GOVERNMENT OF
WESTERN AUSTRALIA

CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 8997/1
Permit Holder:	Regional Power Corporation T/A Horizon Power
Duration of Permit:	16 October 2020 – 16 October 2025

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 installing an overhead power line.

2. **Land on which clearing is to be done**
   Weaber Plain Road reserve (PIN 11742598), Kununurra
   Lot 16 on Diagram 96809, Kununurra

3. **Area of Clearing**
   The Permit Holder must not clear more than 0.562 hectares of native vegetation within the area cross-hatched yellow on attached Plan 8997/1.

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 the project activities described in condition 1 of this Permit to the extent that the Permit Holder has the power to carry out works involving clearing for those *project activities* under the *Energy Operators (Powers) Act 1970* or any other written law.

PART II –MANAGEMENT CONDITIONS

6. **Vegetation management - watercourse**
   (a) Where a watercourse is to be impacted by clearing authorised under this Permit, the Permit Holder shall maintain the existing surface flow;
   (b) Where practicable, the Permit Holder shall avoid clearing riparian vegetation.

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. 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.

PART III - RECORD KEEPING AND REPORTING

9. Record keeping

The Permit Holder must maintain the following records in relation to the clearing of native vegetation authorised under this Permit:

(a) 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;
(b) the date(s) that the area was cleared;
(c) the size of the area cleared (in hectares);
(d) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 7 of this Permit; and
(e) actions taken to minimise the risk of the introduction and spread of *dieback* and *weeds* in accordance with condition 8 of this Permit.

10. Reporting

The Permit Holder must produce the records required under condition 9 of this Permit when required by the *CEO*.

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*;

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

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;

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 species-led ecological impact and invasiveness ranking summary, regardless of ranking; or

(c) not indigenous to the area concerned.

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Ryan Mincham
MANAGER
NATIVE VEGETATION REGULATION

Officer delegated under Section 20
of the Environmental Protection Act 1986

23 September 2020

Plan 8997/1

Legend

- CPS areas approved to clear
- Land TenureLGATE - 226
- Local Government Authorities

Road Centrelines

- Local Rd - Sealed

N

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MGA Zone 50
Geocentric Datum of Australia 1994

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Officer delegated under section 20 of the Environmental Protection Act 1986

GOVERNMENT OF WESTERN AUSTRALIA

Clearing Permit Decision Report

1. Application details and outcome

1.1. Permit application details

Permit number:	CPS 8997/1
Permit type:	Purpose permit
Applicant name:	Regional Power Corporation T/A Horizon Power
Application received:	5 August 2020
Application area:	0.562 hectares (ha) of native vegetation
Purpose of clearing:	Installation of power line
Method of clearing:	Mechanical
Property:	Road reserve (PIN 11742598), Kununurra Lot 16 on Diagram 96809, Kununurra
Location (LGA area/s):	Shire of Wyndham-East Kimberley
Localities (suburb/s):	Kununurra

1.2. Description of clearing activities

The vegetation applied to be cleared is contained within two areas, with the average width across the two areas being approximately 33 metres. The combined length of the two areas is approximately 170 metres (see Figure 1, Section 1.5). The application area is conservative to allow for flexibility in the final alignment and incidental disturbance. The final footprint will be 12 metres in width, with a 20 metre diameter of cleared vegetation surrounding the three power poles proposed to be installed.

1.3. Decision on application and key considerations

Decision:	Granted
Decision date:	23 September 2020
Decision area:	0.562 hectares (ha) of native vegetation, as depicted in Section 1.5, below.

1.4. Reasons for decision

This clearing permit application was made in accordance with section 51E of the *Environmental Protection Act 1986* (EP Act) and was received by the Department of Water and Environmental Regulation (DWER) on 5 August 2020. DWER advertised the application for public comment and no submissions were received.

In undertaking their assessment, and in accordance with section 51O of the EP Act, the Delegated Officer has given consideration to the Clearing Principles in Schedule 5 of the EP Act (see Appendix C), relevant planning instruments, and any other pertinent matters they deemed relevant to the assessment (see Section 3).

In particular, the Delegated Officer has determined that:

- the clearing may pose a risk to land degradation and water quality; however, this can be suitably mitigated with permit conditions (see section 3.2), and avoidance and minimisation measures proposed by the applicant (see Section 3.1)

In determining to grant a clearing permit subject to conditions, the Delegated Officer found that the proposed clearing is not likely to lead to an unacceptable risk to the environment.

1.5. Site map

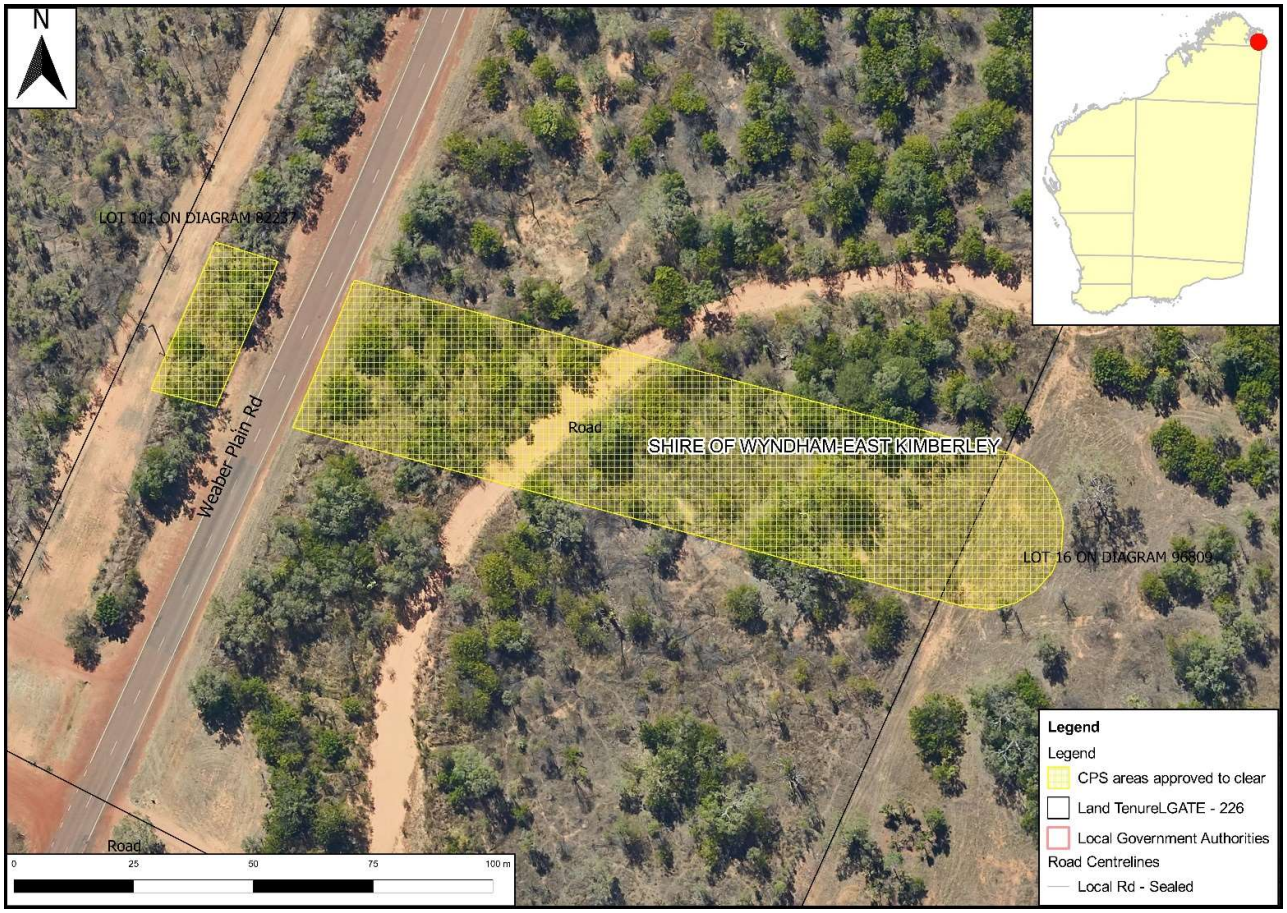

Figure 1. Map of the application area. The areas cross-hatched yellow indicates the areas authorised to be cleared under the granted clearing permit.

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 1.3), the Delegated Officer has also had regard to the objects and principles under section 4A of the EP Act, particularly:

1. the precautionary principle;
2. the principle of intergenerational equity; and
3. 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)
- *Rights in Water and Irrigation Act 1914* (WA) (RiWI Act)

The key guidance documents which inform this assessment are:

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

3. Detailed assessment of application

3.1. Avoidance and mitigation measures

Evidence was submitted by the applicant, demonstrating that other options had been considered for the power line installation:

- utilising the current access road as part of the application area would require the clearing of more vegetation as an additional 100 m of distribution line would be required. Additionally, the vegetation adjacent to the access track was determined to contain high environmental values, namely significant trees;
- underground cable installation was determined to be cost prohibitive to the customer.

To minimise the risk of water erosion and sedimentation associated with the watercourse within the application area, the following measures will be undertaken:

- no machinery or vehicles will be driven over banks or through the drainage line. Equipment (including overhead wire) will be carried on foot through this section (if required). No access track will be constructed across the creek line (the access track to the south will be utilised where possible to reach the eastern section of the line);
- no poles will be installed within or in close proximity to the drainage line;
- the banks of the creek will not be modified or damaged during construction;
- low lying vegetation, including ground cover, will not be cleared to bare earth. Vegetation along the banks will be retained where possible to maintain structure to the soil and prevent erosion (Horizon Power 2020a).

Additionally, the six small *Adansonia gregorii* (boab) trees identified within the application area will be translocated (Horizon Power, 2020b).

This adequately demonstrated that all reasonable efforts had been taken to avoid, minimise and mitigate the potential impacts of the clearing on environmental values.

3.2. Assessment of environmental impacts

In assessing the application in accordance with section 51O of the EP Act, the Delegated Officer has examined the application and site characteristics (Appendix B) and considered whether the clearing poses a risk to environmental values. The assessment against the Clearing Principles is contained in Appendix C.

This assessment identified that the clearing may pose a risk to the environmental value of land and water resources, and that these required further consideration. The detailed consideration and assessment of the clearing impacts against the specific environmental values is provided below. Where the assessment found that the clearing presents an unacceptable risk to environmental values, conditions aimed at controlling and/or ameliorating the impacts have been imposed under sections 51H and 51I of the EP Act. These are also identified below.

Environmental value: land and water resources – Clearing Principles (f), (g), (i) and (j)

Assessment: Approximately 30 metres of riverbank is proposed to be impacted. This area has been identified as being subject to significant stormwater management and flood issues (DWER, 2020). As the watercourse is non-perennial, the risk of land degradation and impacts to water quality are only likely to be significant when the watercourse is flowing. As the area within which the clearing is proposed clearing has a monsoonal climate, where the majority of rain falls between November and March, the risk of significant environmental impacts is higher during this period. However, given the small size of the proposed clearing area, it was determined that these impacts can be adequacy managed through permit conditions and mitigation measures provided by the applicant (Section 3.1).

Outcome: Based on the above assessment, the Delegated Officer has determined that the proposed clearing is considered **acceptable subject to relevant conditions (see below)** and mitigation measures provided in relation to this environmental value.

Conditions: To address the potential land degradation impacts described above, a condition will be imposed on the permit which requires that surface water hydrology is maintained in the event a watercourse is to be impacted by the clearing authorised under this Permit.

3.3. Relevant planning instruments and other matters

The Shire of Wyndham-East Kimberley were invited to comment on the proposed clearing; no comments were received.

The applicant has noted that Horizon Power operates under the *Energy Operators (Powers) Act 1979*. Horizon Power considers that it does not require a beds and banks permit in this instance as it has authorisation under another written law (Horizon Power, 2020b). It is the obligation of the applicant to ensure that all approvals relevant to the purpose of the clearing are obtained from the relevant authorities.

It is the permit holder's responsibility to comply with the *Aboriginal Heritage Act 1972* (WA) and ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

Appendix A – Additional information provided by applicant

Summary of comments	Consideration of comment
Photographs of application area and adjacent vegetation; details of minimisation and mitigation measures.	Have been considered under Section 3.1, and Appendix B; photographs provided in Appendix E.

Appendix B – Site characteristics

The information provided below describes the key characteristics of the area proposed to be cleared and is based on the best information available to DWER at the time of this assessment. This information was used to inform the assessment of the clearing against the Clearing Principles, contained in Appendix C.

1. Site characteristics

Site characteristic	Details
Local context	The proposed clearing area is part of an expansive tract of native vegetation to the east of the Ord River and its associated development. It is adjacent to irrigated horticulture in the west and remnant vegetation in the east. Aerial imagery indicates the local area (50 km radius of the proposed clearing area) retains over 95 per cent of the original native vegetation cover. The vegetation type within the application area retains of 99 per cent of its original extent (Government of Western Australia, 2019).
Vegetation description	Photographs supplied by the applicant indicate the vegetation within the proposed clearing area consists of *Eucalyptus/Corymbia* sp. and *Melaleuca* sp. over *Adansonia gregorii* (boab) and introduced Neem (*Azadirachta indica*) over *Sorghum* spp. and introduced *Mesosphaerum suaveolens*. Representative photos are available in Appendix E. This is consistent with the Beard mapped vegetation type, Victoria Bonaparte (909), which is characterised by *Corymbia dichromophloia, Eucalyptus tetrodonta* over *Triodia bitextura, Sorghum* spp. (Shepherd *et al.*, 2001).
Vegetation condition	Photographs supplied by the applicant indicate the vegetation within the proposed clearing area is in Poor to Good (Trudgen, 1991) condition, described as: • Poor: Still retains basic vegetation structure or ability to regenerate it after very obvious impacts of human activities since European settlement, such as grazing, partial clearing, frequent fires or aggressive weeds. • Good: More obvious signs of damage caused by human activity since European settlement, including some obvious impact on the vegetation structure such as that caused by low levels of grazing or slightly aggressive weeds The full Trudgen condition rating scale is provided in Appendix D, below. Representative photos are available in Appendix E.
Soil description	Three mapped soil types occur within the application area: • Duplex sandy margin phase (711Iv72_2cky8b) a complex zone between unit 8a and sandy land systems; soils very variable, mostly duplex soils: variable woodland with *Eucalyptus polycarpa* and *E. microtheca*; • Cajuput sand phase (711Cc6C__Ca) Cajuput, rapidly drained sand on cresta and upper to mid slopes; and • Pago sand phase (711Cc6C__P) Pago, well to moderately well drained sands that occur below Cockatoo soils (Schoknecht *et al.* 2004). The majority of the site is mapped as the Duplex sandy margin phase, which falls into the Ivanhoe soil system.

Site characteristic	Details
Land degradation risk	The mapped soil types generally have a low risk of erosion (Payne and Schoknecht, 2011). Given the intersection with a watercourse and the climatic condition of the area, the risk of water erosion and sedimentation was determined to be significant.
Waterbodies	The desktop assessment and aerial imagery indicates that one minor, non-perennial watercourse transects the application area.
Conservation areas	The closest conservation area is located 6.3 kilometres south of the application area, Mirima National Park.
Conservation significant flora	A total of 62 conservation significant flora species have been recorded in the local area, with the closest record 3.07 kilometres from the proposed clearing area. It was determined that the proposed clearing area has unsuitable habitat for 54 species, moderate suitability for seven species and was suitable for one species. The majority of conservation significant flora species recorded in the local area are well represented in other states (ALA, 2020). It was determined that the risk of impacts to conservation significant flora species which may be present within the proposed clearing area is low, and the proposed clearing is unlikely to significantly impact conservation status of flora species.
Conservation significant fauna	A total of 64 conservation significant fauna species have been recorded in the local area, of which 32 are shorebirds and waders. The closest records are 840 metres from the proposed clearing area. As the proposed clearing area intersects a watercourse it is likely that the vegetation within the application area may provide suitable habitat for shorebirds and waders. As the vegetation is adjacent to a significant area of remnant vegetation, it may provide habitat for species which require larger space requirements. However, based on the size of the application area in the context of the local area, of which 95 per cent remains vegetated, the proposed clearing likely does not contribute significantly to the habitat of fauna species.
Conservation significant ecological communities	A total of nine conservation significant ecological communities have been recorded in the local area. The closest is the Ivanhoe Land System ecological community (Priority 1), recorded approximately 480 m west of the proposed clearing area. The 500 m buffer applied to this ecological community therefore falls within the western 20 metre portion of the application area. This community is characterised by many small to medium areas of gently sloping alluvial "black soil" plains with some timbered "red" soil in the central and northern parts of the area (DBCA, 2020). As this ecological community is heavily tied to the black soil types, which are not present within the application, it was determined that this community is not represented within the application area. The other significant ecological communities within the local area did not have characteristics consistent with the proposed clearing area.
Climate	The proposed clearing area is located in the Kimberley region, which has a tropical monsoonal climate. This is characterised by a distinct wet and dry season, with the majority of rain falling between November and March (BOM, 2020). Kununurra experiences approximately 830 mm rainfall per annum (BOM, 2020).

Appendix C – Assessment against the Clearing Principles

Assessment against the Clearing Principles	Variance level	Is further consideration required?
Environmental value: biological values		
Principle (a): *"Native vegetation should not be cleared if it comprises a high level of biodiversity."* Assessment: Based on the vegetation condition, the proposed clearing area is unlikely to contain significant flora, fauna or ecological communities not represented in areas of vegetation elsewhere within the local area.	Not likely to be at variance	No
Principle (b): *"Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna."* Assessment: The proposed clearing area may contain habitat for a range of species; however, based on the level of remnant vegetation adjacent it was not considered significant.	Not likely to be at variance	No
Principle (c): *"Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened flora."* Assessment: The proposed clearing area is unlikely to contain habitat for flora species listed under the BC Act.	Not likely to be at variance	No
Principle (d): *"Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community."* Assessment: The proposed clearing area does not contain species that can indicate a community listed as threatened under the BC Act 2016.	Not likely to be at variance	No
Environmental values: significant remnant vegetation and conservation areas		
Principle (e): *"Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared."* Assessment: The extent of vegetation within the local area and the mapped vegetation type remaining is consistent with the national objectives and targets for biodiversity conservation in Australia. Vegetation in the proposed clearing area is not considered to be part of a significant ecological linkage in the local area.	Not at variance	No
Principle (h): *"Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area."* Assessment: Given the distance to the nearest conservation area, the proposed clearing is not likely to have an impact on the environmental values of nearby conservation areas.	Not likely to be at variance	No
Environmental values: land and water resources		
Principle (f): *"Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland."* Assessment: Given a watercourse intersects the application area, the vegetation within the proposed clearing area is associated a watercourse.	Is at variance	Yes Refer to Section 3.2 above.

Assessment against the Clearing Principles	Variance level	Is further consideration required?
Principle (g): *"Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation."* Assessment: The mapped soils do not have a high likelihood of erosion, however, based on the monsoonal rainfall patterns of the area and the application area's intersection with a watercourse, the proposed clearing has a risk of land degradation.	May be at variance	Yes Refer to Section 3.2 above.
Principle (i): *"Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water."* Assessment: Given the watercourse which intersects the application area, the proposed clearing may impact the surface water quality of this watercourse.	May be at variance	Yes Refer to Section 3.2 above.
Principle (j): *"Native vegetation should not be cleared if the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding."* Assessment: Given the size of the application area, the proposed clearing is unlikely to contribute to increased incidence or intensity of flooding.	Not likely to be at variance	No

Appendix D – Vegetation condition rating scale

Measuring Vegetation Condition for the Eremaean and Northern Botanical Provinces (Trudgen, 1991)

Condition	Description
Excellent	Pristine or nearly so, no obvious signs of damage caused by human activities since European settlement.
Very Good	Some relatively slight signs of damage caused by human activities since European settlement. For example, some signs of damage to tree trunks caused by repeated fire, the presence of some relatively non-aggressive weeds, or occasional vehicle tracks.
Good	More obvious signs of damage caused by human activity since European settlement, including some obvious impact on the vegetation structure such as that caused by low levels of grazing or slightly aggressive weeds
Poor	Still retains basic vegetation structure or ability to regenerate it after very obvious impacts of human activities since European settlement, such as grazing, partial clearing, frequent fires or aggressive weeds.
Very Poor	Severely impacted by grazing, very frequent fires, clearing or a combination of these activities. Scope for some regeneration but not to a state approaching good condition without intensive management. Usually with a number of weed species present including very aggressive species.
Completely Degraded	Areas that are completely or almost completely without native species in the structure of their vegetation; i.e. areas that are cleared or 'parkland cleared' with their flora comprising weed or crop species with isolated native trees or shrubs.

Appendix E – Photographs of the vegetation

Photographs provided by the applicant:


White gum tree in corridor.


Neem & 1 small boab tree in corridor.

3

Significant tree adjacent to the access track:

Appendix F – References and databases

1. GIS datasets

Publicly available GIS Databases used (sourced from www.data.wa.gov.au):

- Aboriginal Heritage Places (DPLH-001)
- Cadastre Address (LGATE-002)
- Contours (DPIRD-073)
- DBCA – Lands of Interest (DBCA-012)
- DBCA Legislated Lands and Waters (DBCA-011)
- Directory of Important Wetlands in Australia – Western Australia (DBCA-045)
- Environmentally Sensitive Areas (DWER-046)
- Flood Risk (DPIRD-007)
- Groundwater Salinity Statewide (DWER-026)
- IBRA Vegetation Statistics
- Local Planning Scheme – Zones and Reserves (DPLH-071)
- Regional Parks (DBCA-026)
- Soil and Landscape Mapping – Best Available

Restricted GIS Databases used:

- ICMS (Incident Complaints Management System) – Points and Polygons
- Threatened Flora (TPFL)
- Threatened Flora (WAHerb)
- Threatened Fauna
- Threatened Ecological Communities and Priority Ecological Communities
- Threatened Ecological Communities and Priority Ecological Communities (Buffers)

2. References

Atlas of Living Australia (ALA) (2020) Open access to Australia's biodiversity data. Atlas of Living Australia. Accessed August 2020: https://www.ala.org.au/.

Bureau of Meteorology (BOM) (2020) Monthly climate statistics – Kununurra Aero ((Stadion ID: 002056). Accessed August 2020: http://www.bom.gov.au/climate/averages/tables/cw_002056.shtml.

Department of Biodiversity, Conservation and Attractions (DBCA) (2020) Priority Ecological Communities for Western Australia Version 30. Species and Communities Program, Department of Biodiversity, Conservation and Attractions. Published 28 July 2020.

Department of Water and Environmental Regulation (DWER – North West Region) (2020) Regional advice for clearing permit application CPS 8997/1. Received by DWER – NVR on 14 September 2020 (DWER Ref: A1935291).

Government of Western Australia (2019) 2018 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of March 2019. Department of Biodiversity, Conservation and Attractions. https://catalogue.data.wa.gov.au/dataset/dbca-statewide-vegetation-statistics

Horizon Power (2020a) Email correspondence from applicant providing specific minimisation associated with the watercourse. Received by DWER 21 September 2020 (DWER Ref: A1936097).

Horizon Power (2020b) Email correspondence from applicant providing further minimisation and mitigation. Received by DWER on 31 August 2020 (DWER Ref: A1928586).

Horizon Power (2020c) Email correspondence from applicant providing photographs, minimisation methods and RiWI exemptions. Received by DWER on 17 August 2020 (DWER Ref: A1924084).

Payne and Schoknecht (2011) Land Systems of the Kimberley Region, Western Australian Technical Bulletin No. 98, Department of Agriculture and Food. Government of Western Australia, September 2011.

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.