



## **CLEARING PERMIT**

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

<b>Purpose Permit number:</b>	CPS 8016/1
<b>Permit Holder:</b>	Kimberley Ports Authority
<b>Duration of Permit:</b>	14 March 2019 – 14 March 2024

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 harbour and port related developments

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

Lot 621 on Plan 70861, Minyirr

**3. Area of Clearing**

The Permit Holder must not clear more than 1.62 hectares of native vegetation within the area shaded yellow on attached Plan 8016/1.

**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:

- (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 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*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (b) ensure that no *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
- (c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

### **PART III - RECORD KEEPING AND REPORTING**

#### **7. Records must be kept**

The Permit Holder must maintain the following records for activities done pursuant to this Permit, in relation to the clearing of native vegetation authorised under this Permit:

- (a) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings;
- (b) the date that the area was cleared;
- (c) the size of the area cleared (in hectares);
- (d) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 5 of this Permit; and
- (e) actions taken to manage 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.

### **DEFINITIONS**

The following meanings are given to terms used in this Permit:

**CEO** means the Chief Executive Officer of the Department responsible for the administration of the clearing provisions under the *Environmental Protection Act 1986*;

**fill** means material used to increase the ground level, or fill a hollow;

**mulch** means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation;

**weed/s** means any plant -

- (a) that is a declared pest under section 22 of the *Biosecurity and Agriculture Management Act 2007*; or
- (b) published in a Department of Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking summary, regardless of ranking; or
- (c) not indigenous to the area concerned.



Samara Rogers  
MANAGER  
NATIVE VEGETATION REGULATION

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

18 February 2019



# Plan 8016/1

122°12.282'E

122°12.336'E

122°12.390'E

122°12.444'E

18°0.054'S

18°0.108'S

18°0.162'S

18°0.216'S

18°0.054'S

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
122°12.282'E

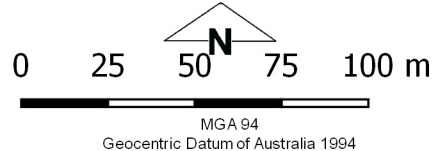
122°12.336'E

122°12.390'E

122°12.444'E

## Legend

-  CPS areas applied to clear base layers
-  Local Government Authorities
-  Road Centrelines
-  Cadastre
-  Image



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



GOVERNMENT OF  
WESTERN AUSTRALIA





# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 8016/1  
Permit type: Purpose Permit

### 1.2. Applicant details

Applicant's name: Kimberley Ports Authority  
Application received date: 7 March 2018

### 1.3. Property details

Property: LOT 621 ON PLAN 70861, MINYIRR  
Local Government Authority: BROOME, SHIRE OF  
Localities: MINYIRR

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
1.62 hectares	0	Mechanical Removal	Building or structure

### 1.5. Decision on application

Decision on Permit Application: Granted  
Decision Date: 18 February 2019

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 not likely to be at variance to any of the clearing principles.

Through assessment, it was determined that the application area is highly disturbed by three introduced weed species; *Cenchrus ciliaris*, *Leucaena leucocephala* and *Passiflora foetida*. Therefore a weed management condition has been placed on the clearing permit to minimise the risk of weeds spreading into adjacent vegetated areas.

In determining to grant a clearing permit subject to conditions, the Delegated Officer determined that the proposed clearing is not likely to have a significant environmental impact.

## 2. Site Information

### Clearing Description

The application is to clear 1.62 hectares of native vegetation within a 2 hectare footprint within Lot 621 on Plan 70861, Minyirr, for the purpose of harbour and port related future development intentions such as oil and gas services, a laydown area, car parking and a liquid bulk terminal. (Figure 1 and Figure 2).

### Vegetation Description

The vegetation within the application is not mapped. The closest mapped vegetation association is approximately 250 metres north of the application area. This vegetation association is called Beard Dampierland vegetation complex, which is described as "Acacia tumida shrubland with grey box & cabbage gum medium woodland over ribbon grass & curly spinifex" (Government of Western Australia, 2018).

A targeted flora survey undertaken in December 2018 (Eco Logical Australia, 2019) identified one vegetation type within the application area:

Vegetation Community 2 which is described as "Corymbia greeniana, Bauhinia cunninghamii, Terminalia ferdinandiana mid open woodland over Ehretia saligna, Acacia tumida var. tumida, Acacia eriopoda, Hakea macrocarpa tall sparse shrubland over Waltheria indica, Trichodesma zeylanicum mid sparse shrubland and Cenchrus ciliaris, Triodia sp. low open tussock grassland" (Figure 3).

**Vegetation Condition**

Good: Vegetation structure significantly altered with obvious signs of multiple disturbance, Retains basic vegetation structure or ability to regenerate (Keighery, 1994).

**Soil type**

The application area is mapped as Carpentaria system which is described as “coastal plains, extensive bare mud flats, associated with sandy margins and minor dunes, saline sands and muds, supporting paperbark thickets, samphire shrublands and fringing mangrove forest (Schoknecht et al., 2004).

The application area is located on Pindan soils which are free draining, silty sands to fine to very fine grain (Eco Logical Australia, 2019).

**Comments**

The local area considered in the assessment of this application is defined as a 50 kilometre radius measured from the centre of the application area.

A flora survey observed disturbance throughout the application area via rabbit grazing, weeds and tracks. The application area was estimated to have been brunt greater than 20 years ago (Eco Logical Australia, 2019).



Figure 1: Application area hatched in blue.



Figure 2: Vegetation community 2 (Eco Logical Australia, 2019).

### 3. Assessment of application against clearing principles

#### (a) Native vegetation should not be cleared if it comprises a high level of biological diversity.

##### **Proposed clearing is not likely at variance to this Principle**

The vegetation within the application is not mapped. The closest mapped vegetation association is approximately 250 metres north of the application area. This vegetation association is called Beard Dampierland vegetation complex.

The local area retains approximately 49 per cent (approximately 387,700 hectares) of native vegetation cover.

According to available databases, one threatened flora and 19 priority flora species have been recorded within the local area. *Seringia exastia* (Threatened), *Corymbia paractia* (Priority 1), *Acacia monticola x tumida var. kulparn* (Priority 3), *Polymeria sp. Broome* (K.F. Kenneally 9759) (Priority 3) and *Terminalia kumpaja* (Priority 3) have been mapped within similar soil and vegetation types as the application area. The remaining priority flora have been mapped within different soil and vegetation types than that mapped within the application area. Threatened flora are discussed in more detail under Principle (c).

A targeted survey undertaken in December 2018 did not identify any priority flora species listed by Department of Biodiversity, Conservation and Attractions (DBCA) during the 2018 survey.

According to available databases, two threatened ecological communities (TEC) and eight priority ecological communities (PEC) have been mapped within the local area. The State-listed PEC "Corymbia paractia dominated community on dunes" (Priority 1), "Dwarf pindan heath community of Broome coast" (Priority 1) and Kimberley Vegetation Association 73" (Priority 3) occurs approximately 110 metres west, 6.7 kilometres north east and 6.7 kilometres north east of the application area, respectively. The remaining PECs occur greater than 10 kilometres from the application area. Noting the species composition of these PECs and the vegetation type within the application area, the application area is unlikely to have a significant impact on these PECs.

The State-listed PEC "Relict dune system dominated by extensive stands of Minyjuru (Mangarr) Sersalisia (formerly Pouteria) sericea" (Priority 1) occurs 450 metres northwest of the application area. The targeted flora survey observed a single individual of *Sersalisia sericea* (not a stand of trees). Therefore vegetation within the application area is not likely to represent this PEC (Eco Logical Australia, 2019).

As discussed under Principle (d), according to the targeted survey, no TECs were identified within the application area. Therefore the application area is not likely to comprise the whole or a part of, or is necessary for the maintenance of a TEC.

23 conservation significant fauna species have been recorded within the application area and 19 of these species were recorded as likely to occur, according to both the targeted survey conducted by Eco Logical Australia (2019) and a previous survey conducted by Bamford Consulting (2010). These species are barn swallow (*Hirundo rustica*), fork-tailed swift (*Apus pacificus*), grey falcon (*Falco hypoleucos*), oriental cuckoo (*Cuculus saturates*), peregrine falcon (*Falco peregrinus*), white throated needletail (*Hirundapus caudacutus*), bilby (*Macrotis lagotis*), Airlie island ctenotus (*Ctenotus angusticeps*), Dampierland burrowing snake (*Simoselaps minimus*), Dampierland plain slider (*Lerista separanda*), rainbow bee-eater (*Merops ornatus*), bush stone-curlew (*Burhinus grallarius*), buff-tailed fine snout (*Ctenotus colletti*), pindan two-lined dragon (*Diporiphora pindan*), Dampierland limbless slider (*Lerista apoda*), top end fire-tailed skink (*Morethia storri*), northern brushtail possum (*Trichosurus arnhemensis*), northern pipistrelle (*Pipistrellus westralis*) and northern blossom bat (*Macroglossus minimus nanus*). Fauna is discussed in more detail under Principle (b).

Given the vegetation within the application is not representative of a TEC, is unlikely to contain threatened and priority flora and is unlikely to comprise of suitable habitat for indigenous fauna, the vegetation is not likely to comprise of a high level of biodiversity. The proposed clearing is not likely to be at variance to this principle.

**(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.**

**Proposed clearing is not likely to be at variance to this Principle**

As discussed in Principle (a), 19 conservation significant species were recorded as likely to occur, according to the targeted survey (Eco Logical Australia, 2019) and a previous survey (Bamford Consulting, 2010). These species are barn swallow (*Hirundo rustica*), fork-tailed swift (*Apus pacificus*), grey falcon (*Falco hypoleucos*), oriental cuckoo (*Cuculus saturates*), peregrine falcon (*Falco peregrinus*), white throated needletail (*Hirundapus caudacutus*), bilby (*Macrotis lagotis*), Airlie island ctenotus (*Ctenotus angusticeps*), Dampierland burrowing snake (*Simoselaps minimus*), Dampierland plain slider (*Lerista separanda*), rainbow bee-eater (*Merops ornatus*), bush stone-curlew (*Burhinus grallarius*), buff-tailed fine snout (*Ctenotus colletti*), pindan two-lined dragon (*Diporiphora pindan*), Dampierland limbless slider (*Lerista apoda*), top end fire-tailed skink (*Morethia storri*), northern brushtail possum (*Trichosurus arnhemensis*), northern pipistrelle (*Pipistrellus westralis*) and northern blossom bat (*Macroglossus minimus nanus*).

The barn swallow, fork-tailed swift, oriental cuckoo and white throated needletail are migratory birds and are not likely to be reliant on habitat within the application area (Eco Logical Australia Pty Ltd, 2019).

Noting the extent of development in the vicinity of the application area (Figure 1), the size of the application area, the presence of invasive weed species (Eco Logical Australia, 2019) and is fragmented with cleared areas and multiple tracks, the application area is not likely to comprise the whole or a part of, or is necessary for the maintenance of a significant habitat for indigenous fauna.

No ecological linkages occur within the local area and the application does form part of an ecological linkage.

The proposed clearing is not likely at variance to this Principle.

**(c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened flora.**

**Proposed clearing is not likely to be at variance to this Principle**

According to available databases, one threatened flora species occurs within the local area, being *Seringia exastia*.

A targeted flora survey undertaken in December 2018 (Eco Logical Australia Pty Ltd, 2019) did not identify this threatened flora species within the application area. Therefore, the native vegetation proposed to be cleared is not likely to include, or be necessary for the continued existence of threatened flora.

The proposed clearing is not likely to be at variance to this 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.**

**Proposed clearing is not likely to be at variance to this Principle**

According to available databases, two threatened ecological communities (TEC) occur within the local area. The Commonwealth-listed TEC “*Monsoon vine thickets on coastal sand dunes of Dampier Peninsula*” (listed as vulnerable) and “*Species-rich faunal community of the intertidal mudflats of Roebuck Bay*” (listed as vulnerable) occurs approximately 100 metres west and 220 metres east of the application area, respectively.

While the targeted flora survey observed vegetation within the application area that contained key diagnostic characteristics of the “Monsoon vine thickets on coastal sand dunes of Dampier Peninsula” TEC (presence of some characteristic vine and understorey species), overall, the species assemblage, structure, landform and soil substrate found was not typical of this TEC (Eco Logical Australia, 2019), and concluded that the application area is not representative of this TEC.

According to the targeted survey, no other TECs were identified within the application (Eco Logical Australia, 2019), therefore the application area is not likely to comprise the whole or a part of, or is necessary for the maintenance of a TEC.

The proposed clearing is not likely to be at variance to this 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.**

**Proposed clearing is not likely to be at variance to this Principle**

The National Objectives and Targets for Biodiversity Conservation include a target to prevent the clearance of ecological communities with an extent below 30 per cent of that present pre-European extent.

The local area retains 49 per cent (approximately 387,700 hectares) of native vegetation cover.

The application area falls within Dampierland Interim Biogeographic Regionalisation of Australia (IBRA) bioregion and the nearby mapped Beard Dampierland vegetation complex, retaining 99.71 per cent and 99.68 per cent respectively. The Shire of Broome retains 99.39 per cent of its pre-European extents (Table 1) (Government of Western Australia, 2018).

Given these extents are above the 30 per cent threshold, the application area is not considered a significant remnant in an area that has been extensively cleared.

The proposed clearing is not likely to be at variance to this Principle.

Table 1: Bioregion, beard vegetation complex, and local government statistics (Government of Western Australia, 2018).

	Pre-European Extent	Current Extent Remaining		Current Extent Remaining in DBCA Managed Lands
	(ha)	(ha)	(%)	(%)
<b>IBRA Bioregion</b>				
Dampierland	8,343,944.96	8,319,879.14	99.71	1.69
<b>Vegetation Complex</b>				
Dampierland (750)	1,229,182.16	1,225,280.52	99.68	2.77
<b>Local Government Authority</b>				
Shire of Broome	5,469,337.42	5,436,103.85	99.39	3.47

**(f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.**

**Proposed clearing is not likely to be at variance to this Principle**

According to available databases, no watercourses or wetlands are mapped within the application area. The coastline is located 350 metres from the application area. Given the vegetation observed within the application area (Eco Logical Australia, 2019), the application area is not likely to be growing in, or in association with a watercourse or wetland.

The proposed clearing is not likely to be variance to this Principle.

**(g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.**

**Proposed clearing is not likely to be at variance to this Principle**

The application is mapped as the Carpentaria system which is described as “coastal plains, extensive bare mud flats, associated with sandy margins and minor dunes, saline sands and muds, supporting paperbark thickets, samphire shrublands and fringing mangrove forest (Schoknecht et al., 2004).

According to available databases, the application has a relatively flat topography (topographic contours: 10; slopes less than 0.3%), an average rainfall of 600 millimetres per annum, and groundwater salinity is mapped at less than 500 total dissolved solids, milligrams per litre. This level of groundwater is classified as “fresh”. Given this, the extent of the proposed clearing, and the good (Keighery, 1994) condition of the vegetation within the application area, the application area is unlikely to cause appreciable land degradation.

The proposed clearing is not likely to be at variance to this 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.**

**Proposed clearing is not likely to be at variance to this Principle**

According to available databases, 14 conservation areas have been mapped within the local area. The closest conservation area is Roebuck Bay Marine Park (Yawuru Nagulagun), located approximately 7.5 kilometres from the application area. Given the distance to this conservation area and the size of the proposed clearing, the application area is not likely to impact on the environmental values of any adjacent or nearby conservation areas.

The proposed clearing is not likely to be at variance to this 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.**

**Proposed clearing is not likely to be at variance to this Principle**

Groundwater salinity within the application area is mapped as less than 500 total dissolved solids, milligrams per litre. This level of groundwater salinity is classified as "fresh". Given this level, the proposed clearing is not likely to increase underground salinity.

As discussed in Principle (f), the application area does not contain any wetlands or vegetation growing in association with a watercourse.

Given the above, the proposed clearing is not likely to be at variance to this Principle.

**(j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.**

**Proposed clearing is not likely to be at variance to this Principle**

As discussed in Principle (g), given that the mapped vegetation is in good (Keighery, 1994) condition, and the porous sandy nature of the soils identified within the application area, the proposed clearing is not likely to cause, or exacerbate, the incidence or intensity of flooding.

The proposed clearing is not likely to be at variance to this Principle.

**Planning instruments and other relevant matters.**

According to available databases, one registered Aboriginal Site of Significance called Yinara (Entrance Point), occurs within the application area. It is the applicant's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

Lot 621 on Plan 70861 (Crown Reserve 28650) is vested with the Kimberly Port Authority for the purpose of "Harbour Purposes". The Shire of Broome advised that if the "future development intentions" are related to port and harbour activities, then development and works approvals are not required from the Shire.

The application was originally to clear all native vegetation within a 1.93 hectare footprint for the purpose of fire hazard reduction. During assessment, the application was reduced to 1.24 hectares of native vegetation to exclude a 20 metre building protection zone for which a clearing permit is not required (refer the Department of Water and Environmental Regulation's Fact Sheet 20 "Clearing for fire protection (building protection zones)", available online).

The application was advertised on the DWER website on 27 March 2018, inviting submissions from the public within a 21 day period. No submissions were received in relation to this application.

The applicant requested increase the application area to 1.62 hectares and amend the purpose of the clearing permit application changing from fire mitigation to future development intentions. The clearing permit application was re-advertised on the DWER website on 8 February 2019 with a seven day submission period. No public submissions have been received in relation to this application.

**4. Applicant's Submissions**

On 21 June 2018, A Delegated Officer wrote to the applicant and requested further surveys to determine potential impacts to threatened and priority flora, TEC's and PEC's. On 30 January 2019, the Kimberly Ports Authority (KPA) submitted an appropriately time targeted flora and vegetation survey with a focus on conservation significant flora, the Monsoon vine thickets on coastal sand dunes of Dampier Peninsula TEC and Relict dune system dominated by extensive stands of Minyjuri (Marngarr – *Seralisia sericea*) PEC, that DBCA stated may occur within the application area (Kimberly Ports Authority, 2019).

The survey was conducted outside of the optimum flora survey timing for flora in the region, however Eco Logical Australia advised that this was not a limitation for the purpose of the survey. The preferred survey timing for the Northern Botanical Province is post wet-season (January to March), however the timing of a supplementary survey post wet season is considered satisfactory as the expected vegetation and species present would be actively growing and able to be correctly identified (Eco Logical Australia, 2019). Additionally, KPA advised DWER over the phone that the region is expecting early rains, therefore a survey will be able to be undertaken in December.



An email received from KPA on 30 January 2019, requested the change in clearing purpose from slashing for fire mitigation to clearing for future development intentions. KPA also advised DWER that they have reduced the proposed clearing area from 2 hectares of native vegetation to 1.62 hectares of native vegetation within a 2 hectare clearing footprint.

The applicant was sent an email dated 11 February 2019, requesting clarification on whether the “future development intentions” will be port and shipping related in order to determine whether the applicant will require development and planning approvals from the Shire of Broome. An email received 15 February 2019 from the applicant stated that all future development activities such as oil and gas services, a laydown area, car parking and a liquid bulk terminal oil are port and shipping related, therefore no approvals from the Shire of Broome are required.

## 5. References

- Bamford Consulting (2010) Fauna Assessment of the Broome Port Area. Unpublished report prepared by M.J. and A.R. Bamford Consulting Ecologists for the Broome Port Authority, Broome, Western Australia.
- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- Department of Biodiversity, Conservation and Attractions (DBCA) (2007-) NatureMap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife. URL: <http://naturemap.dpaw.wa.gov.au/> . Accessed April 2018.
- Department of Biodiversity Conservation and Attractions (DBCA) (2018) Advice provided in relation to clearing permit application CPS 8016/1, received 23 May 2018 (DWER ref. A1685613 and A1685617).
- Eco Logical Australia (2019) Lot 621 Native Vegetation Clearing Permit. Prepared for Kimberly Ports Authority, Western Australia
- Government of Western Australia. (2018) 2017 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report) Current as of February 2018. WA Department of Parks and Wildlife, Perth.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Kimberly Ports Authority (2019) Change of Scope, clearing area and targeted survey received 30 January 2019 (DWER A1761726).
- Schoknecht, N., Tille, P. and Purdie, B. (2004) Soil-landscape mapping in South-Western Australia – Overview of Methodology and outputs' Resource Management Technical Report No. 280. Department of Agriculture.
- Shire of Broome (2018) Advice received in relation to clearing permit application CPS 8016/1 received 30 April 2018. Shire of Broome (DWER Ref: A1664973).