



## CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

<b>Purpose Permit number:</b>	CPS 8381/1
<b>Permit Holder:</b>	Kimberley Ports Authority
<b>Duration of Permit:</b>	16 September 2019 – 16 September 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 establishing port, recreational and ancillary infrastructure.

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

Lot 621 on Deposited Plan 70861, Minyirr.

**3. Area of Clearing**

The Permit Holder must not clear more than 1.934 hectares of native vegetation within the area cross hatched yellow on attached Plan 8381/1.

**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 area to be cleared.

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

#### **7. Records to 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 or decimal degrees;
- (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 the extent of clearing in accordance with condition 5 of this Permit; and
- (e) actions taken to minimise 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.



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Ray Carvalho  
MANAGER  
NATIVE VEGETATION REGULATION

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




16 August 2019

# Plan 8381/1

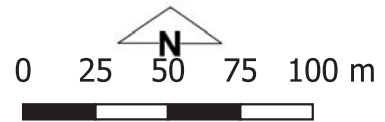
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-  Cadastre - LGATE 218
-  CPS areas approved to clear
-  Road Centrelines

Image



Ray Carvalho

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Officer delegated under Section 10 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.: 8381/1  
Permit type: Purpose Permit

### 1.2. Applicant details

Applicant's name: Kimberley Ports Authority  
Application received date: 25 February 2019

### 1.3. Property details

Property: Lot 621 on Deposited Plan 70861  
Local Government Authority: Shire of Broome  
Localities: Minyirr

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
1.934 hectares (Originally 1.9906 hectares of clearing proposed)		Mechanical Removal	Recreation

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 16 August 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.

The Delegated Officer determined that the proposed clearing may increase the spread of weeds into the adjacent vegetation. To minimise this risk, a condition has been placed on the permit requiring the implementation of weed management measures.

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

This application proposes the clearing of 1.934 hectares of native vegetation within Lot 621 on Deposited Plan 70861, Minyirr. This clearing will facilitate the construction of consolidated port administration facilities, a passenger terminal, recreation and tourism support facilities, marine rescue facilities and an associated car park. The application area may also include port related services, including a laydown area. The application area is situated on the southern tip of the Broome Peninsula.

The application area was originally 1.9906 hectares in size. During the assessment of this application the applicant agreed to reduce the application area to 1.934 hectares in size to increase the buffer distance between the application area and a recorded occurrence of the Priority 1 '*Corymbia paractia* dominated community on dunes' priority ecological community.

The original 1.9906 hectare application area was approved for clearing through clearing permit CPS 6098/1. This clearing permit expired on 21 February 2017 and no clearing was undertaken within the original application area.

### Vegetation Description

The closest mapped vegetation association to the application area is Beard vegetation association 750, also described as the 'Pindan Woodland' (Shepherd et al 2001). This vegetation association is defined as *Acacia* thicket with *Eucalypt* species woodland over spinifex, Pindan Wattle (*Acacia tumida*), Darwin Box (*Eucalyptus tectifica*), *Corymbia grandifolia*, Soft Spinifex (*Triodia pungens*) and *Triodia bitextura* (Shepherd et al 2001). The nearest mapped occurrence of this vegetation association is situated approximately 700 metres to the north of the application area. A review of aerial photography of this vegetation association and the application area determined the vegetation found within the application area is likely to be consistent with the mapped vegetation association.

A level two flora and vegetation survey and a targeted search for conservation significant flora species was undertaken within the application area on 4 December 2018 by Eco Logical Australia Pty Ltd (2019). This survey was undertaken to determine the composition of the vegetation community present within the application area, its ecological value and whether flora species of conservation significance were present within the application area. The flora and vegetation survey was undertaken in accordance with the Environmental Protection Authority's (EPA) *Technical Guidance: Flora and Vegetation Surveys for Environmental Impact Assessment* (EPA 2016) (Eco Logical Australia Pty Ltd 2019).

Three 20 metre by 20 metre quadrants were established within the application area to delineate and characterise the vegetation community present within the application area and its condition (Eco Logical Australia Pty Ltd 2019). The flora and vegetation survey also incorporated a survey for conservation significant flora species and the opportunistic recording of introduced flora species encountered during the survey (Eco Logical Australia Pty Ltd 2019).

The flora and vegetation survey undertaken by Eco Logical Australia Pty Ltd (2019) identified one vegetation community within the application area. This vegetation community comprised *Acacia bivenosa*, Green Bird-flower (*Crotalaria cunninghamii*), *Cullen martinii* tall open shrubland over Flinders River Poison (*Tephrosia rosea*), *Crotalaria medicaginea* mid-sparse shrubland over *Euphorbia myrtilloides*, Snakevine (*Tinospora smilacina*), *Boerhavia gardneri* low isolated shrubs and Buffel Grass (*\*Cenchrus ciliaris*) and *Aristida holathera* low open tussock grassland (Eco Logical Australia Pty Ltd 2019).

**Vegetation Condition**

The vegetation survey undertaken by Eco Logical Australia Pty Ltd (2019) determined that the vegetation in the application area is representative of the following condition thresholds (Trudgen 1988):

- Very Good: Some relatively slight signs of damage caused by human activities since European settlement; to
- Good: More obvious signs of damage caused by human activity since European settlement, including some obvious impact on the vegetation structure such as that caused by low levels of grazing or slightly aggressive weeds.

Eco Logical Australia Pty Ltd (2019) noted that there was evidence of impacts to the vegetation in the application area arising from grazing, heat stress, weeds and past clearing to facilitate the creation of access tracks. Eco Logical Australia Pty Ltd (2019) estimated the application area was likely to have last been burnt between 10 and 20 years ago.

**Soil Type**

The application area has been mapped as occurring within the Carpentaria Land System (Department of Primary Industry and Regional Development 2017). This land system has been defined as comprising coastal flats, associated sandy margins and dunes; saline sands and muds; paperbark thickets, samphire meadows and extensive bare mud flats with fringing mangrove forests (Department of Primary Industry and Regional Development 2017).

**Comment**

The local area referred to in the below assessment is defined as the area within a 20 kilometre radius of the application area.



**Figure 1: The proposed clearing area (shown in blue).**  
CPS 8381/1

### 3. Minimisation and mitigation measures

As discussed earlier in this report, the application area was originally 1.9906 hectares in size. During the assessment of this application, the applicant agreed to reduce the application areas extent to 1.934 hectares in size. This decrease in the size of the application area increased the minimum buffer distance between the application area and a recorded occurrence of the Priority 1 '*Corymbia paractia* dominated community on dunes' priority ecological community (PEC) from approximately five metres to approximately 22 metres. This increase in the buffer distance between the application area and the above PEC will minimise the likelihood of adverse impacts to this ecological community of conservation significance resulting from the proposed clearing activities.

The applicant advised during the assessment of this application that prior to undertaking any clearing activities, the area to be cleared will be pegged by a surveyor. The contractors undertaking the clearing will also be provided with a copy of the Clearing Permit document and made aware of any specific requirements under the permit. A pre-start meeting will be conducted prior to the clearing activities, which incorporates a visit to the site, to ensure the contractor is familiar with the site and any areas of environmental significance.

### 4. Assessment of application against clearing principles

A review of available databases determined that 12 flora species of conservation significance have been recorded in the local area, comprising three Priority 1 flora species, one Priority 2 flora species, seven Priority 3 flora species and one threatened flora species. The flora and vegetation survey undertaken by Eco Logical Australia Pty Ltd (2019) recorded a total of 18 flora species from 16 genera and eight families within the application area. The family *Fabaceae* had the highest number of species recorded during this survey with seven species recorded and *Crotalaria* was the best represented genus in the application area, with two species recorded. The survey undertaken by Eco Logical Australia Pty Ltd (2019) did not identify any flora species of conservation significance within the application area. Noting this, the proposed clearing is not likely to impact on any conservation significant flora species.

Two weed species were recorded within the application area during the aforementioned survey; Buffel Grass (*\*Cenchrus ciliaris*) and Purple Bean (*\*Macroptilium atropurpureum*) (Eco Logical Australia Pty Ltd 2019). Neither of these species is listed as a 'declared pest' species under the *Biosecurity and Agriculture Management Act 2007* (Department of Primary Industry and Regional Development 2019).

A review of available databases determined that 89 fauna species of conservation significance have been recorded within the local area (Department of Biodiversity, Conservation and Attractions 2007- ). Excluding migratory species (which are unlikely to be dependant on the habitats found within the application area), the application area could provide suitable habitat for four fauna species of conservation significance. Eco Logical Australia Pty Ltd (2019) advised that one fauna habitat type occurs within the application area; the Pindan vegetation habitat type, which is widespread on the Broome Peninsula and occurs on orange to red Pindan soils.

As discussed in Section 2 of this report, the condition of the vegetation in the application area is variable and Eco Logical Australia Pty Ltd (2019) noted that there was evidence of impacts to the vegetation in the application area arising from grazing, heat stress, weeds and past clearing to facilitate the creation of access tracks. Eco Logical Australia Pty Ltd (2019) also advised that the application area contains a high intensity on invasive weed species. The presence of weed species and the application area's fragmented nature, which has resulted from the past clearing activities, is considered to have degraded the value of the application area as a habitat for conservation significant fauna species (Eco Logical Australia Pty Ltd 2019). When the above is considered alongside the small area of clearing proposed and the knowledge that the 'Dampier Land' Interim Biogeographic Regionalisation of Australia (IBRA) region retains over 99 per cent of its pre-European clearing extent, the application area is unlikely to comprise significant habitat for any fauna species of conservation significance.

The proposed clearing has the potential to introduce weed species into the surrounding vegetation, potentially degrading habitat for flora and fauna species of conservation significance. Weed management measures will assist in mitigating this potential.

A review of available databases determined that several ecological communities of conservation significance are found within the local area, the closest of which are situated the following distances from the application area:

- The Priority 1 '*Corymbia paractia* dominated community on dunes' PEC, situated approximately 22 metres west of the application area;
- the 'Species-rich faunal community of the intertidal mudflats of Roebuck Bay' which is endorsed as a 'Vulnerable' threatened ecological community (TEC) by the Western Australian Minister for Environment. The closest recorded occurrence of this ecological community is situated approximately 36 metres south of the application area;
- the 'Vine thickets on coastal sand dunes of the Dampier Peninsula' which is endorsed as a 'Vulnerable' TEC by the Western Australian Minister for Environment and is situated approximately 64 metres west of the application area. This ecological community is also listed as an 'Endangered' TEC under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act); and
- the Priority 1 'Relict dune system dominated by extensive stands of Minyjuru (Mangarr) *Sersalisia* (formerly *Pouteria*) *sericea*' PEC, situated approximately 1 kilometre north west of the application area.

Eco Logical Australia Pty Ltd (2019) advised that the vegetation within the application area is not representative of any TEC or PEC. When consideration is given to both the separation distances between the application area and the above ecological communities and the measures the applicant has advised will be put into place to ensure clearing does not extend beyond the approved area, as detailed in Section 3 of this report, no impacts to these ecological communities are anticipated to result from the proposed clearing. Due to the intact nature of the 'Dampier Land' IBRA region, which retains over 99 per cent of its pre-European clearing extent, the application area does not comprise a significant ecological linkage linking ecological communities of conservation significance to each other, or other areas of remnant vegetation.

Therefore, the proposed clearing is not anticipated to adversely impact species diversity or recruitment within ecological communities of conservation significance.

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). The application area forms part of the 'Dampier Land' IBRA region. As discussed previously in this report, this IBRA region retains over 99 per cent of its pre-European clearing extent (Government of Western Australia 2019). Vegetation association 750 also retains over 99 per cent of its pre-European clearing extent (Government of Western Australia 2019). A review of available databases determined the local area retains over 80 per cent of its pre-European clearing extent. Given the above, the application area is not considered to represent a significant remnant of native vegetation in an extensively cleared landscape.

A review of available databases, aerial photography of the application area and the survey report prepared by Eco Logical Australia Pty Ltd (2019) determined that no watercourses or wetlands exist within the application area or its immediate surrounds. No impacts to vegetation growing in association with surface water features is anticipated to result from the proposed clearing.

When the small extent of the application area is considered alongside the intact nature of the 'Dampier land' IBRA region, no land degradation impacts are anticipated to result from the proposed clearing. No impacts to surface water or groundwater quality, or to the flooding regime of the local area, are anticipated to result from the proposed clearing.

The local area contains a number of conservation reserves, with the closest an unnamed conservation reserve situated approximately 7.4 kilometres north east of the application area. Given the separation distances between the application area and conservation reserves, no impacts to any conservation reserve are anticipated to result from the proposed clearing. A review of aerial photography of the local area determined that the application area does not form part of an ecological linkage, linking conservation reserves to each other, or other areas of remnant vegetation. Therefore the proposed clearing is not anticipated to adversely impact species diversity and recruitment within any conservation reserve.

Given the above, the proposed clearing is not likely to be at variance to any of the clearing principles.

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

A review of available databases determined that the application area is situated within the 'Entrance Point / Yinara' (ID 12873) registered site of Aboriginal Heritage Significance. This site of Aboriginal Heritage Significance is recognised for a variety of cultural values; including an artefact scatter, a mythological site and a camp site. The applicant is advised to ensure the proposed clearing is undertaken in accordance with the requirements articulated by the *Aboriginal Heritage Act 1972*. The Department of Planning, Lands and Heritage can be contacted for further information regarding this matter.

The clearing permit application was advertised on the DWER website on 16 April 2019 with a 21 day submission period. No public submissions have been received in relation to this application.

#### **5. References**

- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- Department of Biodiversity, Conservation and Attractions (2007-) NatureMap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife. URL: <http://naturemap.dpaw.wa.gov.au/>.
- Department of Primary Industry and Regional Development (2017). NRInfo Digital Mapping. Department of Primary Industry and Regional Development. Government of Western Australia. URL: <https://maps.agric.wa.gov.au/nrm-info/>.
- Department of Primary Industry and Regional Development (2019) Western Australian Organism List. Available from: <https://www.agric.wa.gov.au/bam/western-australian-organism-list-waol>.
- Eco Logical Australia Pty Ltd (2019) Entrance Point Native Vegetation Clearing Permit. Prepared for Kimberley Ports Authority. Published on 26 February 2019.
- Environmental Protection Authority (2016) Technical Guidance: Flora and Vegetation Surveys for Environmental Impact Assessment. Published by the Environmental Protection Authority in December 2016.
- Government of Western Australia (2019) 2018 Statewide Vegetation Statistics (formerly the CAR Reserve Analysis): Full Report. Remote Sensing and Spatial Analysis Program. Biodiversity and Conservation Science. Department of Biodiversity, Conservation and Attractions (DBCA). Published March 2019.
- 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.
- Trudgen, M.E. (1988). A Report on the Flora and Vegetation of the Port Kennedy Area. Unpublished report prepared for Bowman Bishaw and Associates, West Perth.

#### GIS Databases:

- Aboriginal Sites of Significance
- Department of Biodiversity, Conservation and Attractions, Managed Tenure
- Geomorphic Wetlands Management Category
- Hydrography Linear – Linear
- Hydrography WA 250K – Surface Water Lines
- Pre-European Vegetation
- SAC bio datasets
- TPFL June 2019
- WA Herb Data June 2019
- WA TEC PEC Boundaries