



## CLEARING PERMIT

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

<b>Purpose Permit number:</b>	CPS 7774/1
<b>Permit Holder:</b>	Minister for transport
<b>Duration of Permit:</b>	25 February 2018 – 25 February 2023

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 disposing dredge material.

**2. Land on which clearing is to be done**

Lot 719 on Deposited Plan 172093, Wyndham.

Lot 896 on Deposited Plan 208779, Wyndham.

Lot 600 on Deposited Plan 207828, Wyndham.

Lot 1737 on Deposited Plan 216431, Wyndham.

Lot 1272 on Deposited Plan 172093, Wyndham.

**3. Area of Clearing**

The Permit Holder must not clear more than 2.06 hectares of native vegetation within the area cross-hatched yellow on attached Plan 7774/1.

**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.

### PART II – MANAGEMENT CONDITIONS

**5. 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.

**6. 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 *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
- restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

### PART III - RECORD KEEPING AND REPORTING

#### 7. Records must be kept

The Permit Holder must maintain the following records for activities done pursuant to this Permit:

- (a) In relation to the clearing of native vegetation authorised under this Permit:
  - (i) the species composition, structure and density of the cleared area;
  - (ii) 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;
  - (iii) the date that the area was cleared;
  - (iv) the size of the area cleared (in hectares);
  - (v) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 5 of this Permit; and
  - (vi) actions taken to minimise the risk of the introduction and spread of *weeds* in accordance with condition 6 of this Permit.

#### 8. Reporting

The Permit Holder must provide to the CEO the records required under condition 7 of this Permit, when requested by the *CEO* or *Delegated Officer*.

### 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*;

**Delegated Officer:** means the person appointed by the CEO to administer 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.



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Mathew Gannaway

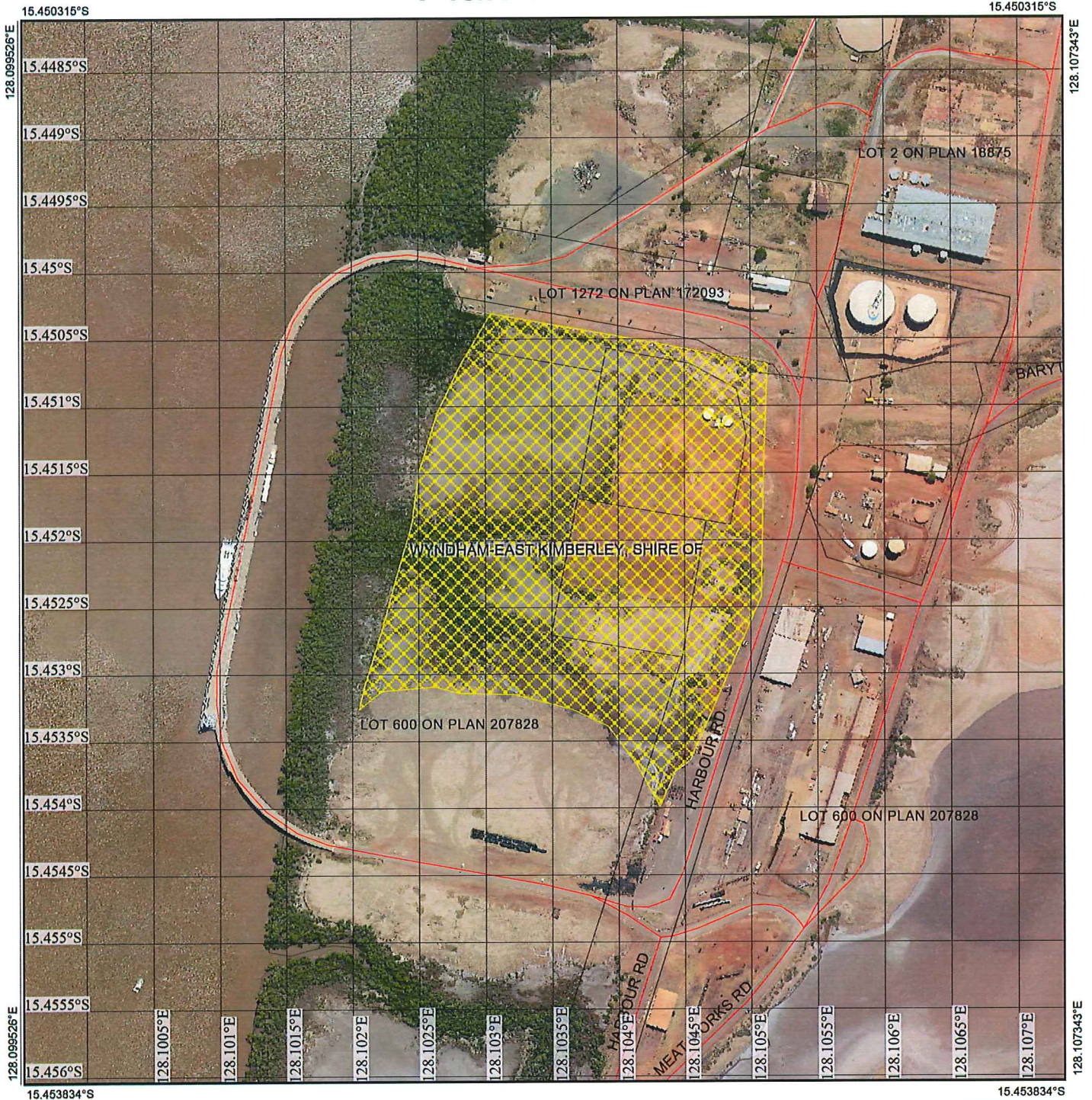
**MANAGER**

**CLEARING REGULATION**



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

25 January 2018

# Plan 7774/1



## Legend

-  Roads
-  Imagery
-  Clearing Instruments Activities
-  Local Government Authority
-  Cadastre



1:4,444

(Approximate when reproduced at A4)

GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

*Matthew Gannaway* Date 25/01/2015

Officer with delegated authority under Section 20 of the Environmental Protection Act 1986



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# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 7774/1  
Permit type: Purpose Permit

### 1.2. Applicant details

Applicant's name: Minister for Transport  
Application received date: 14 September 2017

### 1.3. Property details

Property: Lot 1272 on Deposited Plan 172093  
Lot 1737 on Deposited Plan 216431  
Lot 600 on Deposited Plan 207828  
Lot 719 on Deposited Plan 172093  
Lot 896 on Deposited Plan 208779  
Local Government Authority: Shire of Wyndham-East Kimberley  
Localities: Wyndham

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
2.06		Mechanical Removal	Infrastructure maintenance

### 1.5. Decision on application

Decision on Permit Application: Granted  
Decision Date: 25 January 2018  
Reasons for Decision: The clearing permit application has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986* (EP Act). It has been concluded that the proposed clearing is at variance to principles (f), may be at variance to principles (i) and (j), and is not likely to be at variance to the remaining principles.

It has been determined that the proposed clearing will result in the removal of riparian vegetation and may also result in some short term increased sedimentation of a nearby section of Cambridge Gulf, and may exacerbate flooding of this area during heavy rainfall.

The applicant has minimised impacts through maintaining a 50 metre buffer from the edge of the Cambridge Gulf to reduce the extent of riparian habitat required to be cleared. After consideration of this, and noting the extent of clearing proposed, the Delegated Officer determined that, the proposed clearing is unlikely to significantly impact on riparian habitats within the broader area, with sedimentation and flooding expected to be short term and minimal.

The proposed clearing may result in the spread of weed species into adjacent areas of remnant vegetation. A weed management condition has been placed on the clearing permit to minimise this risk.

In determining to grant a clearing permit subject to conditions, the Delegated Officer found that the proposed clearing is unlikely to lead to an unacceptable risk to the environment.

## 2. Site Information

Clearing Description	The application is to clear 2.06 hectares of native vegetation within a 8.73 hectare footprint area for the purpose of disposing dredge material (figure 1).
Vegetation Description	The application area is mapped as Beard vegetation association 127, which is described as bare areas comprising mud flats.  Additional information, including photographs of the application area, indicate that the application area comprises sparse mangrove stands dominated by <i>Avicennia marina</i> with intermittent salt marsh and fringing shrubs and grasses (Department of Transport (DoT), 2017).
Vegetation Condition	Good; Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994).  To

Completely Degraded: No longer intact; completely /almost completely without native species (Keighery, 1994)

#### Soil type

The application area occurs within the Carpentaria Landform System, described as coastal plains, extensive bare mud flats, associated sandy margins and minor dunes, saline sands and muds.



Figure 1: Application Area

### 3. Minimisation and mitigation measures

The applicant has maintained a minimum 50 metre buffer from the bank of the Cambridge Gulf to avoid mangrove habitat on the Gulf's bank. The applicant has also strategically positioned the proposed clearing area within an already highly disturbed area that is within the Port of Wyndham operational site and is subject to activities associated with port operations.

### 4. Assessment of application against clearing principles

The application area is located within an active port that has been zoned for light industrial use. The application area has undergone a high level of disturbance relating to historical port operations and land development on the tidal mudflats. Given this historical disturbance, the application area is considered to be in a good to completely degraded (Keighery, 1994) condition.

Supporting information provided with the application indicates that the application area comprises sparse mangrove stands dominated by *Avicennia marina* with intermittent salt marsh (DoT, 2017).

Noting the high level of historic disturbance, extensive bare areas and dominance of *Avicennia marina* within the vegetated areas, the application area is considered unlikely to contain any rare or priority flora species.

The local area considered in the assessment of this application is defined as a 50 kilometre radius surrounding the application area. The local area contains approximately 92.6 per cent (907,836.8 hectares) native vegetation cover, and is considered to be extensively vegetated.

According to available datasets, one Priority Ecological Community (PEC) has been recorded within the local area, being 'Vegetation Association 838 as defined by John Beard's vegetation mapping for the Kimberley (Beard 1979)' (Priority 3). This PEC is mapped approximately 27 kilometres south east of the application area and is described as grasslands, high grass savanna woodland with ghost gum and bloodwood (*Eucalyptus polycarpa* now *Corymbia polycarpa*) over spinifex and tall upland grass. The application area is mapped as Beard vegetation association 127, which is described as bare areas comprising mud flats, and photographs of the application area indicate that it is not representative of this PEC. Noting this, the proposed clearing is not likely to impact on this community.

There are no threatened ecological communities (TEC) recorded within the local area and the application area is not considered to be representative of any TECs.

There are 45 species of conservation significant fauna mapped within the application area, of which 31 are migratory avian fauna and four are aquatic fauna. While the application area comprises mangrove habitat, noting the high level of disturbance within and surrounding the application area, and that extensive undisturbed mangrove habitat occurs within the surrounding area on the banks of the west arm of the Cambridge Gulf, the application area is not likely to comprise significant habitat for indigenous fauna.

The Department of Biodiversity, Conservation and Attractions (DBCA) provided comment on the proposed clearing and advised that it "has no objections to the clearing of this site as there were no specific biodiversity values that are likely to be impacted by this proposal, the proposal footprint is small and the site is already largely disturbed" (DBCA, 2017).

DBCA concluded that "while the importance of mangrove habitats is significant, the scale of this application in the context of the broader availability of similar habitat would suggest the risk to this habitat type is low" (DBCA, 2017).

The application area occurs approximately 50 metres from the bank of the west arm of the Cambridge Gulf and, as described above, occurs on mud flats that include mangrove habitat. Noting this, the proposed clearing will impact on vegetation that is growing in association with a watercourse. The proposed clearing may also result in some increased sedimentation of the nearby section of Cambridge gulf, and may exacerbate flooding of this area during heavy rainfall. Therefore, the proposed clearing is at variance to Principle (f) and may be at variance to Principles (i) and (j). Noting the extent of clearing proposed, altered condition of the application area as a result of port activities and that the applicant has set the proposed clearing 50 metres back from the bank of the Cambridge gulf to avoid mangrove habitat on the gulfs bank, the proposed clearing is considered unlikely to significantly impact on riparian habitats within the broader area.

While some minor water erosion may occur post clearing, giving the extent of clearing proposed within an already highly disturbed area, the proposed clearing is considered unlikely to result in appreciable land degradation.

The closest conservation area to the application area is Parry Floodplain, which is a Directory of Important Wetlands in Australia (DIWA) site. At its closest point, the southern extent of Parry Floodplain is located approximately 700 metres north of the application area. The next closest conservation area is Parry Lagoons Nature Reserve (managed by DBCA) which is located approximately 12 kilometres south east of the application area. Noting the extent of clearing proposed, condition of the vegetation within the application area, and extent of native vegetation remaining between the application area and these conservation areas, the proposed clearing is not likely to impact on the environmental values of these areas.

Given the above, the proposed clearing is at variance to Principle (f), may be at variance to Principles (i) and (j) and is not likely to be at variance to the remaining clearing Principles.

### **Planning instruments and other relevant matters**

The clearing permit application was advertised on the DWER website on 11 October 2017 with a 21 day submission period. No public submissions have been received in relation to this application.

The DoT is proposing to undertake ongoing maintenance dredging at the Port of Wyndham in order to maintain safe navigable depths for vessels. DoT proposes to dispose dredged material to an onshore land area within the Port lease boundary (the application area). The applicant has advised that the proposed clearing is consistent with the overall land use classification and ongoing light industrial zoning for the port (DoT, 2017).

The applicant has advised that several studies have been undertaken within the Port boundary to assess sediment/soil quality. Marine sediments proposed for onshore disposal were sampled in 2016 for metals, nutrients acid sulfate soils, hydrocarbons, organotins and met the relevant Ecological Investigation Levels and Health Investigation Levels (DoT, 2017). Soils from the receiving onshore environment are sampled quarterly as required by the Port operating company works approval (L6367/1973/8) licence conditions.

The applicant has advised that it does not expect that "the disposal of cohesive clean marine sediments to existing surface soils will create an exposure pathway resultant in significant environmental impacts" (DoT, 2017).

No Aboriginal sites of significance have been mapped within the application area.

The Shire of Wyndham-East Kimberley has advised that it is satisfied that provided the dredged material is not placed in large stockpiles and is continually tested and monitored to ensure contamination is at safe levels (as committed to by the applicant), then the potential visual and environmental impacts of the proposal will be minimised at the site, and as such, is satisfied that the works can proceed without development approval (Shire of Wyndham-East Kimberley, 2018).

## **5. References**

- Department of Biodiversity, Conservation and Attractions (DBCA) (2017) Advice provided for Clearing Permit Application CPS 7774/1. DWER Ref A1592907.
- Department of Transport (DoT) (2017) Additional Information for Clearing Permit Application CPS 7774/1. DWER Ref 1523216.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Shepherd, D.P., Beeston, G.R. and Hopkins, A.J.M. (2001) Native Vegetation in Western Australia, Extent, Type and Status. Resource Management Technical Report 249. Department of Agriculture, Western Australia.
- Shire of Wyndham-East Kimberley (2018) Additional Information provided for Clearing Permit Application CPS 7774/1. DWER Ref A1601117).