



## CLEARING PERMIT

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

### PERMIT DETAILS

Area Permit Number: CPS 9109/2  
File Number: DWERVT6933  
Duration of Permit: From 29 March 2021 to 29 March 2026

### PERMIT HOLDER

Kimberley Ports Authority

### LAND ON WHICH CLEARING IS TO BE DONE

Lot 698 on Deposited Plan 209491, Minyirr  
Lot 621 on Deposited Plan 70861, Minyirr

### AUTHORISED ACTIVITY

The permit holder must not clear more than 0.17 hectares of native vegetation within the area cross-hatched yellow in Figure 1 of Schedule 1.

### CONDITIONS

#### 1. Avoid, minimise, and reduce impacts and extent of clearing

In determining the native vegetation authorised to be cleared under this permit, the permit holder must apply the following principles, set out in descending 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.

#### 2. Erosion management

When undertaking any clearing authorised under this permit, the permit holder must take the following measures to minimise the risk of erosion:

- a) The permit holder must commence construction of offloading facilities no later than three (3) months after undertaking the authorised clearing activities to reduce the potential for wind and water erosion;

- b) If clearing activities occur during the period of November to April in any given year, the permit holder must;
  - i. place biodegradable erosion matting within the areas cleared; and
  - ii. ensure materials placed under Condition 2 (b) i of this Permit are maintained until construction activities under Condition 2 (a) of this Permit can be undertaken.

**3. Weed management**

When undertaking any clearing authorised under this permit, the permit holder must take the following measures to minimise the risk of 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 known 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.

**4. Records that must be kept**

The permit holder must maintain records relating to the listed relevant matters in accordance with the specifications detailed in Table 1.

**Table 1: Records that must be kept**

No.	Relevant matter	Specifications
1.	In relation to the authorised clearing activities generally	<ul style="list-style-type: none"> <li>(a) the species composition, structure, and density of the cleared area;</li> <li>(b) 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;</li> <li>(c) the date that the area was cleared;</li> <li>(d) the size of the area cleared (in hectares);</li> <li>(e) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 1;</li> <li>(f) actions taken to manage erosion in accordance with condition 2; and</li> <li>(g) actions taken to minimise the risk of the introduction and spread of weeds in accordance with condition 3.</li> </ul>

## 5. Reporting

The permit holder must provide to the *CEO* the records required under condition 4 of this permit when requested by the *CEO*.


## DEFINITIONS

In this permit, the terms in Table 2 have the meanings defined.

**Table 2: Definitions**

Term	Definition
CEO	Chief Executive Officer of the department responsible for the administration of the clearing provisions under the <i>Environmental Protection Act 1986</i> .
clearing	has the meaning given under section 3(1) of the EP Act.
condition	a condition to which this clearing permit is subject under section 51H of the EP Act.
department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> (WA) and designated as responsible for the administration of the EP Act, which includes Part V Division 3.
EP Act	<i>Environmental Protection Act 1986</i> (WA)
native vegetation	has the meaning given under section 3(1) and section 51A of the EP Act.
weeds	means any plant – (a) that is a declared pest under section 22 of the <i>Biosecurity and Agriculture Management Act 2007</i> ; 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.

## END OF CONDITIONS

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Ryan Mincham  
Date: 2023.03.21  
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Ryan Mincham  
MANAGER  
NATIVE VEGETATION REGULATION

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

# SCHEDULE 1

The boundary of the area authorised to be cleared is shown in the map below (Figure 1).

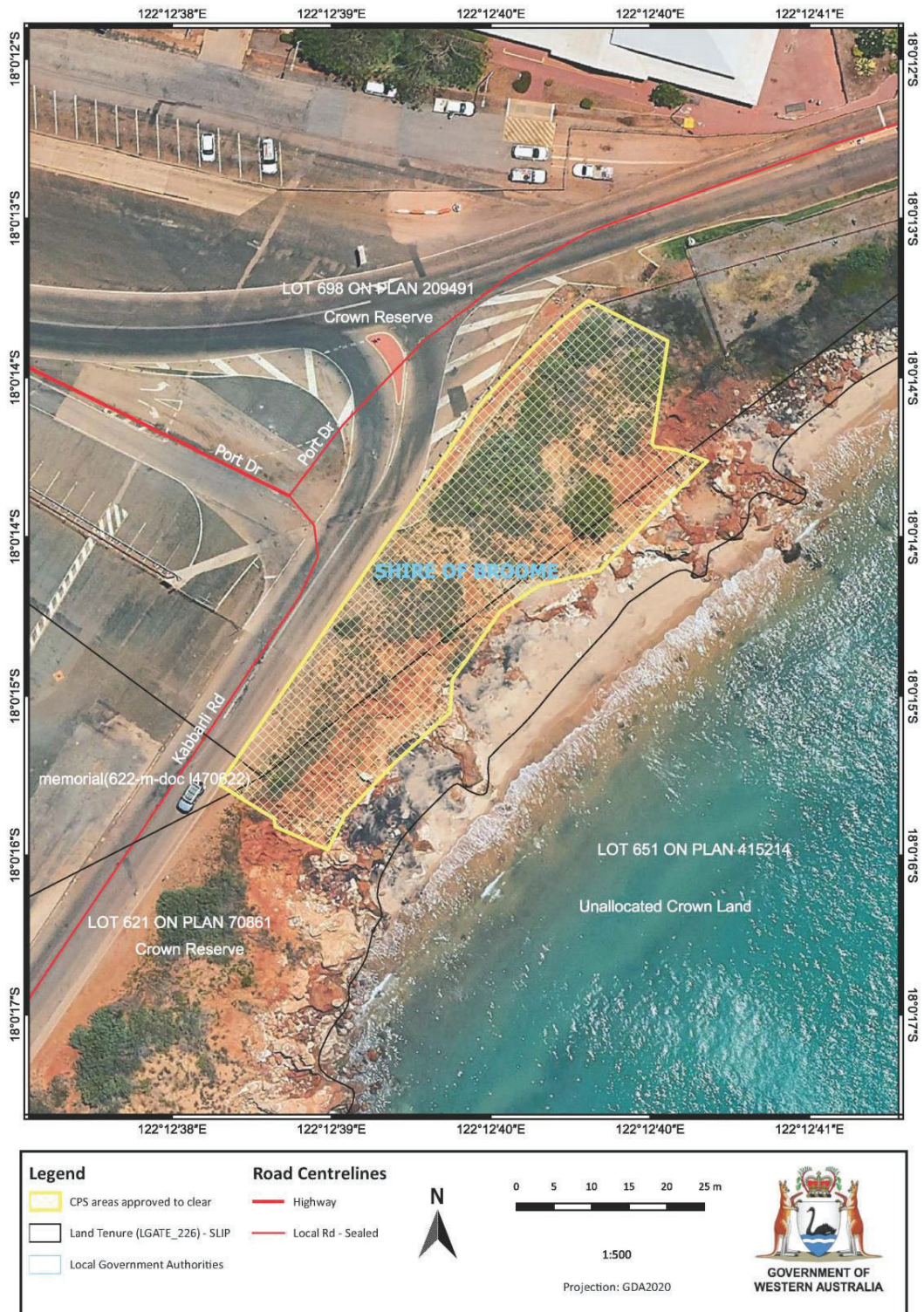


Figure 1: Map of the boundary of the area within which clearing may occur



# Clearing Permit Decision Report

## 1 Application details and outcome

### 1.1. Permit application details

<b>Permit number:</b>	CPS 9109/2
<b>Permit type:</b>	Area permit
<b>Applicant name:</b>	Kimberley Ports Authority
<b>Application received:</b>	16 January 2023
<b>Application area:</b>	0.17 hectares of native vegetation
<b>Purpose of clearing:</b>	Development of the Kimberley Marine Offloading Facility
<b>Method of clearing:</b>	Mechanical
<b>Property:</b>	Lot 698 on Deposited Plan 209491 Lot 621 on Deposited Plan 70861
<b>Location (LGA area/s):</b>	Shire of Broome
<b>Localities (suburb/s):</b>	Minyirr

### 1.2. Description of clearing activities

On 4 March 2021, clearing permit CPS 9109/1 was granted to Kimberley Ports Authority to clear 0.17 hectares of native vegetation within the land parcels listed above to facilitate the development of the Kimberley Marine Offloading Facility (see Figure 1). An application to amend Clearing Permit CPS 9109/1 was received by the Department of Water and Environmental Regulation (DWER) on 16 January 2023, requesting extension of the permit duration by three years, from 29 March 2023 to 29 March 2026. The proposed clearing footprint remains unchanged from CPS 9109/1.

### 1.3. Decision on application

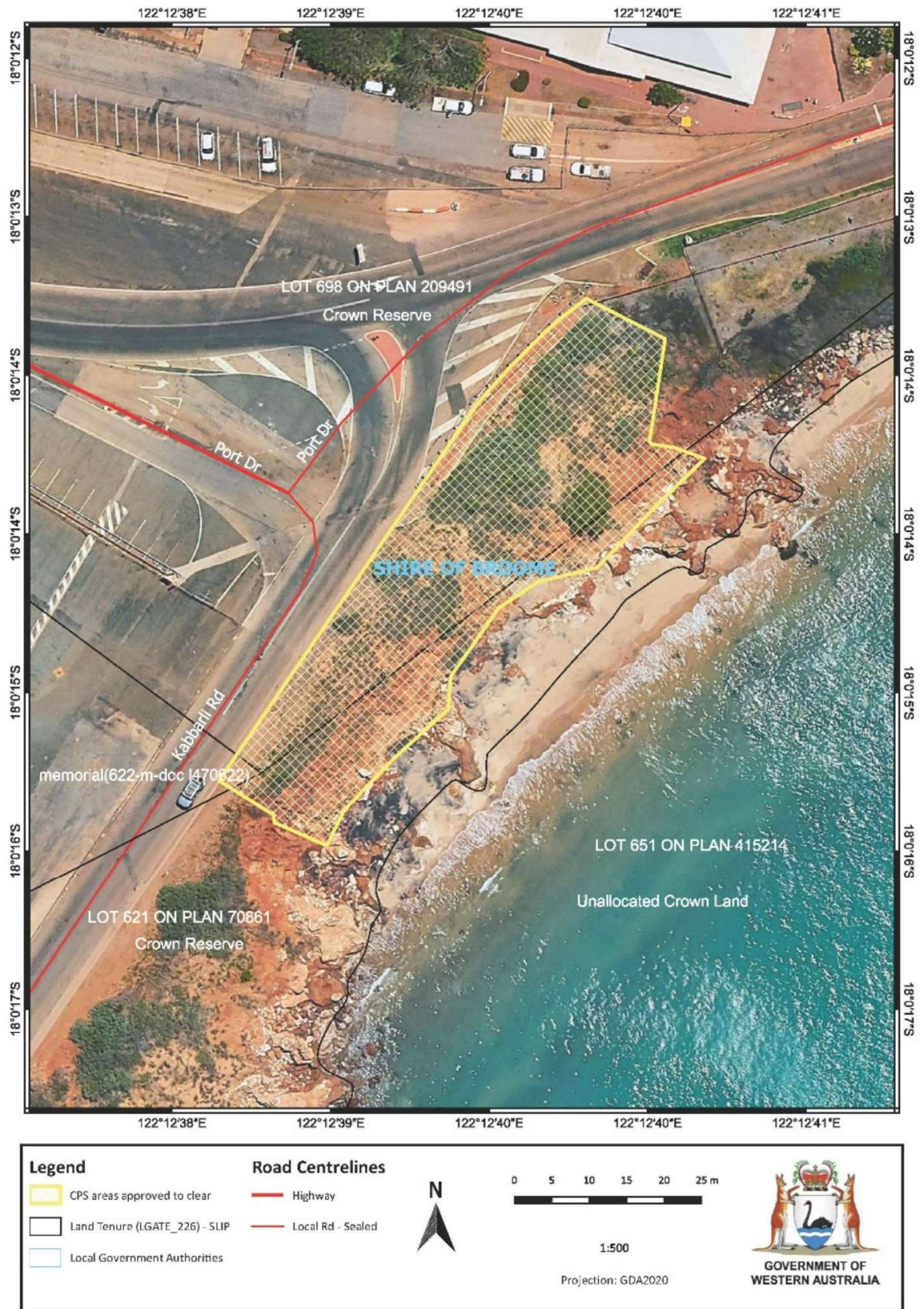
<b>Decision:</b>	Granted
<b>Decision date:</b>	21 March 2023
<b>Decision area:</b>	0.17 hectares of native vegetation, as depicted in Section 1.5, below.

### 1.4. Reasons for decision

The amendment 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), and the Delegated Officer has concluded that the assessment has not changed since the assessment for CPS 9109/1. The amendment application was advertised for public comment for a period of 14 days and no submissions were received.

The Delegated Officer determined that environmental impacts associated with clearing activities conducted under the permit can be appropriately managed through the conditions previously imposed on clearing permit CPS 9109/1.

**1.5. Site map**



**Figure 1:** Map of the application area

The area cross-hatched yellow indicates the area authorised to be cleared under the granted clearing permit.

### **3 Detailed assessment of application**

#### **3.1. Assessment of impacts on environmental values**

The assessment against the 10 clearing principles outlined in Schedule 5 of the EP Act has not changed and can be found in the Decision Report for application CPS 9109/1.

#### **3.2. Relevant planning instruments and other matters**

The assessment against relevant planning instruments and other matters has not changed and can be found in the Decision Report for application CPS 9109/1.

Additional advice was sought regarding the *Rights in Water and Irrigation Act 1914* (RIWI Act), and *Contaminated Sites Act 2003* (CS Act), with the relevant branches advising there are no issues that would arise as a result of this clearing. The Shire of Broome (the Shire) were also contacted for comment on the amendment, with their response confirming no objections to the amendment of CPS 9109/1.

**End**