



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 2892/5
Permit Holder:	Main Roads Western Australia
Duration of Permit:	16 August 2009 – 16 August 2023

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 road construction and maintenance and associated activities.

2. Land on which clearing is to be done

Lot 1511 on Deposited Plan 76748, Lake Argyle
Lot 1513 on Deposited Plan 76748, Lake Argyle
Lot 1514 on Deposited Plan 76748, Lake Argyle
Lot 5017 on Deposited Plan 57891, Lake Argyle
Lot 878 on Deposited Plan 218508, Kununurra
Lot 101 on Deposited Plan 65964, Kununurra
Lot 322 on Deposited Plan 59301, Kununurra
Lot 584 on Deposited Plan 215033, Kununurra
Lot 144 on Deposited Plan 25251, Kununurra
Lot 661 on Deposited Plan 187706, Kununurra
Lot 898 on Deposited Plan 28476, Kununurra
Lot 915 on Deposited Plan 28481 (Reserve 50604), Kununurra
Lot 6 on Deposited Plan 15631, Kununurra
Lot 10 on Deposited Plan 40710, Kununurra
Lot 20 on Deposited Plan 41704, Kununurra
Lot 55 on Deposited Plan 20787, Kununurra
Lot 106 on Deposited Plan 20787, Kununurra
Lot 107 on Deposited Plan 20787, Kununurra
Lot 112 on Deposited Plan 20787, Kununurra
Lot 126 on Deposited Plan 20787, Kununurra
Lot 127 on Deposited Plan 20787, Kununurra
Lot 566 on Deposited Plan 214945, Kununurra
Lot 567 on Deposited Plan 214945, Kununurra
Lot 818 on Deposited Plan 219629, Kununurra
Lot 100 on Diagram 89580, Kununurra
Lot 103 on Diagram 84352, Kununurra
Lot 104 on Diagram 84352, Kununurra
Lot 105 on Diagram 84352, Kununurra
Lot 1006 on Deposited Plan 40710 (Reserve 36951), Kununurra
Lot 1007 on Deposited Plan 40710, Kununurra
Lot 1008 on Deposited Plan 40710, Kununurra
Lot 3000 on Deposited Plan 44042, Kununurra
Lot 3001 on Deposited Plan 44042, Kununurra
Lot 3002 on Deposited Plan 44042, Kununurra
Lot 797 on Deposited Plan 194467, Lake Argyle

Weaber Plain Road reserve (Pin 11729350), Kununurra
Mills Road reserve (Pin 11729347), Kununurra
Mills Road reserve (Pin 1172505), Kununurra
Ivanhoe Road reserve (Pin 11729345), Kununurra
Chamberlain Drive road reserve (Pin 11884955), Kununurra
Victoria Highway road reserve (Pin 11710815), Lake Argyle
Unallocated Crown land (Pin 11807415), Kununurra
Unallocated Crown land (Pin 11807416), Kununurra
Unallocated Crown land (Pin 638917), Kununurra
Unallocated Crown land (Pin 639067), Kununurra
Unallocated Crown land (Pin 638910), Kununurra

3. Area of Clearing

The Permit Holder must not clear more than 60 hectares of native vegetation within the areas hatched yellow on attached Plan 2892/4.

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.

5. Type of clearing authorised

This Permit authorises the Permit Holder to clear native vegetation for activities to the extent that the Permit Holder has the power to clear native vegetation for those activities under the *Main Roads Act 1930* or any other written law.

6. Period in which clearing is authorised

The Permit Holder shall not clear any native vegetation after 16 August 2018.

PART II – ASSESSMENT SEQUENCE AND MANAGEMENT PROCEDURES

7. 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.

8. Offsets

The Permit Holder must implement and adhere to the ‘Kununurra Heavy Vehicle Route Stage 1 Western Link Offset Proposal, January 2011’.

9. 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.

10. Management Plan

The Permit Holder must implement and adhere to the ‘Typhonium Management Plan Kununurra Heavy Vehicle Route, 2011’.

11. Retain vegetative material and topsoil, revegetation and rehabilitation

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) At an optimal time within 12 months following clearing authorised under this Permit, *revegetate* and *rehabilitate* areas no longer required for the purpose for which they were cleared under this Permit, by:
 - (i) ripping the ground on the contour to remove soil compaction; and
 - (ii) laying the vegetative material and topsoil retained under condition 12(a) on the cleared area(s).
- (c) Within 24 months of laying the vegetative material and topsoil on the cleared area in accordance with condition 11(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 11(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 11(c)(ii) of this permit, the Permit Holder shall repeat condition 11(c)(i) and 11(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 11(c)(i) and (ii) of this permit, that determination shall be submitted for the CEO's consideration. If the CEO does not agree with the determination made under condition 11(c)(ii), the CEO may require the Permit Holder to undertake additional *planting* and *direct seeding* in accordance with the requirements under condition 11(c)(ii).

PART III - RECORD KEEPING AND REPORTING

12. 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 species composition, structure and density of the cleared area;
 - (ii) 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;
 - (iii) the date that the area was cleared; and
 - (iv) the size of the area cleared (in hectares).
- (b) In relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 11 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;
 - (ii) a description of the *revegetation* and *rehabilitation* activities undertaken;
 - (iii) the size of the area *revegetated* and *rehabilitated* (in hectares); and
 - (iv) the species composition, structure and density of *revegetation* and *rehabilitation*.
 - (v) a copy of the *environmental specialist*'s report.
- (c) In relation to the offset of areas pursuant to condition 8:
 - (i) the location of the offset 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; and
 - (ii) a description of the offset activities undertaken

13. Reporting

- (a) The Permit Holder must provide to the CEO on or before 31 January of each year, a written

report:

- (i) of records required under condition 12 of this Permit; and
 - (ii) concerning activities done by the Permit Holder under this Permit between 1 January to 31 December of the preceding year.
- (b) If no clearing authorised under this Permit was undertaken between 1 January to 31 December of the preceding year, a written report confirming that no clearing under this permit has been carried out, must be provided to the CEO on or before 31 January of each year.
- (c) Prior to 16 June 2023, the Permit Holder must provide to the CEO a written report of records required under condition 12 of this Permit where these records have not already been provided under condition 13(a) of this Permit.

Definitions

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

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

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

environmental specialist means a person who is engaged by the Permit Holder for the purpose of providing environmental advice, 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;

local provenance means native vegetation seeds and propagating material from natural sources within 40 kilometres 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;

regenerate/ed/ion means *revegetation* that can be established from in situ seed banks contained either within the topsoil or seed-bearing *mulch*;

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 *regeneration*, *direct seeding* and/or *planting*, so that the species composition, structure and density is similar to pre-clearing vegetation types in that area;

term means the duration of this Permit, including as amended or renewed; and

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 Regional Weed Rankings 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*

6 May 2020

Plan 2892/5

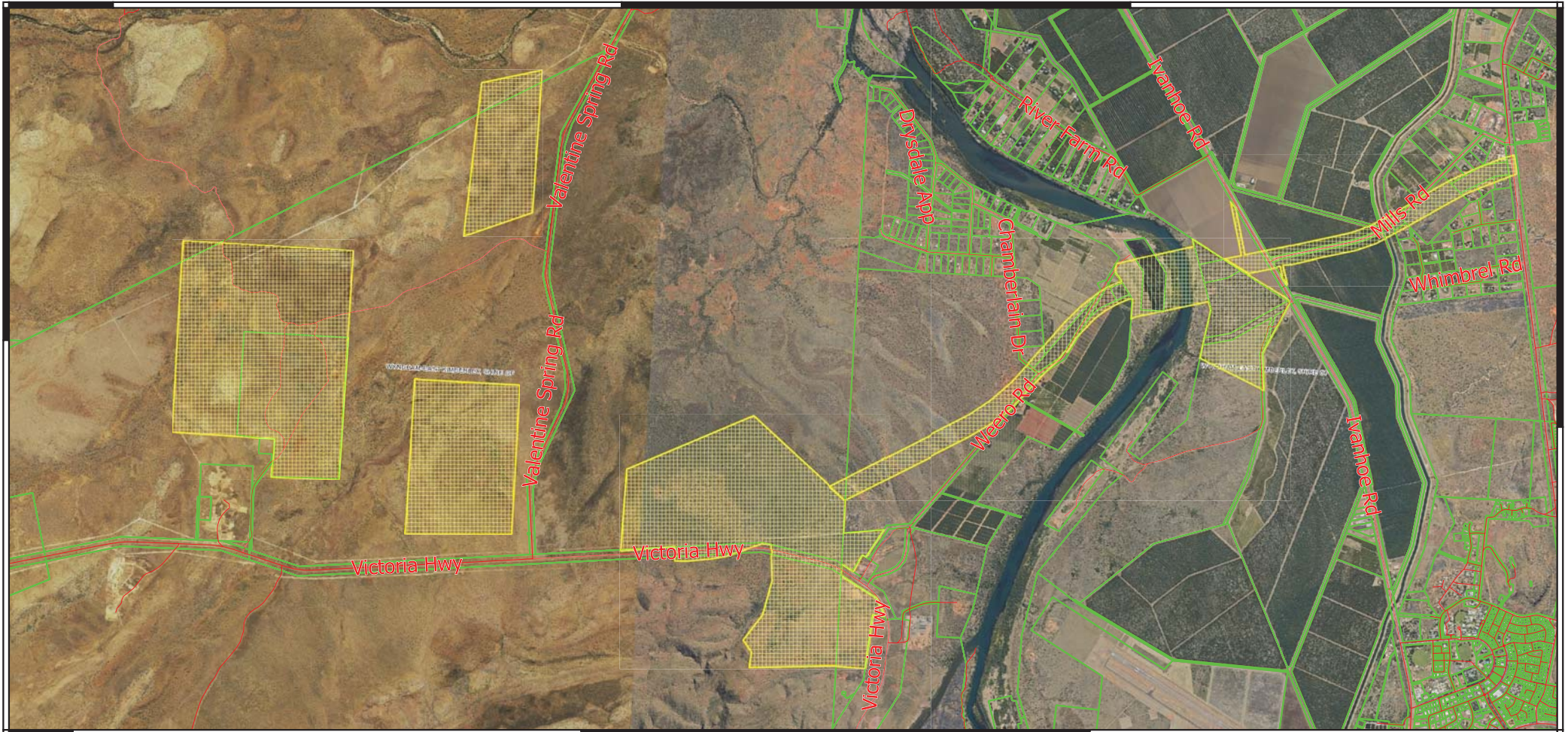
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Legend

CPS layers


 CPS areas approved to clear

base layers

 Road Centrelines

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Officer delegated under section 20 of the
Environmental Protection Act 1986



GOVERNMENT OF
WESTERN AUSTRALIA



1. Application details

1.1. Permit application details

Permit application No.: 2892/5
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Commissioner of Main Roads Western Australia
Application received date: 31 March 2020

1.3. Property details

Property: Victoria Highway Road Reserve – PIN 11710815, Lake Argyle
Unallocated Crown Land – PINs 11807415, 11807416, 638917, 639067 and 638910, Kununurra
Chamberlain Drive Road Reserve - 11884955, Kununurra
Ivanhoe Road Reserve - 11729345, Kununurra
Mills Road Reserve – PINs 1172505 and 11729347, Kununurra
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Lot 898 on Deposited Plan 28476, Kununurra
Lot 915 on Deposited Plan 28481, Kununurra
Local Government Authority: Shire of Wyndham-East Kimberley
Localities: Kununurra and Lake Argyle

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
60		Mechanical Removal	Road construction or upgrades

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 6 May 2020
Reasons for Decision: On 18 December 2018, Clearing Permit CPS 2892/3 was amended to authorise the clearing of 60 hectares of native vegetation for the purpose of road construction (CPS 2892/4). The

amendment for CPS 2892/4 (DWER, 2018) included the alteration to Condition 6, to extend the duration of the clearing permit until 16 August 2021.

An appeal was lodged against the grant of this amendment.

This clearing permit amendment gives effect to the determination of the Minister for Environment (Minister) to allow the appeal in part (Appeal 003 of 2019). The Minister has requested the Department of Water and Environmental Regulation (DWER) to:

- Amend the permit duration from ending 16 August 2026 and replace with 16 August 2021;
- Amend Condition 6 of the Permit (Period in which clearing is authorised) to require that the Permit Holder shall not clear any native vegetation after 16 August 2018; and
- Amend Condition 13 (c) to note that the reporting date is 16 June 2023.

Given the above, the Delegated Officer decided to grant a clearing permit to reflect the Minister's determination.

2. Site Information

Clearing Description

The application to amend is to clear up to 60 hectares of native vegetation for the purpose of constructing the first phase of the Kununurra Heavy Vehicle Route (clearing areas include the upgrading of a roadway and several borrow pits).

Vegetation Description

The application area has been mapped as the following Beard vegetation associations:
52 - Sedgeland; reed swamps, occasionally with heath (Shepherd et al., 2001).

59 - Grasslands, high grass savanna sparse tree; bauhinia & coolabah over mitchell, blue & tall upland grasses (Shepherd et al., 2001).

901 - Grasslands, high grass savanna woodland; stringybark & woollybutt over upland tall grass & curly spinifex (Shepherd et al., 2001).

909 - Grasslands, high grass savanna woodland; bloodwood, stringybark & woollybutt over upland tall grass & curly spinifex on sandplain (Shepherd et al., 2001).

Vegetation Condition

Very Good; Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).

To

Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994).

3. Assessment of application against clearing principles

This amendment is the result of an appeal determination made by the Minister for Environment regarding the conditions of the amendment to CPS 2892/3.

The assessment against the clearing principles outlined in Schedule 5 of the *Environmental Protection Act 1986* is unchanged and can be found in the Decision Report prepared for Clearing Permit CPS 2892/1.

Planning instruments and other relevant matters

The assessment against Planning and Other Matters has not changed and can be found in Decision Report CPS 2892/1 (DWER, 2018).

4. References

- Department of Water and Environmental Regulation (DWER) (2018) CPS 2892/1 Decision Report and Permit, CPS 2892/2 Decision Report and Permit, CPS 2892/3 Decision Report and Permit. URL: <ftp://ftp.dwer.wa.gov.au/permit/2892/Permit/>
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Office of the Appeals Convenor (2020) Report to the Minister for Environment – Appeals in objection to the Decision of the Department of Water and Environmental Regulation to amend a clearing permit CPS 2892/4: Various lots, Lake Argyle and Kununurra. Office of the Appeals Convenor, Western Australia. Available at: <https://www.appealsconvenor.wa.gov.au/cps-28924-various-lots-lake-argyle-and-kununurra>
- Shepherd, D.P., Beeston, G.R., and Hopkins, A.J.M. (2001), Native Vegetation in Western Australia. Technical Report 249. Department of Agriculture Western Australia, South Perth.