



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 3432/3
Permit Holder:	Western Australian Land Authority T/A LandCorp
Duration of Permit:	30 January 2010 – 30 January 2029

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 extraction of construction materials for the expansion of the Ord River Irrigation Area.

2. Land on which clearing is to be done

Lot 353 on Deposited Plan 211675, Kununurra (6743)

Lot 355 on Deposited Plan 211675, Kununurra (6743)

3. Area of Clearing

The Permit Holder must not clear more than 197.04 hectares of native vegetation within the area cross hatched yellow on attached Plan 3432/3.

4. Period in which clearing is authorised

The Permit Holder shall not clear any native vegetation after 30 January 2023.

5. 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.

6. 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 *Land Administration Act 1997* or any other written law.

7. Type of clearing authorised – Staged Clearing

The Permit Holder shall not clear native vegetation unless actively extracting the construction materials within 1 month of the clearing being undertaken.

8. Compliance with Assessment Sequence and Management Procedures

Prior to clearing any native vegetation under conditions 1, 2 and 3 of this Permit, the Permit Holder must comply with the Assessment Sequence and the Management Procedures set out in Part II of this Permit.

PART II – ASSESSMENT SEQUENCE AND MANAGEMENT PROCEDURES

9. 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.

10. Weed control

- (a) 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*:
 - (i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
 - (ii) ensure that no known *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
 - (iii) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.
- (b) At least once in each 12 month period for the term of this Permit, the Permit Holder must remove or kill any *weeds* growing within areas cleared under this Permit.

11. Retain vegetative material and topsoil, ripping, 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 completion of extraction operations, *revegetate* and *rehabilitate* the area(s) that are no longer required for the purpose for which they were cleared under this Permit by:
 - (i) re-shaping the surface of the land so that it is consistent with the surrounding 5 metres of uncleared land; and
 - (ii) ripping the ground on the contour to remove soil compaction; and
 - (iii) ripping the pit floor and contour batters within the extraction site; and
 - (iv) laying the vegetative material and topsoil retained under condition 11(a) on the cleared areas that are no longer required for the purpose for which they were cleared under this Permit.
- (c) within 12 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 or decimal degrees;
 - (iii) the date that the area was cleared;
 - (iv) the size of the area cleared (in hectares);
 - (v) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 9 of this Permit; and
 - (vi) actions taken to minimise the risk of the introduction and spread of *weeds* in accordance with condition 10 of this Permit.
- (b) Actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 9 of this Permit.
- (c) Actions taken to minimise the risk of the introduction and spread of *weeds* in accordance with condition 10 of this Permit.
- (d) 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 or decimal degrees;
 - (ii) a description of the *revegetation* and *rehabilitation* activities undertaken;
 - (iii) the size of the area *revegetated* and *rehabilitated* (in hectares);
 - (iv) the species composition, structure and density of *revegetation* and *rehabilitation*; and
 - (v) a copy of the *environmental specialist's* report pursuant to condition 11(e).

13. Reporting

- (a) The Permit Holder must provide to the *CEO* on or before 30 June 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 calendar year.
- (b) If no clearing authorised under this Permit was undertaken between 1 January to 31 December of the preceding calendar year, a written report confirming that no clearing under this permit has been carried out, must be provided to the *CEO* on or before 30 June of each year.
- (c) Prior to 30 October 2028, 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:

CEO means the Chief Executive Officer of the Department responsible for the administration of the clearing provisions under the *Environmental Protection Act 1986*;

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

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;

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

local provenance means native vegetation seeds and propagating material from natural sources within 50 kilometres and the same Interim Biogeographic Regionalisation for Australia (IBRA) subregion 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;

optimal time means the period October to December for undertaking *direct seeding*, preferably just before rain;

planting means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired species;

regenerate/ed/ion means re-establishment of vegetation from in situ seed banks and propagating material (such as lignotubers, bulbs, rhizomes) 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 natural *regeneration*, *direct seeding* and/or *planting*, so that the species composition, structure and density is similar to pre-clearing vegetation types in that area; 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.

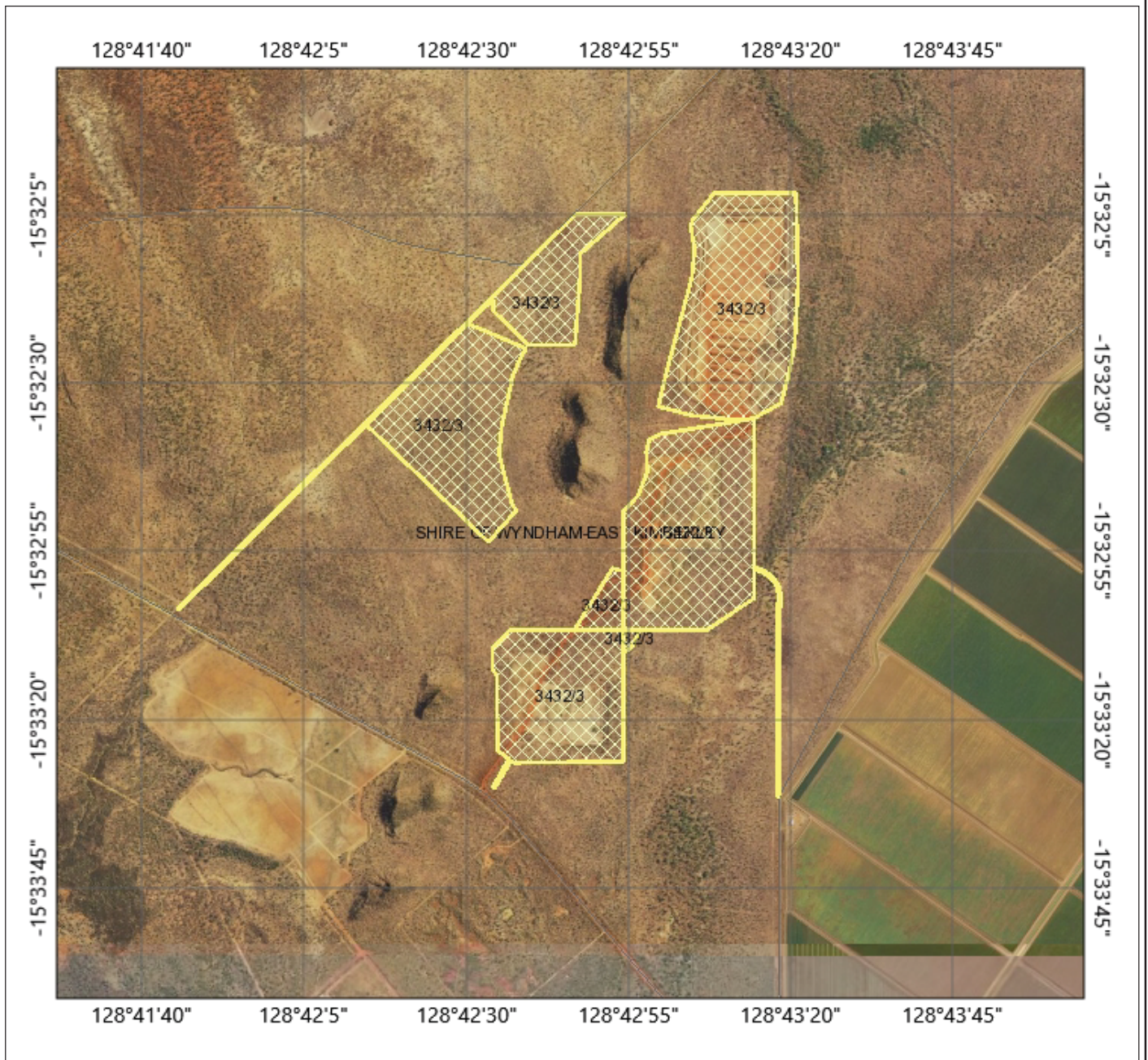


Mathew Gannaway
MANAGER
NATIVE VEGETATION REGULATION

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

26 September 2019

Plan 3432/3



Legend

- CPS areas approved to clear
- Local Government Authorities
- BOUNDARY_ID
- 4118266
- Roads - State Roads
- Roads - Major Roads
- Roads - Minor Roads

0.7 0.35 0.7 Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere

Mathew
Gannaway
2019.09.26
09:53:50
+08'00'

Officer

Date

Officer with delegated authority under Section 20 of the Environmental Protection Act 1986.

Disclaimer: This map is used as a generic static output for reference purposes. Information on this map may or may not be accurate, current, or otherwise reliable. While the Department of Water and Environmental Regulation, has made all reasonable efforts to ensure the accuracy of this data, the department accepts no responsibility for any inaccuracies and persons relying on this data do so at their own risk.

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Locality Map



Government of Western Australia
Department of Water and Environmental Regulation



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 3432/3
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Western Australian Land Authority T/A LandCorp
Application received date: 07 May 2019

1.3. Property details

Property: Lot 353 on Deposited Plan 211675, Kununurra
Lot 355 on Deposited Plan 211675, Kununurra
Local Government Authority: Wyndham-East Kimberley, Shire of
Localities: Kununurra

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
197.04		Mechanical Removal	Extractive industry

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 26 September 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 at variance to principle (j), may be at variance to principles (a), (b), (f), (g) and (i), and is not likely to be at variance to the remaining principles.

It has been determined that the proposed clearing will result in the following impacts:

- Increased risk of flooding
- Possible clearing of priority flora
- Clearing of vegetation that may help maintain a significant habitat for local fauna
- Clearing of vegetation that may be growing in association with a minor non-perennial watercourse
- Possible land degradation in the form of wind or water erosion
- Possible sedimentation of surface water.

LandCorp has avoided and minimised impacts through retaining the majority of vegetation on the properties (197.04 hectares is proposed to be cleared within the combined 1,110 hectare property), limiting the amount of clearing conducted (approximately 80 hectares has been cleared of the 192.66 hectares currently approved under CPS 3432/2), conducting staged clearing and rehabilitation of temporarily cleared areas.

After consideration of the above, the Delegated Officer determined that weed management, staged clearing and progressive rehabilitation conditions will minimise the impact of the clearing.

Given the above, the Delegated Officer proposes to grant a clearing permit subject to weed management, staged clearing and progressive rehabilitation conditions. The permit authorises clearing until 30 January 2023 and require rehabilitation to be conducted within 12 months of clearing. Permit conditions have also been updated to align with current standards.

2. Site Information

Clearing Description LandCorp holds clearing permit CPS 3432/2, which authorises the clearing of 192.66 hectares of native vegetation within Lots 353 and 355 on Deposited Plan 211675, Kununurra, for the purpose of extracting construction materials for the expansion of the Ord River Irrigation Area (Figure 1, below).

LandCorp has applied to make the following amendments to the clearing permit:

1. Add two additional clearing areas within Lot 355 (Figure 2, below);
2. Increase the amount of clearing authorised by 4.38 hectares to a total of 197.04 hectares;
3. Extend the permit duration to 30 January 2029 to allow for further clearing, revegetation activities and annual reporting;
4. Extend the period in which clearing is authorised to 30 January 2024; and

5. Extend the reporting period until 30 October 2028, to align with the extension of the permit duration.



Figure 1: Area approved to be cleared under CPS 3432/2

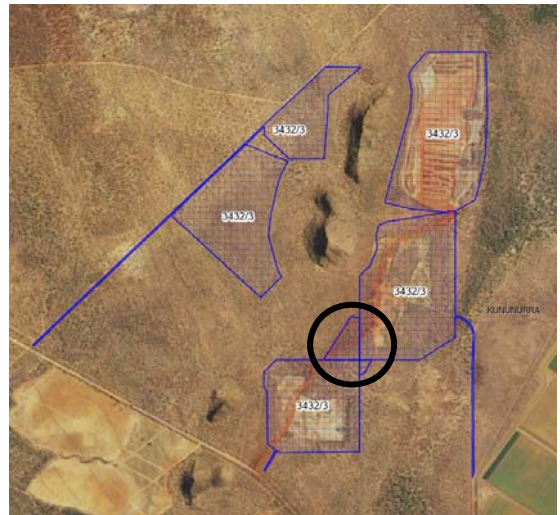


Figure 2: Area applied to be cleared under CPS 3432/3. An additional 4.38 hectares of native vegetation is proposed to be cleared from the two new clearing areas circled above.

LandCorp advised the additional material is required as part of the extension and upgrade of Moonamang Road in Kununurra which the State Government of Western Australia has committed to upgrading as a key part of a link between Western Australia and the Northern Territory, in support of the Project Sea Dragon proposal (LandCorp, 2019).

Vegetation Description

The application area is mapped as Beard Vegetation Associations:

- 916: Grasslands, high grass savanna woodland; grey box, *Corymbia confertifolia* and *C. foelscheana* over spinifex, white and tall upland grass on sandy plain on limestone. The western two thirds (approximately) of the application area is mapped as this association (Shepherd et al., 2001).
- 909: Grasslands, high grass savanna woodland; bloodwood, stringybark and woollybutt over upland tall grass & curly spinifex on sandplain (Shepherd et al., 2001).

A Flora and Vegetation survey conducted by Pilbara Flora in 2009 described the majority of the vegetation proposed to be cleared as 'Mosaic woodlands over mixed grasslands W1'. Approximately four hectares of the northeast application area supports '*Corymbia grandifolia* subsp. *lamprocardia*, *Corymbia greeniana* and *Erythrophleum chlorostachys* woodland on alluvial plains W4' and a smaller amount is described as '*Eucalyptus tectifica* and *Excoecaria parvifolia* woodland on black soil plain W8'.

The two additional application areas are within the 'Mosaic woodlands over mixed grasslands W1' (Pilbara Flora, 2009).

Vegetation Condition

To date, approximately 80 hectares of vegetation has been cleared within the areas approved to be cleared under CPS 3432/2 (LandCorp, 2019). In addition, aerial imagery indicates two cleared access tracks have been created outside of the area authorised to be cleared under CPS 3432/2. These tracks are within the western additional clearing area and LandCorp (2019) has advised the proposed additional clearing for material extraction will utilise these areas.

The remainder of the vegetation proposed to be cleared is in Excellent condition, which is described as: vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994). The vegetation condition was determined from the vegetation survey report undertaken in May- June 2009 (Pilbara Flora, 2009) and aerial imagery.

Soil type

Approximately 156 hectares of the application area, including approximately 75 per cent of the additional clearing area, is mapped as shallow, lateritic well drained gravelly soils (711DbD_2inW3g).

Approximately 39 hectares, including the remainder of the additional clearing, is mapped as poorly drained sands and loams (711Db6D_2inW2).

The eastern access track area is described as heavy clays, including cracking clays with seasonal inundation (711lv72_2cky8 and _2cky5a) (Department of Primary Industries and Regional Development, 2018).

Local area

The local area is defined as a 50 kilometre radius from the perimeter of the application area (Figure 3, below).

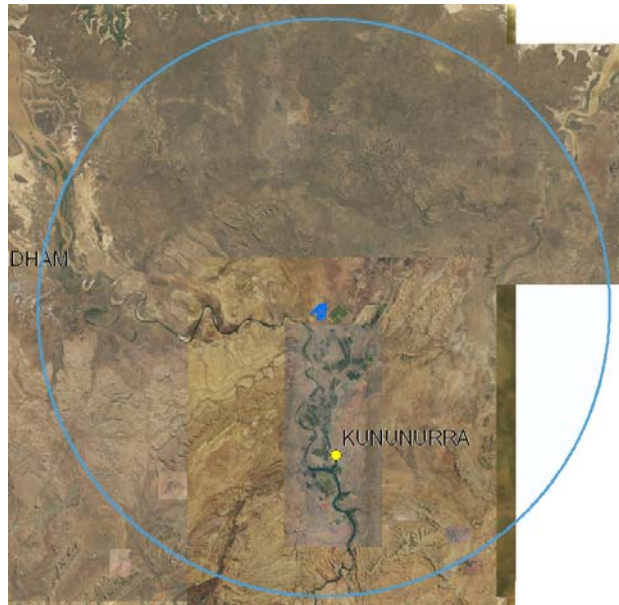


Figure 3: The application area is approximately 23 kilometres north of the Kununurra townsite.

3. Minimisation and mitigation measures

LandCorp (2019) advised:

- The amount of additional clearing sought (4.38 hectares) is a small increase, in comparison to the 192.66 hectares currently approved and is adjacent to two existing material extraction pits.
- The majority of vegetation on the properties is intact.
- Approximately 80 hectares has been cleared under CPS 3432/2 and the remaining approved area is unlikely to be cleared.
- A staged clearing condition on the existing permit CPS 3432/2 prevents the clearing of vegetation unless extraction occurs within one month of clearing.
- Clearing is temporary and areas are rehabilitated after extraction ceases.
- The north-western application areas have not been cleared under the existing permit and are unlikely to be cleared.

4. Assessment of application against clearing principles

The proposed clearing of 197.04 hectares of native vegetation is at variance to Clearing Principle (j), may be at variance to Clearing Principles (a), (b), (f), (g) and (i) and is not likely to be at variance to the remaining clearing principles.

Considering the time since the previous assessment and that the application is to increase the area proposed to be cleared, a reassessment against the clearing principles was conducted using current environmental information. The Department of Biodiversity, Conservation and Attractions (2019) has no concerns in addition to those provided in the previous permit versions and advised the increase in the clearing footprint is not considered to have any significant impacts to priority flora or fauna.

The assessment of the proposed clearing against the clearing principles is unchanged and can be found in the Decision Reports CPS 3432/1 and 3432/2. Clearing permit conditions have been updated to align with current standards.

Planning instruments and other relevant matters

On 10 June 2019, the Department of Planning, Lands and Heritage (DPLH) granted LandCorp a Licence to Occupy Crown Land 03337/1970_A10489222, under sections 91 and 48 of the *Land Administration Act 1997*, over Lots 353 and 355 on Deposited Plan 211675, Kununurra, for the purpose of access to and extraction and removal of gravel resources (Department of Planning, Lands and Heritage, 2019a). This licence expires on 30 June 2021 (Department of Planning, Lands and Heritage, 2019a), however, DPLH (2019b) has recently granted a Deed of Extension of Licence which extends the duration of Licence 03337/1970_A10489222 until 30 January 2024. While DPLH (2019c) has provided email advice of the intention to grant any further licences required for unforeseen remediation / rehabilitation works that result from clearing permit conditions, there is a degree of uncertainty surrounding LandCorp's access to the properties post 30 January 2024. Therefore, clearing permit conditions in relation to the authorised clearing period and rehabilitation works have been updated in accordance with the Deed of Extension of Licence for Licence 03337/1970_A10489222.

LandCorp (2019) self-reported that two access tracks on Lot 355 have been created outside of the area approved by CPS 3432/2. LandCorp advised that the clearing needed for the proposed gravel extraction works will utilise these cleared areas (LandCorp, 2019). The proposed amendments to this clearing permit do not represent retrospective approval for the clearing that has occurred beyond the boundaries of the area authorised to be cleared under CPS 3432/2 and the matter has been referred for investigation.

The clearing permit application was advertised on the DWER website on 04 June 2019 with a 21 day submission period. One public submission was received, opposing the application on the grounds that:

1. LandCorp does not have authority to access the land for the purpose of material extraction

2. The application (and existing permit) adversely affects a previous Notice of Intent to Clear granted over Lot 353 (Submission, 2019).

Lots 353 and 355 on Deposited Plan 211675, Kununurra, are Crown land in the name of the State of Western Australia and are reserved for the purpose of government requirements (raw materials) and protection of Aboriginal heritage and buffer (Landgate, 2019). As outlined above, LandCorp holds a current licence over Lots 353 and 355, issued by the Department of Planning, Lands and Heritage (03337/1970_A10489222), which gives authority to access these properties for the purpose of material extraction. Crown Lease 1134675, over Lot 353, expired on 31 March 2006 and the property was taken back by the Department of Lands. The Department of Planning, Lands and Heritage (2019d) advised the previous lease holder has no rights or interests in respect to Lot 353. This includes previous land clearing approval. In relation to the additional areas proposed to be cleared, both are located on Lot 355 therefore the proposed additional clearing will not affect Lot 353.

The Shire of Wyndham-East Kimberley did not provide any comment in relation to the proposed amendments. However, it previously advised that:

- It requires advice from LandCorp in relation to proposed haul routes to ensure pavement integrity is not compromised on roads managed by the Shire, and agreement that LandCorp will repair, rectify and make good any defects, imperfections or other faults as may be required at their cost (Shire of Wyndham-East Kimberley, 2012).
- No extractive industry licence is required as the applicant is a government agency and the resource is being used for public works (Shire of Wyndham-East Kimberley, 2009).

There are two mapped Aboriginal Sites of Significance within the area proposed to be cleared. LandCorp is advised to contact the DPLH for information regarding obligations under the *Aboriginal Heritage Act 1972*.

The area proposed to be cleared is within the Canning-Kimberley Ground Water Area, Ord River Surface Water Area and Ord River Irrigation District Area, as proclaimed under the *Rights in Water and Irrigation Act 1914*. Any taking or diversion of surface water in this proclaimed area (whether by direct pumping, construction of a dam, or excavation) can be subject to licensing. Any interference of the watercourse (such as the construction of a dam or crossing, or excavation of the watercourse) may require a permit to interfere with the bed or banks from the department. The availability of water resources can be viewed at the department's public water register at <https://maps.water.wa.gov.au/#/webmap/register>. LandCorp is advised to contact the department's water licence enquiry hotline on 1800 508 885 to determine licensing and permit requirements.

5. References

- Department of Planning, Lands and Heritage (2019a) COMMERCIAL IN CONFIDENCE Licence to Occupy Crown Land 03337/1970_A10489222. Department of Planning, Lands and Heritage, Western Australia. (DWER Ref: A1796429)
- Department of Planning, Lands and Heritage (2019b) Deed of Extension of Licence 03337/1970_A10489222 received 7 August 2019. (DWER Ref: A1796429)
- Department of Planning, Lands and Heritage (2019c) Email confirmation of intention to grant land access for remedial activities, received 9 July 2019. Department of Planning, Lands and Heritage, Western Australia. DWER Ref: A1814886
- Department of Planning, Lands and Heritage (2019d) Lot 353 lease history received 11 July 2019. Department of Planning, Lands and Heritage, Western Australia. DWER Ref: A1796429
- Department of Primary Industries and Regional Development (2018) Soil-landscape mapping Western Australia – Best available soils. Department of Primary Industries and Regional Development, Western Australia.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- LandCorp (2019) Clearing permit application CPS 3432/3 – Amendment report, 6 May 2019. (DWER Ref: A1786521)
- Landgate (2019) Certificate of Title: Lot 353 and 355 on Deposited Plan 211675, Kununurra. 30 May 2019. (DWER Ref: A1793121)
- Pilbara Flora (2009) Flora and Vegetation Survey of Main Roads Western Australia Potential Borrow Material Investigation Areas at Kununurra. Prepared for Strategen Environmental Consultants Pty Ltd on behalf of Main Roads Western Australia by Pilbara Flora. (DWER Ref: A1786683)
- 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.
- Shire of Wyndham-East Kimberley (2009) Direct Interest Advice for CPS 3432/1. (TRIM ref DOC112651)
- Shire of Wyndham-East Kimberley (2012) Direct Interest Advice for CPS 3432/2. Received 08/02/2012. (DWER Ref: A474258)
- Submission (2019) Public submission received in relation to clearing permit application CPS 3432/3. (DWER Ref: A1799526).

GIS Databases:

- Aboriginal Sites of Significance
- DBCA Estate
- DEC Covenant
- Groundwater salinity
- Hydrography, linear
- Rainfall, Mean
- Remnant vegetation
- RIWI Act Areas
- SAC bio datasets (accessed August 2019)
- Soils, Best Available
- Topographic contours
- Wetlands