



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 2892/6
Permit Holder:	Main Roads Western Australia
Duration of Permit:	16 August 2009 – 16 August 2026

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 (Reserve 49678), 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 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 (Reserve 47334), 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 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 638917), Kununurra
Unallocated Crown land (PIN 639067), Kununurra
Unallocated Crown land (PIN 638910), Kununurra
Unallocated Crown Land (PIN 638551) , Kununurra
Lot 323 on Deposited Plan 44317, Kununurra
Lot 600 on Deposited Plan 406504, Kununurra
Lot 601 on Deposited Plan 406504, Kununurra
Lot 500 on Deposited Plan 408533, Kununurra
Lot 501 on Deposited Plan 408533, Kununurra
Lot 502 on Deposited Plan 408533, Kununurra
Lot 510 on Deposited Plan 422455 (Reserve 50588), Kununurra
Lot 512 on Deposited Plan 422455, Kununurra; and
Lot 511 on Deposited Plan 422455 (Reserve 50588), Kununurra.

3. Area of Clearing

The Permit Holder must not clear more than 60 hectares of *native vegetation* within the area cross-hatched yellow in Figure 1 of Schedule 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.

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 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.

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 measures 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 11(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 (GDA2020), 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 (GDA2020), 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 (GDA2020), 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 2026, 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 holds a tertiary qualification in environmental science or equivalent, and has a minimum of two (2) years work experience relevant to the type of environmental advice that an environmental specialist is required to provide under this permit, or who is approved by the *CEO* as a suitable environmental specialist;

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.

END OF CONDITIONS

A handwritten signature in black ink, appearing to read 'Mathew Gannaway', written over a horizontal line.

Mathew Gannaway
MANAGER
NATIVE VEGETATION REGULATION

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

14 August 2023

CPS 2892/6

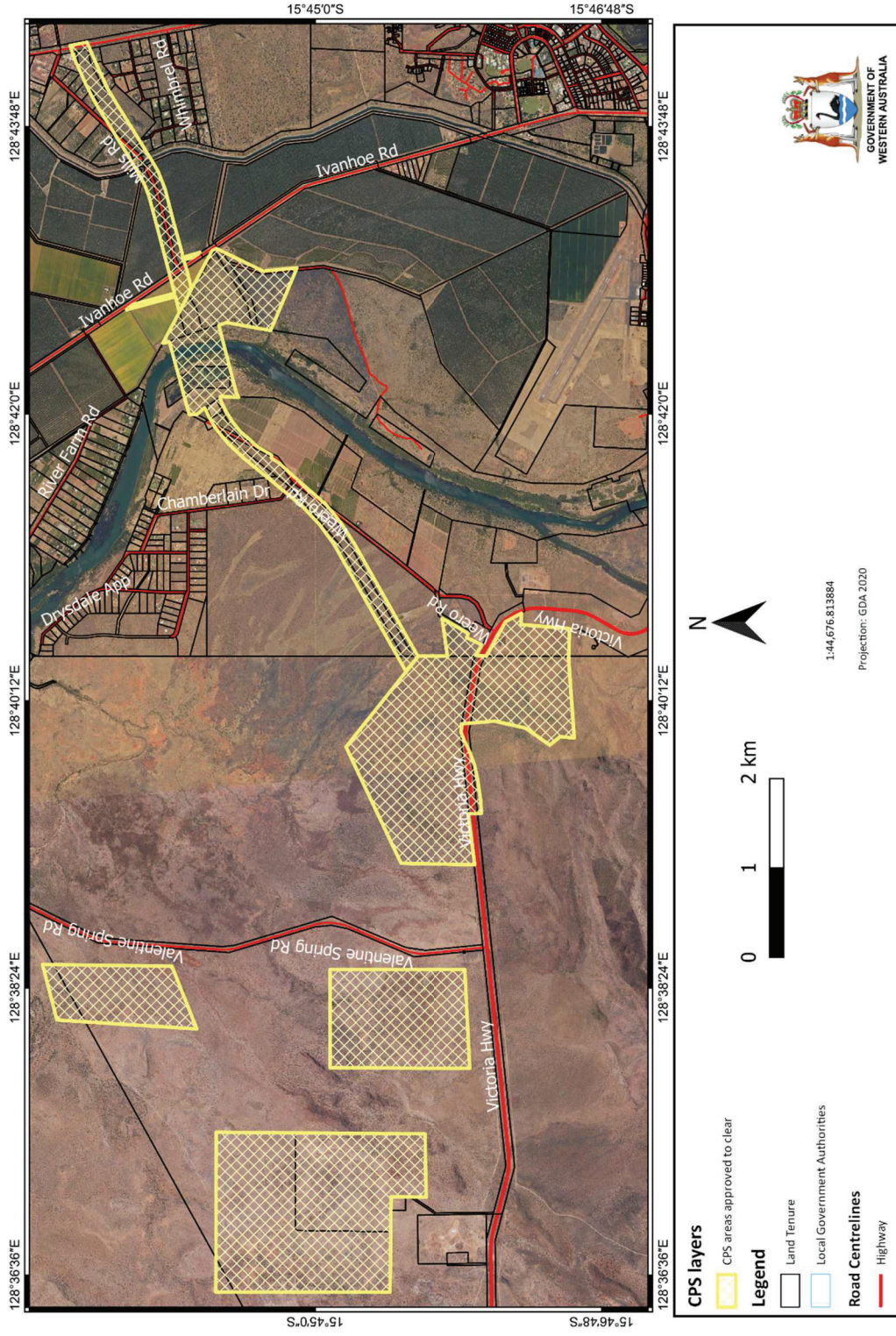


Figure 1 Map of the boundary of the area within which clearing may occur.



Clearing Permit Decision Report

1 Application details and outcome

1.1. Permit application details

Permit number:	CPS 2892/6
Permit type:	Purpose permit
Applicant name:	Commissioner of Main Roads Western Australia
Application received:	13 July 2023
Application area:	60 hectares of native vegetation
Purpose of clearing:	Road construction and upgrades
Method of clearing:	Mechanical
Property:	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 (Reserve 49678), 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 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 (Reserve 47334), Kununurra Lot 818 on Deposited Plan 219629, Kununurra

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 Lot 510 on Deposited Plan 422455 (Reserve 50588), Kununurra
 Lot 512 on Deposited Plan 422455, Kununurra; and
 Lot 511 on Deposited Plan 422455 (Reserve 50588), Kununurra.

Location (LGA area/s): Shire of Wyndham-East Kimberley

Localities (suburb/s): Kununurra
Lake Argyle

1.2. Description of clearing activities

This amendment is to extend the duration of the permit by three years so that it remains valid. The area approved to clear remains unchanged (see Figure 1, Section 1.5) (MRWA, 2023).

1.3. Decision on application

Decision:	Granted
Decision date:	14 August 2023
Decision area:	60 hectares of native vegetation, as depicted in Section 1.5, below.

1.4. Reasons for decision

This clearing permit amendment application was submitted, accepted, assessed and determined in accordance with sections 51E and 51O of the *Environmental Protection Act 1986* (EP Act). The Department of Water and Environmental Regulation (DWER) advertised the application for 14 days and no submissions were received.

This amendment is to extend the permit by three years to ensure that the permit remains valid. Condition 6 of CPS 2892/6 prevents the clearing of native vegetation after August 2018. The Delegated Officer considered that, given the administrative nature of the proposed amendment that does not change the ability for clearing activities to occur, the assessment has not changed since the assessment for CPS 2892/1 (DEC, 2009). The management conditions under CPS 2892/6 are unchanged. An update of the Lot numbers within the permit has occurred to reflect cadastral boundary changes. No changes to the alignment of the clearing permit footprint has occurred as a result of the updates.

1.5. Site map

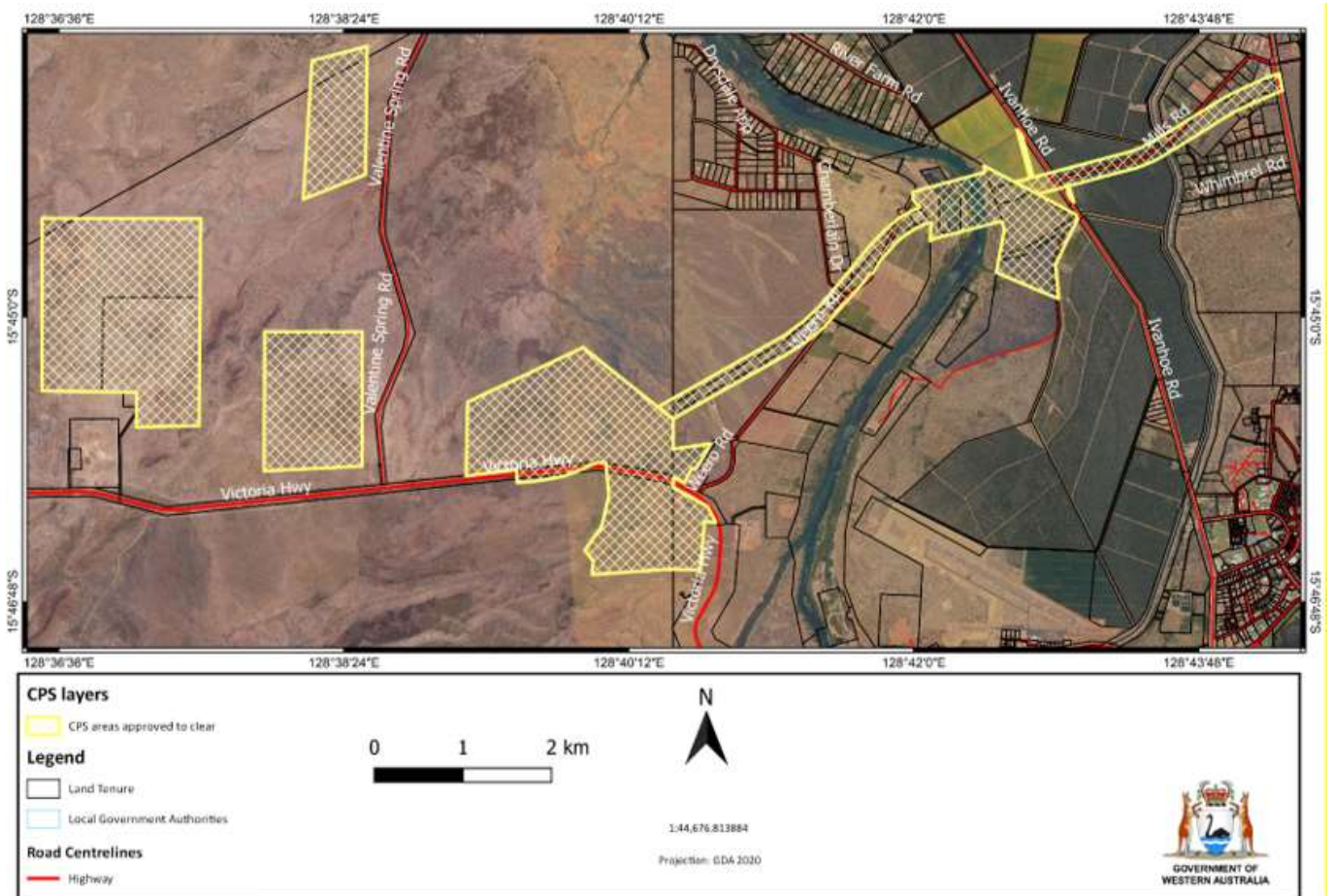


Figure 1. The area crosshatched yellow indicates the area authorised to be cleared under the granted clearing permit.

2 Legislative context

The clearing of native vegetation in Western Australia is regulated under the EP Act and the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* (Clearing Regulations).

In addition to the matters considered in accordance with section 51O of the EP Act (see Section 1.4), the Delegated Officer has also had regard to the objects and principles under section 4A of the EP Act, particularly:

- the precautionary principle
- the principle of intergenerational equity
- the polluter pays principle
- the principle of the conservation of biological diversity and ecological integrity.

Other legislation of relevance for this assessment include:

- *Biodiversity Conservation Act 2016* (WA) (BC Act)
- *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act)
- *Rights in Water and Irrigation Act 1914* (WA) (RIWI Ac)

The key guidance documents which inform this assessment are:

- *A guide to the assessment of applications to clear native vegetation* (DER, December 2013)
- *Procedure: Native vegetation clearing permits* (DWER, October 2019)

3 Detailed assessment of application

The Kununurra Bypass is a state significant project (MRWA, 2023). The Department of Primary Industries and Regional Development (DPIRD) are working with the Department Biodiversity, Conservation and Attractions (DBCA) and Department of Water and Environmental Regulation (DWER) to agree on a strategic approach to assess and offset the impact of multiple developments (including Kununurra Bypass) on Typhonium. The extension of the permit by three years is to ensure that the permit remains valid whilst consideration of impacts to Typhonium under the strategic review can be taken into consideration. This decision aligns with the Minister for Environment's determination on an appeal against the grant of CPS 2892/4 (OAC, 2020).

Condition 6 of CPS 2892/6 prevents the clearing of native vegetation after August 2018. Noting this, the extension of the permit by three years does not authorise clearing activities to occur. When an agreed offset approach and strategic evaluation of Typhonium is determined by relevant agencies, MRWA will seek an amendment to the permit conditions, including the authorisation to clear and to revise the offset proposal. DWER will consider the impacts to Typhonium, including any other environmental value that may have changed from the original assessment, and the adequacy of a potential offset at that time.

An update of the Lot numbers within the permit has occurred to reflect cadastral boundary changes. No changes to the alignment of the clearing permit footprint has occurred as a result of the updates.

Given the nature of the proposed amendment, the Delegate Officer determined that the extent of impacts remains unchanged from the previous assessment of the permit and can be found in the Decision Report prepared for Clearing Permit CPS 2892/1 (DWER, 2009).

3.1. Relevant planning instruments and other matters

Relevant planning instruments and other matters have not changed and can be found in the decision report for CPS 2892/1 (DEC, 2009).

The DWER advertised the application for 14 days on 27 July 2023. No submissions were received.

End

Appendix A. Sources of information

Commissioner of Main Roads Western Australia (MRWA) (2023) *Clearing permit application CPS 2892/6 and supporting information*, received 13 July 2023 (DWER Ref: DWERDT806738).

Department of Environment and Conservation (DEC) (2009) *Decision Report and Permit with plan for Clearing Permit CPS 2892/1*, granted 16 July 2009. Available from: <https://ftp.dwer.wa.gov.au/permit/2892/Permit/>.

Office of the Appeals Convenor (OAC) (2020) Report to the Minister of Environment – Appeal objecting to amendment of clearing permit: CPS 2892/4. Available from: <https://www.appealsconvenor.wa.gov.au/oac/files/003-19%20Appeals%20Convenor%20Report.pdf>