

# **CLEARING PERMIT**

Granted under section 51E of the Environmental Protection Act 1986

#### PERMIT DETAILS

Area Permit Number:8288/1File Number:DWERVT1504Duration of Permit:From 16 March 2019 to 16 March 2026

### **PERMIT HOLDER**

Southern Ports Authority- Port of Esperance

### LAND ON WHICH CLEARING IS TO BE DONE

Lot 6 on Plan 10022, Esperance Lot 7 on Plan 10023, Esperance Lot 8 on Plan 10023, Esperance Lot 9 on Plan 10023, Esperance Lot 10 on Plan 10023, Esperance Lot 11 on Plan 10023, Esperance Lot 12 on Plan 10023, Esperance Lot 13 on Plan 10023, Esperance Lot 14 on Plan 10023, Esperance Lot 15 on Plan 10023, Esperance Lot 16 on Plan 10023, Esperance Lot 17 on Plan 10023, Esperance Lot 856 on Deposited Plan 216351, Esperance Lot 1027 on Deposited Plan 31503, Esperance Lot 500 on Deposited Plan 57791, Esperance Lot 502 on Deposited Plan 57791, Esperance

### AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 3.1172 hectares of native vegetation within the area hatched yellow on attached Plan 8288/1.

# CONDITIONS

#### 1. Type of clearing authorised

The Permit Holder shall not clear any native vegetation after 16 March 2021.

### 2. Type of clearing authorised

The Permit Holder must ensure that stabilisation activities occur within two months of the authorised clearing being undertaken.

#### 3. 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.

# 4. Dieback and 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* and *dieback*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (b) ensure that no known dieback or 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.

# 5. Revegetation

- The Permit Holder shall:
- (a) retain the vegetative material and topsoil removed by clearing authorised under this Permit and stockpile the vegetative material and topsoil in an area that has already been cleared;
- (b) within two (2) months, *revegetate* and *rehabilitate* the area(s) that are no longer required for the purpose for which they were cleared under this Permit by:
  - (i) re-shaping the surface of the land so that it is stable;
  - (ii) laying the vegetative material and topsoil retained under condition 5(a) on the cleared area(s);
  - (iii) deliberately *planting* and/or *direct seeding* native vegetation that will result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area; and
  - (iv) ensuring only *local provenance* seeds and propagating material are used to *revegetate* and *rehabilitate* the area.
- (c) within 24 months of laying the vegetative material and topsoil on the cleared area in accordance with condition 5(b) of this Permit:
  - (i) engage an *environmental specialist* to determine the species composition, structure and density of the area *revegetated* and *rehabilitated*; and
  - (ii) where, in the opinion of an *environmental specialist*, the composition structure and density determined under condition 5(c)(i) of this Permit will not result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area, revegetate the area by deliberately *planting* and/or *direct seeding* native vegetation that will result in a similar species composition, structure and density of native vegetation to pre-clearing vegetation types in that area and ensuring only *local provenance* seeds and propagating material are used.
- (d) where additional *planting* or *direct seeding* of native vegetation is undertaken in accordance with condition 5(c)(ii) of this permit, the Permit Holder shall repeat condition 5(c)(i) and 5(c)(ii) within 24 months of undertaking the additional *planting* or *direct seeding* of native vegetation;
- (e) where a determination by an *environmental specialist* that the composition, structure and density within areas *revegetated* and *rehabilitated* will result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area, as determined in condition 5(c)(i) and (ii) of this permit, that determination shall be submitted to the *CEO*; and
- (f) the following completion criteria are to be achieved after a five year monitoring period for areas *revegetated* and *rehabilitated* under this Permit.

Criterion	Baseline floristic data	Completion targets	Completion criteria	Monitoring
1	The application area contains weeds.	Target of less than 10 per cent cover of weeds within the revegetation area.	The revegetation areas must have less than 10 percent cover of weeds.	Monitor revegetation areas in years 2, 4 and 5.
2	Declared weeds are present in the application area.	Declared Weeds are managed in accordance with the <i>Biosecurity and</i> <i>Agriculture Management</i> <i>Regulations 2013</i>	Declared weeds are absent from the rehabilitation areas.	Monitor the existing bushland and revegetation sites for declared weeds by traversing the areas in years 2, 4 and 5.

Criterion	Baseline	Completion targets	Completion criteria	Monitoring
	floristic data			
3	Survival rate	If after year 2 and year 4 of	The revegetation site	The number of
	of native	planting, a survival rate of at	needs to ensure a survival	surviving plants in
	vegetation to	least 80 per cent (regarding	rate of at least 80 per cent	the revegetation
	be achieved.	plant density as outlined in	of the species planted is	areas will be
		Appendix 1) is not achieved,	achieved after five years,	counted in years 2, 4
		all planted tubestock that	and replant any plants	and 5.
		have not survived must be	within 12 months of	
		replanted within 12 months	dying.	
		and monitored for a further 2		
		years.		

### 6. 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 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 or decimal degrees;
  - (ii) the date that the clearing commenced;
  - (iii) the date the proposed stabilisation works ceased;
  - (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 3 of this Permit; and
  - (vi) actions taken to minimise the risk of the introduction and spread of *weeds* and *dieback* in accordance with condition 4 of this Permit.
- (b) In relation to the revegetation and rehabilitation of areas pursuant to condition 5 of this Permit:
  - (i) the location of any areas *revegetated* and *rehabilitated*, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
  - (ii) a description of the *revegetation* and *rehabilitation* activities undertaken;
  - (iii) the size of the area *revegetated* and *rehabilitated* (in hectares);
  - (iv) the species composition, structure and density of revegetation and rehabilitation, and
  - (v) a copy of the *environmental specialist's* report.

# 7. Reporting

- (a) The Permit Holder must provide to the *CEO* on or before the 30 December each year, a written report:
  - (i) of records required under condition 6 of this Permit; and
  - (ii) concerning activities done by the Permit Holder under this Permit between 1 January to 31 December of the preceding calendar year.
- (b) If no clearing authorised under this Permit was undertaken between 1 January to 31 December of the preceding calendar a written report confirming that no clearing under this permit has been carried out, must be provided to the *CEO* on or before the 30 December of each year.

# 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*;

*dieback* means the effect of *Phytophthora* species on native vegetation;

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*direct seeding* means a method of re-establishing vegetation through the establishment of a seed bed and the introduction of seeds of the desired plant species;

*environmental specialist* means a person who holds a tertiary qualification in environmental science or equivalent, and has experience relevant to the type of environmental advice that an environmental specialist is required to provide under this Permit;

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

*local provenance* means native vegetation seeds and propagating material from natural sources within 100 kilometres and the same Interim Biogeographic Regionalisation for Australia (IBRA) subregion of the area cleared;

*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;

*planting* means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired species;

*rehabilitate/ed/ion* means actively managing an area containing native vegetation in order to improve the ecological function of that area;

*revegetate/ed/ion* 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;

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.

Mathew Gannaway MANAGER NATIVE VEGETATION REGULATION

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

14 February 2019

Appendix 1 - Port of Esperance Revegetation Plan

CPS 8288/1, 14 February 2019



# Plan 8288/1



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# 1. Application details

1.1 Permit application details			
Permit application No.:	<b>8</b> 288/1		
Permit type:	Area Permit		
1.2 Propopont dotailo			
Applicant's name:	Southern Ports Authority- Port of Esperance		
Application received date:	11 December 2018		
1.3 Proporty dotails			
Property:	Lot 6 on Plan 10022. Esperance		
- F 7	Lot 7 on Plan 10023, Esperance		
	Lot 8 on Plan 10023, Esperance		
	Lot 9 on Plan 10023, Esperance		
	Lot 11 on Plan 10023, Esperance		
	Lot 12 on Plan 10023, Esperance		
	Lot 13 on Plan 10023, Esperance		
	Lot 15 on Plan 10023, Esperance		
	Lot 16 on Plan 10023, Esperance		
	Lot 17 on Plan 10023, Esperance	0Ce	
	Lot 1027 on Deposited Plan 31503, Esperance		
	Lot 500 on Deposited Plan 57791, Esperand	ce	
Local Government Authority:	Lot 502 on Deposited Plan 57791, Esperand Esperance, Shire of	Ce	
Localities:	West Beach		
1.4. Application			
Clearing Area (ha) No. Tree	es Method of Clearing	For the purpose of:	
3.1172 -	Mechanical Removal	Restoration	
1.5. Decision on application			
1.5. Decision on application Decision on Permit Application:	Granted		
1.5. Decision on application Decision on Permit Application: Decision Date: Beasons for Decision:	Granted 14 February 2019	sessed against the clearing principles, planning	
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2. Site Information			
Clearing Description	The application is for the proposed clearing of 3.1172 hectares of native vegetation within the abovementioned Lots for the purpose of re-profiling slopes to achieve a stable landform (Figure 1).		
Vegetation Description	The vegetation within the application area is mapped as Beard vegetation association Fanny Cove (42), which is described as scrub, open scrub or sparse scrub- Wattle, teatree and other species including <i>Acacia</i> spp. and <i>Melaleuca</i> spp. (Shepherd et al., 2001).		
	<ul> <li>A Flora and Vegetation Survey by Xcinereus Services (2018) identified five remnant vegetation types within the application area:</li> <li><i>Eucalyptus angulosa</i> low woodland: <i>Eucalyptus angulosa</i> with a few individuals of <i>E. utilis</i>. Shrub layer comprising <i>Templetonia retusa</i>, <i>Acacia cyclops</i>, <i>Lasiopetalum discolor</i> and <i>Phyllanthus scaber</i>, with a dense ground cover of <i>Lepidosperma squamatum</i> and <i>Desmocladus flexuosus</i>.</li> <li><i>Melaleuca pentagona</i> open scrub: <i>Melaleuca pentagona</i> var. <i>latifolia, Leucopogon obovatus, Acacia cochlearis, Templetonia retusa</i> and <i>Spyridium globulosum</i>, with sparse and patchy ground layer of <i>Desmocladus flexuosus</i>, <i>Lepidosperma squamatum</i> and <i>Dianella brevicaulis</i>.</li> <li><i>Leptospermum laevigatum/Acacia cyclops</i> closed to open scrub: dense growth of the environmental weed Coast Teatree (*<i>Leptospermum laevigatum</i>) with some <i>Acacia cyclops</i> interspersed with little understorey vegetation.</li> <li><i>Acacia cochlearis</i> open heath: <i>Acacia cochlearis, Pimelea ferruginea, Melaleuca pentagona</i> var. <i>latifolia, Scaevola crassifolia</i>, and <i>Platysace compressa</i> with some individuals of <i>Eucalyptus pleurocarpa</i>.</li> <li>Weedy grassland/herbfield: previously cleared/highly degraded area containing grasses and herbaceous weeds with occasional emergent native species.</li> </ul>		
Vegetation Condition	<ul> <li>The condition of the vegetation within the application area ranges from completely degraded to excellent (Keighery, 1994) condition (Xcinereus Services, 2018) defined as:</li> <li>Completely Degraded: No longer intact, completely/almost completely without native species; to</li> <li>Excellent: Vegetation structure intact, damage to trees caused by fire, the presence of non-aggressive weeds and occasional vehicle tracks.</li> </ul>		
Soil/Landform Type:	<ul> <li>One soil type is mapped within the application area:</li> <li>Ney 4: Moderately inclined to steep slopes and sandsheets on headlands. Colluvium of sediments and granite and gneiss. Bare rock with areas of pale deep sand and grey deep sandy duplex soils. Some isolated clumps of heath (Schoknecht et al., 2004).</li> </ul>		
Comment	The vegetation description and condition was determined from aerial imagery and a flora and vegetation survey submitted with the clearing permit application (Xcinereus Services, 2018).		

The local area considered in the assessment of this application is a 10 kilometre radius measured from the perimeter of the application area. The local area retains approximately 20 per cent native vegetation cover.



Figure 1: Map showing the footprint of the application area

#### 3. Minimisation and mitigation measures

The applicant has indicated that the application area will be rehabilitated after works to stabilise the hillside have been undertaken (Southern Ports Authority, 2018). The applicant will revegetate the area using local provenance species in a similar species composition, structure and density to that of pre-clearing vegetation types in that area. A revegetation plan (Southern Ports Authority, 2019) has been prepared which outlines the revegetation to be undertaken over a portion of the application area. The applicant has stated that this portion of the application area best represents current proposed stabilisation works, considering the refinement of the methodology for stabilising the application area that has been undertaken in the intervening time since applying for this Clearing Permit (Meares, S., Pers. Comm. 11 February 2019); however, if a larger area than represented within the revegetation plan is required for stabilisation works (but wholly within the application area), the principles used in the revegetation plan will also be used in the cleared area.

#### 4. Assessment of application against clearing principles

According to available datasets, the application area is mapped within the extent of the Commonwealth listed Threatened Ecological Community (TEC) *Proteaceae dominated kwongkan shrublands of the southeast coastal floristic province of Western Australia*, listed as Endangered under the *Environment Protection and Biodiversity Conservation Act 1999*. This community is also listed as a Priority 3 Priority Ecological Community (PEC) by the Department of Biodiversity, Conservation and Attractions (DBCA). This community is described as proteaceous kwongkan shrubland and heath, or mallee heath, in which plant species from the family Proteaceae make up a large component of the flora, including plants from the genera *Adenanthos, Banksia, Grevillea, Hakea, Isopogon* and *Lambertia* (Commonwealth of Australia, 2014). The Flora and Vegetation Survey (Xcinereus Services 2018) identified two species from within the Proteaceae family, *Hakea nitida* and *H. adnata*, as isolated individuals occurring within the application area. The low number and density of Proteaceae species found within the application area indicates that the vegetation is not consistent with the abovementioned TEC or PEC. Therefore, the proposed clearing is not likely to be at variance to Principle (d).

According to available databases, 13 Threatened fauna species, 17 species protected under international agreement, one Priority 1 and two Priority 3, 6 Priority 4, and two specially protected fauna species have been recorded within the local area have been recorded within the local area (Department of Biodiversity, Conservation and Attractions (DBCA), 2007-). Based on the vegetation types found within the application area, the application area is not likely to comprise significant foraging or breeding habitat for conservation significant fauna recorded within the local area. The application area is likely to act as a local ecological corridor facilitating fauna movement to the north and south of the application area. Given the above, the proposed clearing may be at variance to Principle (b). Revegetating the application area following completion of proposed activities will mitigate any long term impacts on the function of the ecological corridor.

According to available databases, no Threatened flora and 10 Priority flora have been recorded within the local area. A Flora and Vegetation Survey undertaken by Xcinereus Services (2018) at an optimal time did not record any Threatened or Priority flora species within the application area.

No wetlands or water courses are recorded within or in close proximity to the application area. No riparian vegetation was identified within the application area (Xcinereus Services, 2018). In addition, the application area is not within or adjacent to any conservation areas.

The national objectives and targets for biodiversity conservation in Australia has a target to prevent clearance of ecological communities with an extent below 30 per cent of that present pre-1750, below which species loss appears to accelerate Exponentially at an ecosystem level (Commonwealth of Australia, 2001). Whilst the local area retains less than 30 per cent of its pre-European clearing extent, approximately 96 per cent of the Fanny Cove vegetation association (42) pre-European extent remains with approximately 45 per cent of the association protected within reserves (Government of Western Australia, 2018). Given the percentage of Fanny Cove vegetation association remaining and no conservation significant flora, fauna and vegetation communities recorded within the application area, the proposed clearing is not likely to be considered a significant remnant within an extensively cleared area. Therefore, the proposed clearing is not likely to be at variance to Principle (e).

Based on the mapped land degradation risk, the application area has a relatively low likelihood of water erosion, salinity, subsurface acidification, flooding and water logging. Wind erosion is mapped at 50 – 70 per cent high to extreme risk of wind erosion. Given the sandy nature of the soils and mapped land degradation risk, the proposed clearing may lead to appreciable land degradation through wind erosion. Given the above, the proposed clearing may be at variance to Principle (g). To minimise the risk of wind erosion, the applicant will be required to undertake the proposed stabilisation works within two months of the date of clearing and to revegetate the cleared areas within two months following completion of works. This will prevent the prolonged exposure of bare sandy soils and maintain soil stabilisation.

The application area has been assessed for dieback and deemed to be un-protectable (DBCA, 2018). DBCA (2018) recommended the applicant manage any material that is removed from the area to prevent possible introduction of dieback to uninfested areas outside of the application area. In addition, a high density and numbers of introduced species were recorded within the application area (Xcinereus Services, 2018). Weed and dieback management practices will help mitigate and minimise impacts to the adjacent remnant native vegetation and ecological corridor.

Given the above, the proposed clearing may be at variance to Principles (b) and (g), and is not likely to be at variance to the remaining clearing principles.

#### Planning instruments and other relevant matters.

The application is for the clearing of 3.1172 hectares of native vegetation to adjust the slope of the hillside adjacent to the Port of Esperance. Geotechnical investigations have found the hillside is highly unstable and re-profiling the slope of the hillside is proposed to address this risk. The clearing will address risks to neighbouring residential properties, Port personnel and key infrastructure within and adjacent to the Port (Southern Ports Authority, 2018).

The applicant is proposing to:

- clear and grub vegetation on the unstable hillside;
- re-profile the hillside to a stable slope using earthworks machinery; and
- revegetate the newly stabilised hillside (Southern Ports Authority, 2018).

Section 38(2) of the *Port Authorities Act 1999* allows the Southern Ports Authority, for the purposes of port works and port facilities, to undertake, construct or provide any public work under section 6 of the *Planning and Development Act 2005* as if it were an agency of the Crown in right of the State; therefore, planning approval is not required. The Southern Ports Authority has consulted with the Shire of Esperance (the Shire) and the Shire endorsed the proposed clearing in Shire Reserves on 4 December 2018 (Shire of Esperance, 2018).

No aboriginal sites of significance have been recorded within the application area.

The clearing permit application was advertised on the Department of Water and Environmental Regulation website on 20 December 2018 with a 21 day submission period. No public submissions were received in relation to this application.

#### 5. References

- Commonwealth of Australia (2001). National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra. Commonwealth of Australia (2014). Proteaceae Dominated Kwongkan Shrubland: a nationally-protected ecological community. Fact sheet published but the Commonwealth Government of Australia.
- Department of Biodiversity, Conservation and Attractions (2007-). NatureMap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife. URL: <u>http://naturemap.dpaw.wa.gov.au/</u>.
- Department of Biodiversity, Conservation and Attractions (2018). Phytophthora dieback assessment of Hughes Road Esperance Port, Parks and Wildlife Service, Reference: EspPort18, 16 November 2018. DWER Ref: A1747404.
- Government of Western Australia. (2018). 2017 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of December. (2017). WA Department of Biodiversity, Conservation and Attractions. Retrieved from <a href="https://catalogue.data.wa.gov.au/dataset/dbca-statewide-vegetation-statistics">https://catalogue.data.wa.gov.au/dataset/dbca-statewide-vegetation-statistics</a>
- 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.
- 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 Esperance (2018). Landowner Permission Land Clearing Shire Reserves. Shire reference F17/963. December 2018. DWER Ref: A1747412.
- Southern Ports Authority (2018). Application for Land Clearing Permit: Southern Ports Esperance. December 2018. DWER Ref: A1747385.
- Southern Ports Authority (2019). Port of Esperance: Hughes Road Stabilisation Revegetation Plan. February 2019. DWER Ref: A1764009.
- Xcinereus Services (2018). Flora and Vegetation Survey of Land adjoining the Port of Esperance. November 2018. DWER Ref: A1747400.

GIS Databases:

- Aboriginal Sites of Significance
- DAFWA Heritage
- DBCA Estate
- DEC Covenant
- Groundwater salinity
- Hydrography, linear
- National Trust WA Covenant
- Remnant vegetation
- SAC bio datasets (accessed January 2018)
- Soils, Statewide
- Topographic contours
- Wetlands