



Surrender Decision Report

1. Application details and outcome

1.1. Permit application details

Permit number:	CPS 8963/1
Permit type:	Area permit
Applicant name:	Pilbara Ports Authority
Clearing area:	26.23 hectares (ha) of native vegetation
Purpose of clearing:	Port of Ashburton expansion
Method of clearing:	Mechanical
Property:	Lot 569 on Deposited Plan 71345
Location (LGA area/s):	Shire of Ashburton
Localities (suburb/s):	Talandji

1.2. Description of clearing activities to surrender

The application is to surrender clearing permit CPS 8963/1, granted on 2 September 2020, for the proposed clearing of 26.23 hectares of native vegetation, within Lot 569 on Deposited Plan 71345, Talandji, for the purpose of expanding the Port of Ashburton.

The application is to surrender clearing permit CPS 8963/1 due to Pilbara Ports Authority's application to change Ministerial Statement 1131 to include an additional 43.44 ha associated with the development of the Eastern Port Precinct at the Port of Ashburton, which entirely overlaps CPS 8963/1. The proposed changes were approved on 03 February 2022 (Ministerial Statement 1131).

1.3. Decision on surrender and key considerations

Decision:	Surrendered
Decision date:	9 August 2022
Decision area:	26.23 hectares (ha) of native vegetation

1.4. Reasons for decision

The application to surrender clearing permit CPS 8963/1 was made in accordance with section 51MA of the *Environmental Protection Act 1986* (EP Act) and was received by the Department of Water and Environmental Regulation (DWER) on 31 May 2022.

In undertaking the assessment, the Delegated Officer had regard for compliance with the permit conditions and ensuring that Ministerial statement 1131 covers the areas approved to be cleared under CPS 8963/1. The assessment identified that the proposed surrender of clearing permit CPS 8963/1 is acceptable, noting the conditions imposed on Ministerial statement 1131.

After consideration of the available information, the Delegated Officer decided to grant the surrender to permit CPS 8963/1.

1.5. Site map

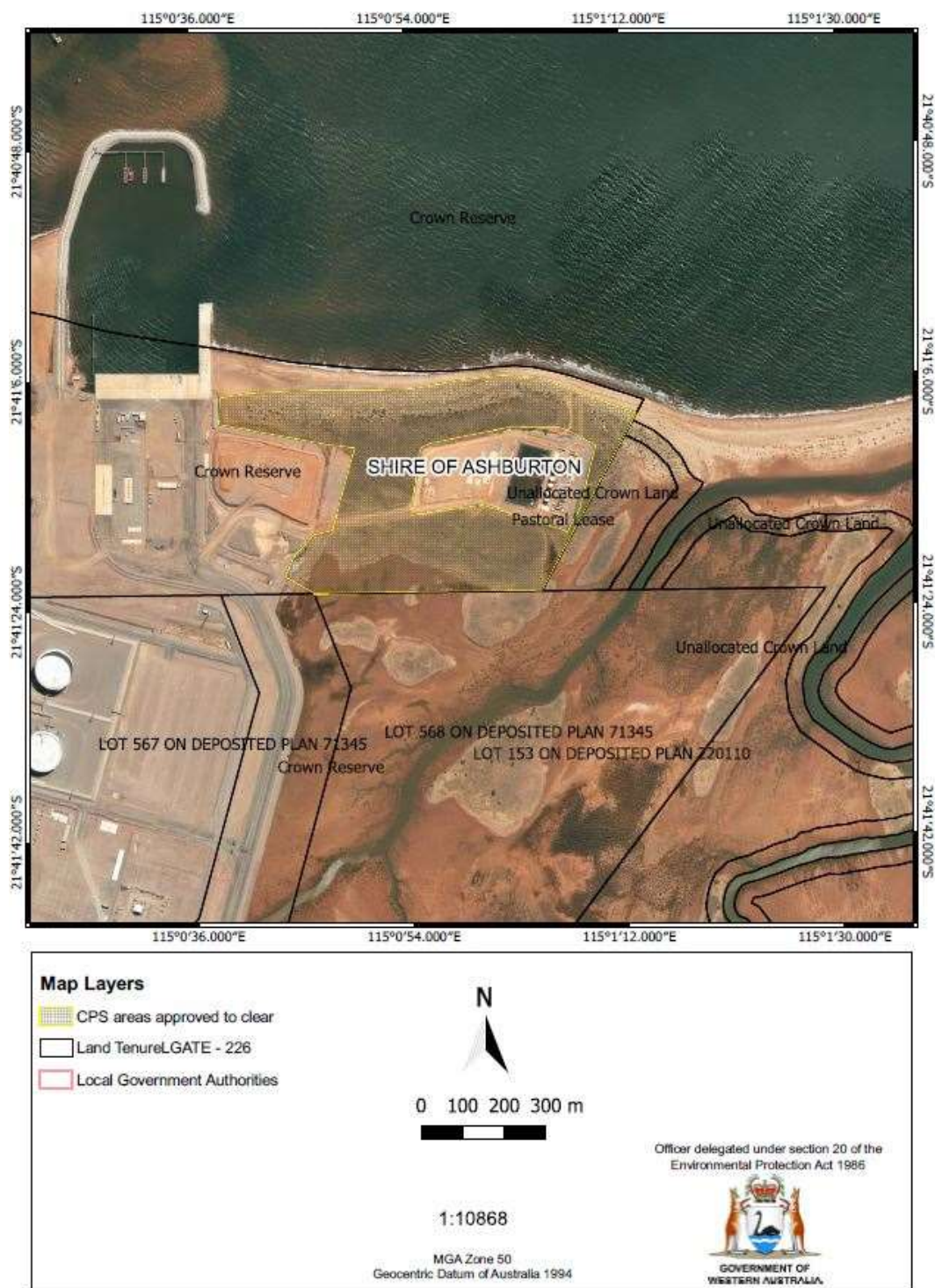


Figure 1. Map of the application area

The area cross-hatched yellow indicates the area authorised to be cleared under CPS 8963/1.

2. Assessment of surrender

2.1. Assessment

The surrender application was assessed by reviewing the compliance report submitted by the proponent to DWER on 09 June 2022 (Pilbara Ports Authority, 2022a).

A desktop review was undertaken to verify that the conditions under CPS 8963/1 have been correctly complied with as shown below (Table 1).

Table 1: Compliance verification with the clearing permit conditions listed under CPS 8963/1.

CPS 8963/1 Clearing authorised under the following conditions	Compliance comments
<p>1. 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:</p> <p>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.</p>	<p>Complied. Total clearing footprint allowed under CPS 8963/1 was 26.23 ha. Total actual clearing footprint is 0.87 ha. This represents approximately 3.32% of the total area that was authorised to clear under clearing permit CPS 8963/1.</p> <p>Clearing was required to access sites for soil testing and geotechnical investigations only. No clearing was done outside of the access tracks and soil testing locations.</p> <p>Thalanyji Traditional Owners were present during clearing and ground disturbance associated with geotechnical investigations undertaken on behalf of Mineral Resources Limited (MRL) at the Port of Ashburton</p> <p>MRL operated under a PPA approved Work Method Statement which included the requirement to avoid, minimise, and reduce the impacts and extent of clearing.</p>
<p>2. Staged clearing The Permit Holder shall not clear native vegetation unless construction occurs within two months of the clearing being undertaken.</p>	<p>Complied. Clearing was carried out immediately prior to purpose for clearing.</p>
<p>3. 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:</p> <p>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.</p>	<p>Complied. MRL operated under a PPA approved Work Method Statement which included the requirement to provide Weed Hygiene Certificates prior to mobilisation to site. MRL committed to the following:</p> <ul style="list-style-type: none"> • All earth-moving machinery was free of soil and vegetation prior to entering and leaving the area to be cleared. • no weed affected soil, mulch, fill or other material was brought into the area to be cleared. • movement of machines and other vehicles was restricted to the limit of the areas to be cleared.
<p>4. Fauna management - direction of clearing The Permit Holder shall conduct clearing in a slow progressive manner from one direction to the other (e.g. west to east) to allow fauna to move into adjacent native vegetation ahead of the clearing activity.</p>	<p>Complied. Clearing was for the purpose of providing access to defined locations, therefore access was conducted in only one direction at any given time. In addition, Thalanyji Traditional Owners were present during clearing and ground disturbance activities to enable identification of potential heritage or fauna disturbance.</p>
<p>5. Records to be kept The Permit Holder must maintain the following records in relation to the clearing of native vegetation authorised under this Permit:</p> <p>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(s) that the area was cleared; c) the size of the area cleared (in hectares);</p>	<p>Complied. Clearing undertaken between 24 to 26 June 2021 amounted to 0.62 ha for access tracks to enable soil testing at defined locations</p> <p>Clearing undertaken between 1 to 2 February 2022 amounted to 0.25 ha for access tracks to enable an Acid Sulphate Soils Site Investigation Program.</p>

<p>d) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 1 of this Permit;</p> <p>e) actions taken to minimise the risk of the introduction and spread of weeds in accordance with condition 3 of this Permit; and</p> <p>f) actions taken in accordance with condition 4 of this Permit.</p>	
<p>6. Reporting The Permit Holder must produce the records required under condition 5 of this Permit when required by the CEO.</p>	<p>Complied. Records required under condition 5 of CPS 8963/1 were provided when requested by DWER.</p>

2.2. Relevant planning instruments and other matters

On 18 July 2022, the Department accepted the permit holder's application to surrender Clearing Permit CPS 8963/1 and in accordance with section 51M(5)(a) of the EP Act, invited the permit holder to provide comments on its proposed decision to revoke the permit.

On 19 July 2022, the permit holder advised they had no comments on the Department's proposed decision (Pilbara Ports Authority, 2022b).

End

Appendix A - References

Ministerial Statement 1131 (2020) Wheatstone development – shipping channel, materials offloading facility, and access road - Shire of Ashburton. (DWER Reference: DWERDT641929)

Pilbara Ports Authority (2022a) Response to request for information (compliance against permit conditions), received 9 June 2022. (DWER Reference: DWERDT616627).

Pilbara Ports Authority (2022b) Confirmation – waiving comment period, received 19 July 2022. (DWER Reference: DWERDT632595).