



## CLEARING PERMIT

*Granted under section 51E of the Environmental Protection Act 1986*

### PERMIT DETAILS

Area Permit Number: CPS 9916/2  
File Number: DWERVT11203  
Duration of Permit: From 13 April 2023 to 13 April 2027

### PERMIT HOLDER

Shire of Broome

### LAND ON WHICH CLEARING IS TO BE DONE

Lot 2789 on Deposited Plan 217781, Cable Beach

### AUTHORISED ACTIVITY

The permit holder must not clear more than 1.3 hectares of native vegetation within the area cross-hatched yellow in Figure 1 of Schedule 1.

### CONDITIONS

#### 1. Period during which clearing is authorised

The permit holder must not clear any *native vegetation* after 13 April 2027.

#### 2. 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.

#### 3. Weed and dieback 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.

**4. Directional clearing**

The permit holder shall conduct clearing in a slow progressive manner towards adjacent native vegetation to allow fauna to move into adjacent native vegetation ahead of the clearing activity.

**5. Wind erosion management**

The permit holder must commence bulk earthworks activities no later than two months after undertaking the authorised clearing activities to reduce the potential for wind erosion.

**6. 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"> <li>(a) the species composition, structure, and density of the cleared area;</li> <li>(b) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to GDA2020, expressing the geographical coordinates in Eastings and Northings;</li> <li>(c) the date that the area was cleared;</li> <li>(d) the direction that clearing was undertaken;</li> <li>(e) the date bulk earthworks activities commenced;</li> <li>(f) the size of the area cleared (in hectares);</li> <li>(g) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 2; and</li> <li>(h) actions taken to minimise the risk of the introduction and spread of weeds in accordance with condition 3.</li> </ul>

**7. Reporting**

The permit holder must provide to the *CEO* the records required under condition 6 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> .
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.
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> .
fill	means material used to increase the ground level, or to fill a depression.
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)
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.
weeds	means any plant – <ol style="list-style-type: none"> <li>(a) that is a declared pest under section 22 of the <i>Biosecurity and Agriculture Management Act 2007</i>; or</li> <li>(b) published in a Department of Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking summary, regardless of ranking; or</li> <li>(c) not indigenous to the area concerned.</li> </ol>

## END OF CONDITIONS



Jessica Burton

MANAGER

NATIVE VEGETATION REGULATION

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

03 December 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**



## Clearing Permit Decision Report

### 1 Application details and outcome

#### 1.1. Permit application details

<b>Permit number:</b>	CPS 9916/2
<b>Permit type:</b>	Area permit
<b>Applicant name:</b>	Shire of Broome
<b>Application received:</b>	28 June 2024
<b>Application area:</b>	1.30-hectare of native vegetation
<b>Purpose of clearing:</b>	Bulk earthworks to facilitate erosion mitigation works
<b>Method of clearing:</b>	Mechanical
<b>Property:</b>	Lot 2789 on Deposited Plan 217781
<b>Location (LGA area/s):</b>	Shire of Broome
<b>Localities (suburb/s):</b>	Cable Beach

#### 1.2. Description of clearing activities

This amendment is to extend the permit duration by two (2) years. The clearing footprint and amount of clearing remains unchanged from that authorised under clearing permit CPS 9916/1. The clearing consists of 1.3 hectares of coastal foreshore dune native vegetation within a single contiguous area located on the outer western edge of the town of Broome, approximately 2,240 km north of Perth (see Figure 1, Section 1.5). The area is situated on Crown Land (vested with the Shire) on Lot 2789, Cable Beach Road, Cable Beach. The Shire of Broome has advised that there were some unexpected interruptions in the works program that delayed the start of the proposed works and an additional 2 years is required for completion.

#### 1.3. Decision on application

<b>Decision:</b>	Granted
<b>Decision date:</b>	3 December 2024
<b>Decision area:</b>	1.30-hectare of native vegetation as depicted in Section 1.5, below.

#### 1.4. Reasons for decision

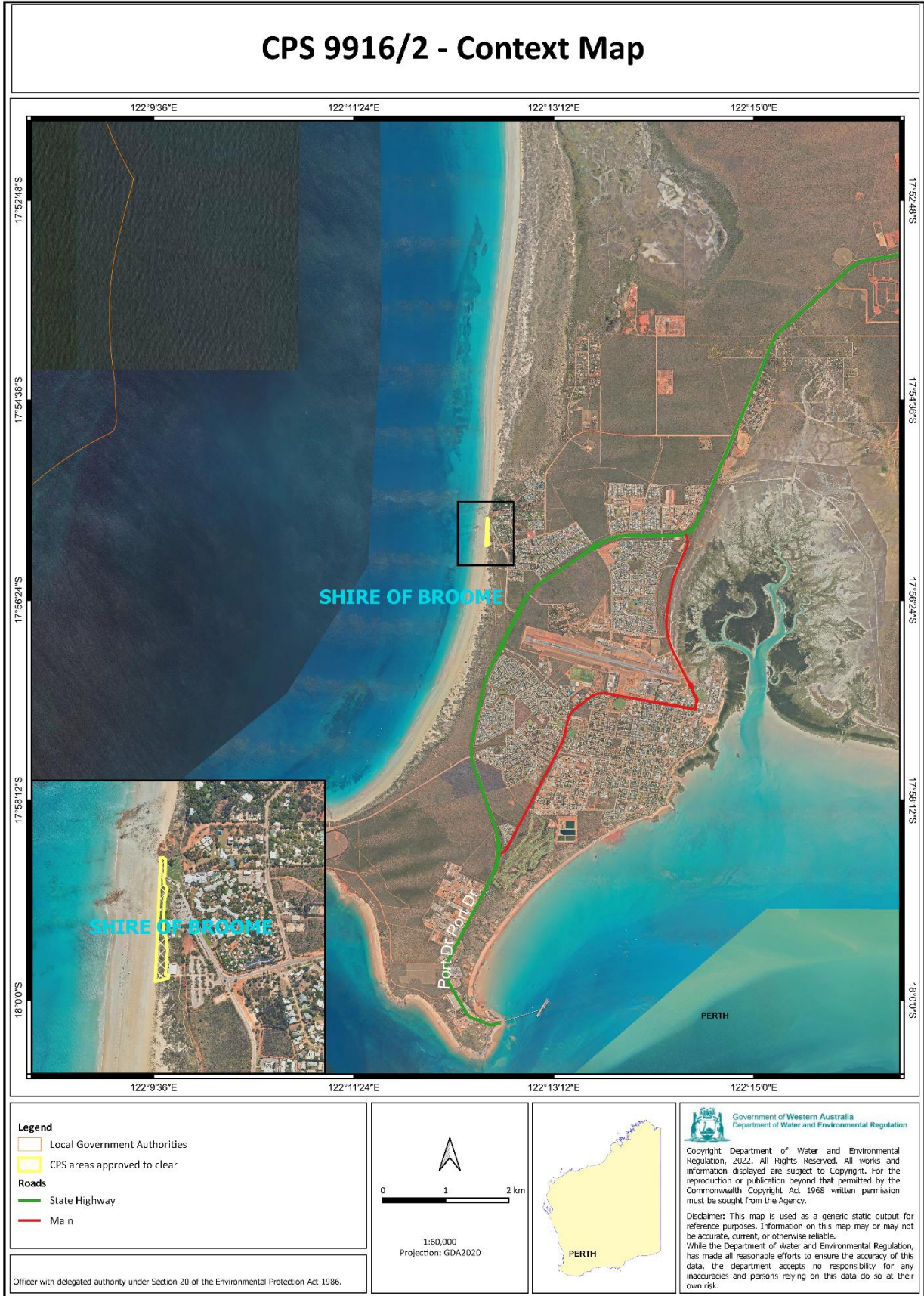
This clearing permit amendment application was submitted, accepted, assessed and determined in accordance with sections 51E and 51O of the Environmental Protection Act 1986 (EP Act). The department advertised the application for 21 days and no submissions were received.

In making this decision, the Delegated Officer took into consideration that the previous assessment was undertaken in March 2023, less than 18 months ago. The Delegated officer determined that extending the duration of the permit by two (2) years from 13 April 2025 to 13 April 2027 is unlikely to affect the previous environmental considerations of CPS 9916/1.

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 9916/1. The Delegated Office had taken the above into consideration and decided to grant an amended clearing permit.



1.5. Site maps



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Figure 1: Context map of the application area the area crosshatched yellow indicates the area authorised to be cleared under the granted clearing permit.



# CPS 9916/2 - Map



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Figure 2: Map of the application area the area crosshatched yellow indicates the area authorised to be cleared under the granted clearing permit.

## 2 Legislative context

The clearing of native vegetation in Western Australia is regulated under the EP Act and the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* (Clearing Regulations).

In addition to the matters considered in accordance with section 51O of the EP Act (see Section 1.4), the Delegated Officer has also had regard to the objects and principles under section 4A of the EP Act, particularly:

- the precautionary principle
- the principle of intergenerational equity
- the principle of the conservation of biological diversity and ecological integrity.

Other legislation of relevance for this assessment include:

- *Biodiversity Conservation Act 2016* (WA) (BC Act)
- *Conservation and Land Management Act 1984* (WA) (CALM Act)
- *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act)
- *Planning and Development Act 2005* (WA) (P&D 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 – *Terrestrial Fauna Surveys for Environmental Impact Assessment* (EPA, 2016)

## 3 Detailed assessment of application

### 3.1. Avoidance and mitigation measures

As this amendment is administrative in nature and relates to updating duration of clearing. Avoidance and minimisation measures remains unchanged and can be found in the Decision Report prepared for Clearing Permit CPS 9916/1.

### 3.2. Assessment of impacts on environmental values

This amendment is the result of the Shire increasing the duration of the permit by two (2) years. The assessment against impacts on environmental values remains unchanged and can be found in the decision report prepared for clearing permit CPS 9916/1.

### 3.3. Relevant planning instruments and other matters

The assessment against planning instruments and other matters is unchanged and can be found in the clearing permit decision report CPS 9916/1 (DWER, 2023).

According to the Department of Planning, Lands and Heritage (DPLH), Aboriginal Heritage Inquiry System (AHIS) data register, two registered and one lodged Aboriginal Heritage site is identified within the application area. These include the following:

- Cable Beach 5 (14557) - Artefacts / Scatter, Ceremonial, Midden / Scatter, Mythological, Camp, Hunting Place, Other: Part of Failed PA 143. APMC 11/89, no gender restrictions apply (Registered Site)
- Billingurru (12839) - Ceremonial, Mythological, Camp, Male Access Only (Registered Site)
- Illangarami (12886) mythological, no gender restrictions apply (Lodged).

It is the permit holder's responsibility to comply with the Aboriginal Heritage Act 1972 (WA) and ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

## End

### H.1. References

Department of Water and Environmental Regulation (DWER) (2023) Purpose permit and decision report: CPS 9916/1. Available from: [Index of /permit/9916 \(dwer.wa.gov.au\)](https://www.dwer.wa.gov.au/index-of/permit/9916).

Shire of Broome (2024) Clearing permit application CPS 9916/2, received 15 July 2024 (DWER Ref: DWERT11203).