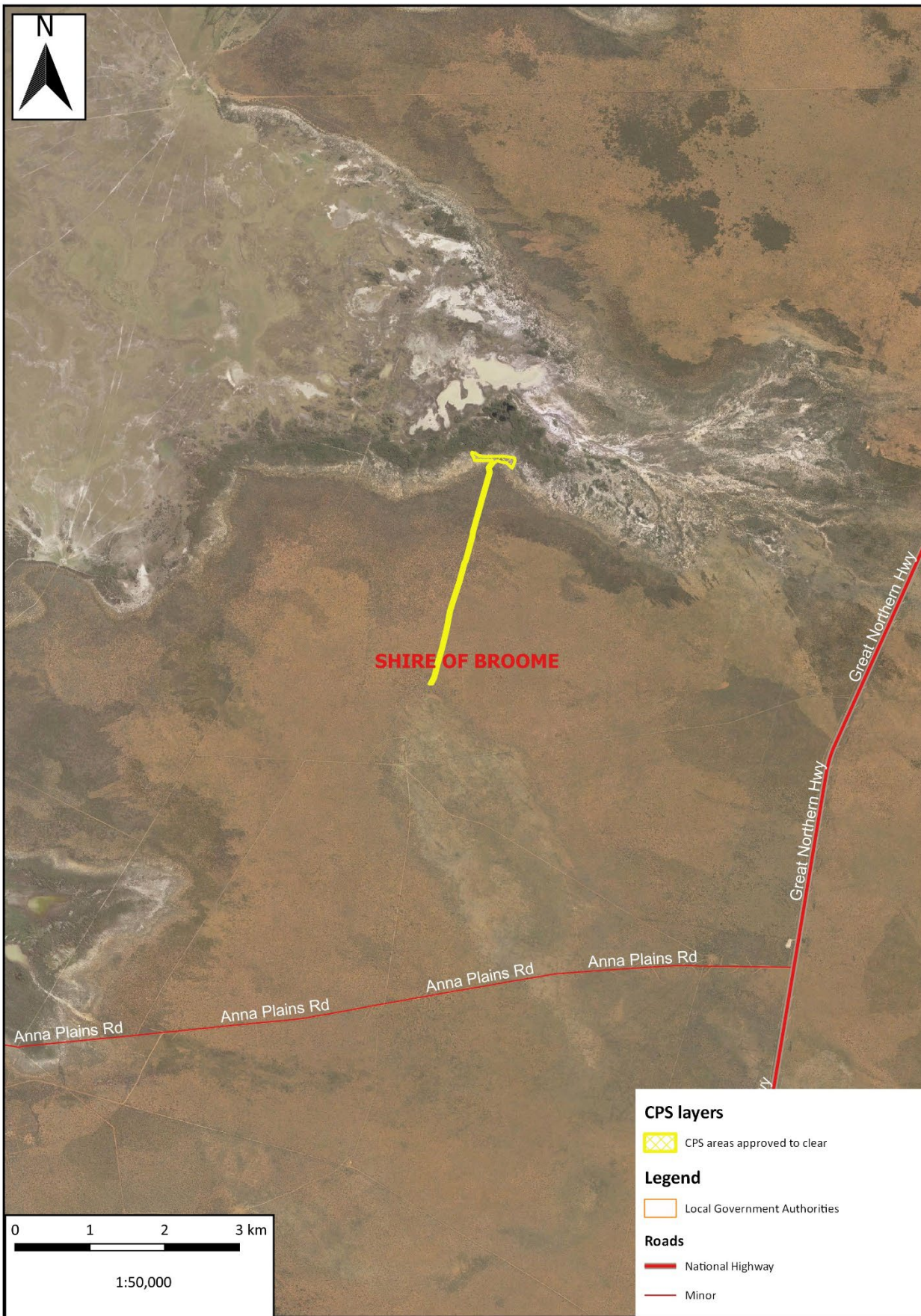


Figure 7 Map G of the application area

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 polluter pays principle
- 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)
- *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act)
- *Soil and Land Conservation Act 1945* (WA)
- *Rights in Water and Irrigation Act 1914* (RIWI Act)
- *Aboriginal Heritage Act 1972* (AH Act)

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)
- Technical guidance – *Flora and Vegetation Surveys for Environmental Impact Assessment* (EPA, 2016)
- Technical guidance – *Terrestrial Fauna Surveys for Environmental Impact Assessment* (EPA, 2016)

3 Detailed assessment of application

3.1. Avoidance and mitigation measures

The avoidance and minimisation measures proposed by the applicant have not changed and can be found in the Decision Report for CPS 9698/1.

3.2. Assessment of impacts on environmental values

In assessing the application, the Delegated Officer has had regard for the site characteristics and the extent to which the impacts of the proposed clearing present a risk to biological, conservation, or land and water resource values.

The purpose of the application is to amend Condition 8(a) of the permit CPS 9698/1 to increase the time between pre-clearance surveys from seven days to 14 days. Condition 8(a) of CPS 9698/1 requires the permit holder to engage a fauna specialist to undertake pre-clearance surveys within the permit area seven (7) days prior to undertaking any clearing authorised under the permit. The purpose of this condition is to confirm the absence (or presence) of the greater bilby (*Macrotis lagotis*) within the authorised clearing areas (see Decision Report for CPS 9698/1 for further information).

According to the greater bilby (*Macrotis lagotis*) recovery plan (DCCEEW,2023), bilbies are highly mobile and can have large foraging ranges. They move within the landscape according to resource availability. It is unlikely that a bilby population would disperse past an established habitat buffer within 14 days of being identified during a pre-clearance survey. Given this, the additional *M. lagotis* conditions imposed on the permit, extending the time between undertaking pre-clearance surveys, and conducting clearing (as authorised under the permit) from seven days to 14 days is unlikely to affect the ability of the permit holder to identify and avoid impacts to greater bilby if present within the application area.

The assessment against the clearing principles outlined in Schedule 5 of the EP Act remain unchanged and can be found in the Decision Report prepared for Clearing Permit CPS 9698/1.

3.3. Relevant planning instruments and other matters

The assessment against planning instruments and other relevant matters is unchanged and can be found in the Clearing Permit Decision Report CPS 9698/1 (DWER, 2022).

End

H.1. References

Department of Climate Change, Energy, the Environment and Water (DCCEEW) (2023) Recovery Plan for the Greater Bilby (*Macrotis lagotis*). Available from: [Recovery Plan for the Greater Bilby \(Macrotis lagotis\) - DCCEEW](#)

Department of Water and Environmental Regulation (DWER) (2022) CPS 9698/1 Decision Report. (DWER Ref DWERDT664276). Available from: <https://ftp.dwer.wa.gov.au/permit/9698>

Department of Water and Environmental Regulation (DWER) (2024) Clearing permit amendment application CPS 9698/2, received 27 March 2024 (DWER Ref DWERDT926498).