



Surrender Decision Report

1 Application details and outcome

1.1. Permit application details

Permit number:	CPS 6013/2
Permit type:	Purpose permit
Applicant name:	DDG Fortescue River Pty Ltd
Clearing area:	881 hectares of native vegetation
Purpose of clearing:	Construction and operation of a Managed Aquifer Recharge (MAR) pilot
Method of clearing:	Mechanical
Property/localities:	Various properties within Chichester, Hamersley Range, Fortescue, Pannawonica, Mardie and Mount Sheila
Location (LGA area/s):	City of Karratha and Shire of Ashburton

1.2. Description of application

The clearing permit CPS 6013/2 was obtained for the construction of the Fortescue River Gas Pipeline. This pipeline has been operational since March 2015. Noting that the Line-of-Sight maintenance, necessary for the pipeline's safety under AS2885 compliance, could proceed exempt from the clearing permit requirement under Regulation 5, Item 15 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, the applicant applied to surrender clearing permit CPS 6013/2.

1.3. Decision on application

Decision:	Surrendered
Decision date:	24 June 2025
Decision area:	881 hectares of native vegetation, as depicted in Section 1.5, below.

1.4. Reasons for decision

In making the decision, the Delegated Officer had regard for:

- a review of the permit holder's compliance with conditions of Clearing Permit CPS 6013/2 (section 2.1 of this report)
- other matters considered relevant to the decision (section 2.2 of this report)

The application to surrender was submitted, accepted and determined in accordance with section 51MA of the *Environmental Protection Act 1986*.

After consideration of the above information, the Delegated Officer decided to accept the surrender of Clearing Permit CPS 6013/2.



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1.5. Site map – Figure 1

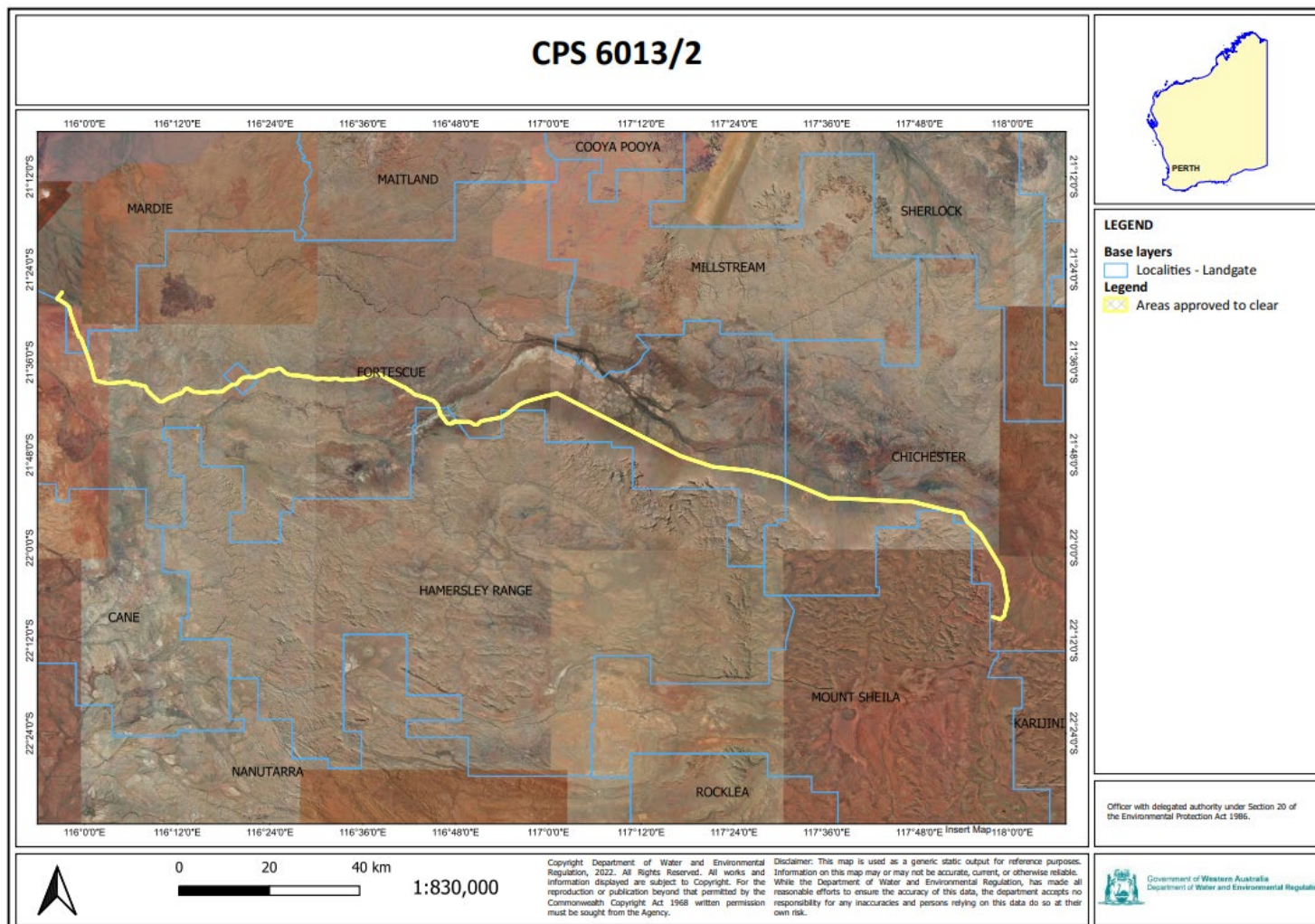


Figure 1 Map of the application area.
The area cross-hatched yellow indicates the area which has been surrendered.



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2 Assessment of surrender

2.1. Review of compliance with clearing permit conditions

CPS 6013/2 authorises the clearing of no more than 881 hectares of native vegetation within the areas authorised under CPS 6013/2 (DDG, 2019).

Applicant confirmed that the total area cleared under CPS 6013/1 was 821 hectares. The clearing was completed in 2015. During the period 1 January 2023 to 31 December 2023 there were just two instances of vegetation clearing, totalling less than 0.5 hectares overall. Both instances of clearing were required in association with essential pipeline inspection and coating repair works, which could not be avoided. The overall clearing footprint was minor in scale (<0.05 hectares); maintained within the rehabilitated 2015 construction clearing footprint; and minimized to the extent practicable whilst ensuring a safe work area.

CPS 6013/1 was amended for operational clearing (CPS 6013/2) to maintain line of sight as per Australian Standard AS2885 for pipeline safety. These clearing were within the right of way and therefore were within the 821 hectares cleared above (DDG, 2025a).

The Department's review of the permit holder's requirements under Clearing Permit CPS 6013/2 did not identify any non-compliance with the clearing permit conditions.

Table 1: Compliance verification with the clearing permit conditions listed under CPS 6013/2.

CPS 6013/2 - Clearing authorised under the following conditions	Compliance comments
3. Area of Clearing The Permit Holder must not clear more than 881 hectares of native vegetation within the areas shaded yellow on attached Plan 6013/2 (a), Plan 6013/2 (b), Plan 6013/2 (c), Plan 6013/2 (d), Plan 6013/2 (e), Plan 6013/2 (f), Plan 6013/2 (g) and Plan 6013/2 (h)	Applicant confirmed that the total area cleared undertaken under CPS 6013/1 was 821 hectares.
5. Period in which clearing is authorised The Permit Holder shall not clear any native vegetation after 12 July 2024.	The clearing completed in 2015 (DDG, 2025).
6. Avoid, minimise and reduce the impacts and extent of clearing In determining the amount of native vegetation 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.	The permit holder has only cleared 821 hectares out of an allowance of 880 hectares. Additionally, the permit holder has adhered to internal processes ensuring all vegetation clearing was restricted to, and occurred within, the demarcations, with no observed or recorded deviations. Applicant confirms that the disturbance footprint was reduced wherever possible, including offsetting all demarcated boundaries by up to one metre on average. Trees on or near the demarcated boundaries were left in place wherever possible, including in riverine areas. It was identified that by utilising existing infrastructure, applicant was able to rehabilitate and additional 58 hectares that would normally be used as access track.
7. Weed control	All requirements of Condition 7 in relation to weed controls were met, including:

(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 weed-affected soil, mulch, fill or other material is brought into the area to be cleared;
- (iii) restrict the movement of machines and other vehicles to the limits of the areas to be cleared;
- (iv) only move soils in dry conditions; and
- (v) where weed-affected soil, mulch, fill or other material is to be removed from the area to be cleared, ensure it is transferred to areas of comparable soil disease status.

(b) At least once in each 6 month period for the term of this Permit, the Permit Holder must remove or kill any weeds growing within areas cleared under this Permit.

- Plant and equipment cleaned down prior to entry to the clearing locations
- No imported fill utilised
- Plant movement restricted to access tracks and dig up location

8. 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 8(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 8(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 8(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.

The requirements of condition 8 on clearing permit have been adequately met. The Department sent a 'Revegetation condition completion confirmation' letter on 6 March 2019.

<p>(d) Where additional <i>planting</i> or <i>direct seeding</i> of native vegetation is undertaken in accordance with condition 8(c)(ii) of this permit, the Permit Holder shall repeat condition 8(c)(i) and 8(c)(ii) within 24 months of undertaking the additional <i>planting</i> or <i>direct seeding</i> of native vegetation</p> <p>(e) Where a determination by an <i>environmental specialist</i> that the composition, structure and density within areas <i>revegetated</i> and <i>rehabilitated</i> will result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area, as determined in condition 8(c)(i) and (ii) of this permit, that determination shall be submitted for the CEO's consideration. If the <i>CEO</i> does not agree with the determination made under condition 8(c)(ii), the <i>CEO</i> may require the Permit Holder to undertake additional <i>planting</i> and <i>direct seeding</i> in accordance with the requirements under condition 8(c)(ii).</p>	
<p>9. Construction Environmental Plan</p> <p>(a) The Permit Holder must prepare a Construction Environment Plan;</p> <p>(b) The final Construction Environment Plan must be approved by the <i>CEO</i> prior to commencing works; and</p> <p>(c) Prior to clearing the Permit Holder must implement the approved Construction Environment Plan.</p>	<p>Condition criteria met in July 2014.</p>
<p>11. Reporting</p> <p>(a) The Permit Holder must provide to the CEO on or before 31 December of each year, a written report:</p> <p>(i) of records required under condition 10 of this Permit; and</p> <p>(ii) concerning activities done by the Permit Holder under this Permit between 1 January to 31 December of the preceding year.</p> <p>(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 December of each year.</p> <p>(c) Prior to 12 March 2029, the Permit Holder must provide to the CEO a written report of records required under condition 10 of this Permit where these records have not already been provided under condition 11(a) of this Permit.</p>	<p>The permit holder has regularly submitted reports demonstrating adherence to permit conditions throughout the life of the permit.</p>

2.2. Relevant planning instruments and other matters

DWER – Native vegetation Regulation (NVR) branch (DWER, 2024) advised the applicant that for the purpose of the 'Line of Sight' maintenance, the proposed clearing is likely to be exempt under Regulation 5, Item 15 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

This exemption allows for clearing of land that was lawfully cleared within the 10 years prior to the clearing for one of the following purposes:

- a) around a building or structure for the use of the building or structure;
- b) for fire risk reduction area for a building;
- c) to maintain an area along a fence line to provide access to construct or maintain the fence;
- d) to maintain a vehicular or walking track

While this exemption does not apply within an environmentally sensitive area (ESA), it is noted that no ESAs are intersecting the previously approved clearing area.

Noting that:

- there is no intersecting ESA with the proposed (and previously approved) clearing area
- that the purpose of the clearing appears to align with that specified in the abovementioned exemption; and
- the previous clearing for the infrastructure was lawful and took place within the last 10 years

The proposed clearing is likely to be exempt from the requirement for a clearing permit under Regulation 5, Item 15. On the basis that the proposed clearing is consistent with the above exemption. As such, a clearing permit would not be required under the *Environmental Protection Act 1986*. Noting that the clearing was completed in 2015, and the proposed additional clearing (for line-of-sight maintenance) can be exempt if all criteria are met, the applicant was advised to surrender 6013/2 if they intend to utilise the exemption.

In regard to any potential non-compliance of condition 5 and condition 8, the NVR branch advised that:

- Condition 5 – “*The Permit Holder shall not clear any native vegetation after 12 July 2024*”. This condition relates to the clearing authorised under the approved permit, and does not have the effect of preventing separate clearing under a relevant clearing permit exemption
- Condition 8 – “*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...*”. The Delegated Officer notes that the permit holder has fully complied with this condition and undertaken the required revegetation to date. Noting this, and that the proposed maintenance clearing is a long-term requirement (and not temporary in nature), the proposed clearing would not be non-compliant with this condition.

End

D.1. References

DDG Fortescue River Pty Ltd (2025a) *Clearing permit surrender application CPS 6013/2 – Additional information*, received 28 May 2025 (DWER Ref: DWERDT1125826).

DDG Fortescue River Pty Ltd (2025) *Clearing permit surrender application CPS 6013/2*, received 13 March 2025 (DWER Ref: DWERDT1089451).

DDG Fortescue River Pty Ltd (2019) *Clearing permit application CPS 6013/2*, granted 10 October 2019 (DWER Ref: DER2014/000573-1~4).

DWER - Assurance (2025) *Compliance against permit conditions, CPS 6013/2* – request sent on 18 March 2025 (DWER Ref: DWERDT1091247).

DWER – Native Vegetation regulation (2024) *Advice regarding exemption, CPS 6013/2* – sent on 18 September 2024 (DWER Ref: DWERDT1008675).

DWER – Native Vegetation regulation (2019) *Revegetation Condition Completion review*, CPS 6013/2 – sent on 6 March 2019 (DWER Ref: DWERDT139687).