



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose permit number:	CPS 185/10
Permit holder:	Water Corporation
Purpose of clearing:	Clearing for <i>project activities</i>
Duration of permit:	20 April 2008 – 20 April 2027

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The Permit Holder is authorised to clear native vegetation for the above stated purpose, subject to the conditions of this Permit, including as amended or renewed.

PART I - TYPE OF CLEARING AUTHORISED

1. Type of clearing authorised

- (a) In accordance with this Permit, the Permit Holder may clear native vegetation for *project activities*, which means any one or more of the following:
- (i) new *water services infrastructure*, including *drains*, pipelines, pump stations, and valve pits;
 - (ii) new infrastructure such as buildings, fences, gates, posts, boards, scaffolding, hurdles, power infrastructure, monitoring infrastructure, other erections and structures to support the construction or operation of *water services infrastructure*;
 - (iii) new *temporary works*;
 - (iv) new *camps*;
 - (v) in order to maintain the efficacy of the following new and *existing water services infrastructure*, to the following extents:
 - (A) for a building or structure – 20m from the building or structure;
 - (B) for a *drain* or fence line – 5m from the *drain* or fence line;
 - (C) for a vehicle track used to access new and *existing water services infrastructure* – 5m track width;
 - (vi) *project surveys*, including surveying and geotechnical studies;
 - (vii) *pre-construction activities*; and
 - (viii) native vegetation clearing for the purposes of upgrading any of the above activities where such activities are not exempt from requiring a clearing permit.
- (b) This Permit authorises the Permit Holder to clear native vegetation for *project activities* to the extent that the Permit Holder has the power to clear native vegetation for those *project activities* under the *Water Corporation Act 1995* or any other *written law*.

2. Clearing not authorised

- (a) This Permit does not authorise the Permit Holder to clear *native vegetation* where:
- (i) the clearing is likely to be seriously at variance with one or more of the *clearing principles*;
 - (ii) the clearing and the associated effect on the environment would be inconsistent with any approved policy (as defined in section 3 of the EP Act);
 - (iii) a proposal incorporating a *project activity* that is described under condition 1(a) of this permit has been *referred* to and assessed under Part IV of the *EP Act* by the *EPA*; or
 - (iv) the clearing is determined to be a *Controlled Action* under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) as it may have a significant impact on a *matter of national environmental significance*.
- (b) If a *proposal* incorporating a *project activity* described under condition 1(a) has been *referred* to the *EPA*, this Permit does not authorise any clearing for that *project activity* unless:

- (i) the *EPA* has given notice under section 38G(1)(b) of the *EP Act* that it has decided not to assess the *proposal*; and
- (ii) either:
 - (A) the period within which an appeal against the *EPA*'s decision may be lodged has expired without an appeal being lodged; or
 - (B) an appeal has been lodged against the *EPA*'s decision not to assess the *proposal* and the appeal was dismissed.
- (c) If the Permit Holder intends to clear *native vegetation* under this Permit for a *project activity* forms part of, or is related to a *proposal* referred to in condition 2(b), then the Permit Holder must have regard to any advice or recommendations made by the *EPA* under section 38G(7) of the *EP Act*.

3. Application

This Permit allows the Permit Holder, 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. The Permit Holder remains responsible for ensuring compliance with the conditions of this Permit.

PART II - ASSESSMENT PROCEDURE

4. Avoid, minimise, and reduce impacts and extent of clearing

- (a) In determining the amount of *native vegetation* to be cleared, the Permit Holder must have regard to the following principles, set out in order of preference:
 - (i) avoid the clearing of *native vegetation*;
 - (ii) minimise the amount of *native vegetation* to be cleared; and
 - (iii) reduce the *impact* of clearing on any environmental value.
- (b) The Permit Holder must demonstrate that alternatives to clearing have been considered, including, where relevant, but not limited to:
 - (i) using existing tracks or other existing cleared areas;
 - (ii) implementing single direction work fronts to reduce side by side track requirements;
 - (iii) employment of sustainable construction techniques;
 - (iv) staging of material offsite, and/or within areas cleared for permanent works, to reduce the need for temporary clearing; and
 - (v) strategic planning of lay-down areas and plant movement on-site taking into consideration all stages of construction works
- (c) Where alternatives to clearing are not considered viable, the Permit Holder must document why this is the case.

5. Assessment of Clearing Impacts – desktop study

- (a) Once the Permit Holder has complied with condition 4 of this Permit, a *desktop study* shall be conducted for the *native vegetation* to be cleared against each of the *clearing principles* in accordance with the *Department's "A guide to the assessment of applications to clear native vegetation under part V Division 2 of the Environmental Protection Act 1986"*.
- (b) The desktop study must be conducted having regard to:
 - (i) any approved policy (as defined in section 3 of the *EP Act*), that applies to the area of *native vegetation* to be cleared; and
 - (ii) any planning instrument (as defined in section 3 of the *EP Act*), that applies to the area of *native vegetation* to be cleared.

- (c) The *desktop study* must include the production of a *Desktop Report*, unless an *Environmental Assessment Report* has been prepared in accordance with condition 6(h) or the *CEO* has advised in writing that a *Desktop Report* is not required.
- (d) The *Desktop Report* must set out:
- (i) the Permit Holder's consideration of alternatives to clearing, and management measures and actions implemented to avoid and minimise the *impacts* of the clearing in accordance with condition 4 of this Permit;
 - (ii) the manner in which the Permit Holder has had regard to any approved policy and planning instrument in accordance with condition 5(b);
 - (iii) the amount (in hectares) of clearing required for the *project activities*;
 - (iv) for any area greater than 0.5 hectares, the boundaries of clearing required for *the project activities* recorded as a *shapefile*;
 - (v) for any area 0.5 hectares or less, a co-ordinate of the location of clearing required for *the project activities*;
 - (vi) how the Permit Holder has had regard to the *clearing principles*;
 - (vii) whether the outcome of the *desktop study* indicates that the clearing at variance, may be at variance, not likely to be at variance or not at variance with each of the *clearing principles*;
 - (viii) any *impacts* likely to occur as a result of the clearing, including a description of those *impacts* that are at variance or may be at variance with one or more of the *clearing principles*; and
 - (ix) whether:
 - (A) *rehabilitation* and *revegetation* is likely to be required under condition 8 of this Permit; and
 - (B) the management of *dieback* is likely to be required under condition 10 of this Permit.
- (e) An *Environmental Assessment Report* must be prepared in accordance with condition 6 where:
- (i) the outcome of the *desktop study* indicates that the clearing is at variance with one or more of the *clearing principles*, except where the variance relates to condition 5(f); or
 - (ii) the available information is insufficient to allow the Permit Holder to assess the proposed clearing against one or more of the *clearing principles* (i.e. may be at variance).
- (f) Where the clearing is at variance or may be at variance to clearing principle (f) and no other clearing principle, and the area of the proposed clearing is less than 0.5 hectares in size and the clearing principle (f) *impacts* relate to:
- (i) a *minor non-perennial watercourse(s)*; and/or
 - (ii) a wetland that is not a *defined wetland*
- the preparation of an *Environmental Assessment Report*, as required by condition 5(e), is not required.
- (g) An *Environmental Assessment Report* shall be prepared as required by condition 5(e), unless advised in writing by the *CEO* that an *Environmental Assessment Report* is not required, or where the clearing meets the criteria described in condition 5(f).

6. Assessment of clearing impacts – environmental impact assessment (EIA)

(a) Where:

- (i) the outcome of the *desktop study* indicates that the clearing is at variance with one or more of the *clearing principles*, except where the variance relates to condition 5(f); or
- (ii) the available information is insufficient to allow the Permit Holder to assess the proposed clearing against one or more of the *clearing principles* (i.e. may be at variance);

the Permit Holder must conduct an *EIA*, unless advised in writing by the *CEO* that an *EIA* is not required.

(b) The *EIA* must be conducted in accordance with the current version of the *Department's "A Guide to the assessment of applications to clear native vegetation under Part V Division 2 of the Environmental Protection Act 1986"*.

(c) An *EIA* must include:

- (i) a *biological survey* if the *desktop study* identified that the clearing is at variance or may be at variance with *clearing principles* (a), (b), (c), (d) or (f), except where the variance relates to condition 6(d);
- (ii) *vegetation condition mapping* and vegetation mapping by delineating on a map the *ecological communities* formed within a given area, and the nature and extent of each combination, within the area to be cleared at the scale of the best available mapping information, if the clearing is at variance or may be at variance with clearing principle (e);
- (iii) a *dieback survey* if the proposed clearing may introduce and spread *dieback* into *dieback* free areas;
- (iv) a *wetland field assessment* if the clearing may have a detrimental *impact* on the environmental values of a *defined wetland*; and
- (v) any additional surveys and field assessments that are required to determine the *impacts* of the clearing on any environmental value protected by the *clearing principles*.

(d) A *biological survey* is not required if the clearing is at variance or may be at variance to clearing principle (f) and no other clearing principle, the proposed clearing is less than 0.5 hectares in size and the clearing principle (f) *impacts* only relate to:

- (i) a *minor non-perennial watercourse(s)*; and/or
- (ii) a wetland that is not a *defined wetland*.

(e) Any survey or field assessment carried out pursuant to condition 6(c) must be conducted by an *environmental specialist*.

(f) Any survey or field assessment carried out pursuant to condition 6(c) that relates to flora must be conducted having regard to *EPA's Technical Guidance – Flora EIA*.

- (i) where a *biological survey* is required to be submitted in support of an *Environmental Assessment Report* in accordance with condition 6(h), the *biological survey* is to be prepared in a data package which meets the requirements of the *Index of Biodiversity Surveys for Assessments* and submitted to *Index of Biodiversity Surveys for Assessments* by the Permit Holder.

(g) Any survey or field assessment carried out pursuant to condition 6(c) that relates to fauna must be conducted having regard to *EPA's Technical Guidance – Terrestrial Fauna EIA*.

- (i) where a *biological survey* is required to be submitted in support of an *Environmental Assessment Report* in accordance with condition 6(h), the *biological survey* is to be prepared in a data package which meets the requirements of the *Index of Biodiversity*

Surveys for Assessments and submitted to *Index of Biodiversity Surveys for Assessments* by the Permit Holder.

- (h) The *EIA* must include production of an *Environmental Assessment Report*.
- (i) The *Environmental Assessment Report* must set out:
 - (i) all of the information required to be provided in a *Desktop Report* in accordance with condition 5(d) of this permit;
 - (ii) a summary of results of all surveys and field assessments carried out pursuant to condition 6(c) of this Permit that apply to the area of *native vegetation* to be cleared;
 - (iii) whether the outcome of the *EIA* indicates that the clearing is at variance, may be at variance, not likely to be at variance or not at variance with each of the *clearing principles*;
 - (iv) an *Environmental Management Plan* (EMP), subject to condition 6(j) of this Permit that applies to the area of *native vegetation* to be cleared; and
 - (v) any *offset proposal* developed pursuant to condition 10 of this Permit.
- (j) Where the outcome of the *EIA* indicates that the clearing is at variance or may be at variance with one or more of the *clearing principles*, except where the variance relates to condition 5(f), the *Environmental Assessment Report* must include an EMP.
- (k) Where an EMP is required by condition 6(j), an EMP must include the following:
 - (i) the scope of the *project activities* and of the EMP;
 - (ii) management actions to be taken by the Permit Holder to avoid, mitigate or manage the *impacts* of the clearing;
 - (iii) allocation of responsibilities for implementation of the management actions to avoid, mitigate or manage the *impacts* of the clearing;
 - (iv) timing of each management action;
 - (v) a monitoring and maintenance program for assessing the implementation of management actions;
 - (vi) actions to be taken in the event of non-compliance with management actions; and
 - (vii) details of *revegetation* to be undertaken, where required under condition 8 of this Permit.
- (l) EMP management actions to be taken by the Permit Holder pursuant to condition 7(b)(i) and 7(b)(ii) to avoid, mitigate or manage *land degradation, water quality deterioration, or flooding* must be developed in consultation with the Commissioner of Soil and Land Conservation in the Department of Primary Industries and Regional Development and the *CEO*.
- (m) Where the outcome of the *Environmental Assessment Report* indicates that the clearing is at variance or may be at variance with one or more of the *clearing principles*, except where the variance relates to condition 5(f), no clearing must be undertaken in relation to *project activities* unless an *Environmental Assessment Report* relating to those *project activities* has been approved by the *CEO*.
- (n) Where the outcome of an *Environmental Assessment Report* indicates that the clearing is at variance or may be at variance with one or more of the *clearing principles*, except where the variance relates to condition 5(f), submissions shall be sought in accordance with condition 7, unless advised in writing by the *CEO* that seeking submissions is not required.

7. Submissions – interested parties

- (a) Where required pursuant to conditions 6(n) of this Permit, the Permit Holder must:
- (i) publish on its website a notification regarding the project activities and inviting submissions from the public with respect to the proposed clearing; and
 - (ii) invite submissions from the following parties about those *impacts* of the proposed clearing that area, at variance or may be at variance with one or more of the *clearing principles*:
 - (A) the local government responsible for the area that is to be cleared;
 - (B) the owner (as defined in section 51A of the *EP Act*), or occupier (as defined in section 3 of the *EP Act*), of any land on which the clearing is proposed to be done;
 - (C) any other environment or community groups that the Permit Holder reasonably considers may have an interest in the clearing that is proposed to be done; and
 - (D) any other party that the Permit Holder reasonably considers may have an interest in the clearing that is proposed to be done.
- (b) Where required pursuant to condition 6(m) of this Permit, in addition to the requirements of condition 7(a) of this Permit, the Permit Holder must invite submissions:
- (i) from the Office of the Commissioner of Soil and Land Conservation in the Department of Primary Industries and Regional Development about those *impacts* of the proposed clearing that are at variance or may be at variance with *clearing principles* (g), (i) or (j); and
 - (ii) from the *CEO* about those *impacts* of the proposed clearing that are at variance or may be at variance with *clearing principles* (f), (i) and (j).
- (c) Submissions under conditions 7(a) and 7(b) are not required to be sought if the clearing is at variance or may be at variance to only principle (f) and no other *clearing principles*, the area of the proposed clearing is less than 0.5 hectares and the clearing principle (f) *impacts* only relate to:
- (i) *minor non-perennial watercourse(s)*; and/or
 - (ii) a wetland(s) that is not a *defined wetland*.
- (d) Pursuant to conditions 7(a) and 7(b) of this Permit, the Permit Holder must publish on its website during the submission period:
- (i) a copy of the *Environmental Assessment Report* required by condition 6(h) of this Permit;
 - (ii) management actions to be taken by the Permit Holder to avoid, mitigate, or manage the *impacts* of the clearing;
 - (iii) the relevant sections of the executive summary and the conclusion of reports of any *biological surveys* and field assessments carried out pursuant to condition 6(c) of this Permit;
 - (iv) an outline of any *rehabilitation, revegetation, or offset proposal* proposed to be implemented in relation to the clearing; and
 - (v) instructions for making a submission on the proposed clearing.
- (e) The Permit Holder must allow a period of at least 21 days for submissions to be made.
- (f) The Permit Holder must publish on its website all submissions received pursuant to condition 7(a) and 7(b) of this permit and a statement addressing each of those submissions.
- (g) The Permit Holder is not required to publish submissions if the *CEO* advises so in writing.

- (h) The information required by condition 7(d) must remain on the Permit Holder's website, following the submission period.
- (i) The Permit Holder is not required to comply with conditions 7(a)(i), 7(d), 7(e) and 7(g) for the clearing of *project activities* undertaken or authorised under this permit prior to 31 December 2024.

PART III – MANAGEMENT

8. Revegetation and rehabilitation

- (a) The Permit Holder must *revegetate* and *rehabilitate* areas cleared for *temporary works* as soon as possible, and within 24 months from when the area is no longer required for the purpose for which it was cleared.
- (b) The Permit Holder is not required to *revegetate* and *rehabilitate* an area specified in condition 8(a) if:
 - (i) the *CEO* advises so in writing; or
 - (ii) the Permit Holder has scheduled to use that cleared area for another *project activity* within 24 months of that area no longer being required for the purpose for which it was originally cleared under this Permit.
- (c) The Permit Holder is not required to comply with conditions 8(e) to 8(f) if the area to be *revegetated* and *rehabilitated* is:
 - (i) 0.5 hectares or less;
 - (ii) not located in an *ESA*; and
 - (iii) is either not or not likely to be at variance with all of the clearing principles.
- (d) The Permit Holder must *revegetate* and *rehabilitate* areas cleared for temporary works in accordance with a *Revegetation Plan* prepared by utilising methodology described in the current version of the *Department's 'A guide to preparing revegetation plans for clearing permits'* approved by the *CEO* or in accordance with condition 8(e).
- (e) Pursuant to conditions 8(a)-(d), where *revegetation* and *rehabilitation* is required, the Permit Holder must *revegetate* and *rehabilitate* areas cleared for *temporary works* by:
 - (i) retaining the vegetative material and topsoil removed by clearing authorised under this permit;
 - (ii) re-shaping the surface of the land so that it is consistent with the surrounding five (5) metres of uncleared land;
 - (iii) ripping the ground on the contour to remove soil compaction;
 - (iv) laying the vegetative material and topsoil retained under condition 8(e)(i) on the cleared area(s);
 - (v) establishing *quadrat* monitoring sites within the *revegetated* and *rehabilitated* area in accordance with methodology described in the current version of the *Department's 'A Guide to Preparing Revegetation plans for Clearing permits'*;
 - (vi) implementing hygiene protocols by cleaning earth-moving machinery of soil and vegetation prior to entering and leaving the *revegetated* and *rehabilitated* area;
 - (vii) undertake annual *weed* control activities; and
 - (viii) achieving the below *completion criteria* within ten years within the *revegetated* and *rehabilitated* areas.

Criterion	Aspect	Scale	Completion criteria	Monitoring frequency
1	Per cent <i>weed cover</i>	Average of <i>quadrat</i> data	Per cent of <i>weed cover</i> to be no greater than that observed within the <i>biological survey</i> of the proposed clearing area/adjacent areas.	After year 1, 2, 3, and 5
2	Declared <i>weeds</i>	Site traverse	Absence of declared <i>weeds</i> .	After year 1, 2, 3, and 5
3	Native species cover	Average of <i>quadrat</i> data	The native species cover equal to at least 60% of that observed within the <i>biological survey</i> of the proposed clearing area/adjacent areas by year 10.	After year 1, 2, 3, and 5
4	<i>Vegetation condition</i>	Site traverse	For sites where the <i>biological survey</i> observed <i>good or better condition</i> vegetation, the condition of the vegetation to be in <i>good condition</i> .	After year 1, 2, 3, and 5
5	<i>Native species richness</i> (Diversity)	Average of <i>quadrat</i> data	The <i>native species richness</i> of the vegetation to equal at least 60%, to a maximum of 20 species, than that observed within the <i>biological survey</i> of the proposed clearing area/adjacent areas.	After year 1, 2, 3, and 5
6	<i>Vegetation structure</i>	Site traverse	The final <i>vegetation structure</i> of the vegetation is trending towards that observed within the <i>biological survey</i> of the proposed clearing area/adjacent areas.	After year 1, 2, 3, and 5

- (f) The Permit Holder must undertake *remedial actions* for areas *revegetated* and *rehabilitated* where monitoring, after year five (5), indicates that *revegetation* is unlikely to meet the *completion criteria* outlined in condition 8(e), including;
- (i) *revegetate* the area by deliberately *planting native vegetation* and/or *direct seeding native vegetation* at an *optimal time* that will result in the minimum target in condition 8(e) and ensuring that only *local provenance* species are used;
 - (ii) undertake further *weed control* activities; and
 - (iii) monitoring of the *revegetated* and *rehabilitated* site, by an *environmental specialist*, is to be undertaken after year 1, 2, 3 and 5 of *remedial actions* to ascertain if *completion criteria* outlined in 8(e) are met.
- (g) If condition 8(f)(iii) monitoring identifies that *completion criteria* has not been met the Permit Holder must undertake *remedial actions* described in condition 8(f).
- (h) The Permit Holder may seek approval from the *CEO* of alternative *completion criteria* as outlined in condition 8(e) of this Permit.

9. Dieback, other pathogen and weed control

When undertaking any clearing, *revegetation* and *rehabilitation*, or other activity pursuant to this Permit in any part of a *region* that has an average annual rainfall of greater than 400 millimetres

and is south of the 26th parallel of latitude, the Permit Holder must take the following steps to minimise the risk of introduction and spread of *dieback*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be *cleared*;
- (b) ensure that no *dieback*-affected soil, *mulch* or *fill* are brought into an area that is *dieback free*;
- (c) if movement of soil is necessary in conditions other than *dry conditions* and the clearing will impact land managed by Department of Biodiversity, Conservation and Attractions (DBCA), the Permit Holder must implement and adhere to a *dieback management plan* endorsed by DBCA for minimising the spread of *dieback*.
- (d) If movement of soil is necessary in conditions other than *dry conditions* and the clearing will *impact* land other than DBCA managed land, if the proposed clearing area may introduce or spread *dieback* into *uninfested* areas, in addition to the requirements of conditions 9(a), (b) and (c), the Permit Holder must minimise the risk of the introduction and spread of *dieback* by:
 - (i) mapping *dieback* areas, including *infested*, *uninfested* and *uninterpretable*, within the area to be cleared, prior to clearing;
 - (ii) ensuring that no clearing occurs in *infested* areas during *rain events* where there is a risk of transporting material into *uninfested* areas;
 - (iii) demarcating all *dieback* areas, including *infested*, *uninterpretable* and *uninfested*, with flagging tape and appropriate signage prior to clearing;
 - (iv) establishing clean on entry points to ensure machines and other vehicles are clean of soil and vegetation prior to entering *dieback uninfested* and *uninterpretable* areas;
 - (v) establishing clean on exit points to ensure machines and other vehicles are clean of soil and vegetation prior to exiting *dieback infested* and *uninterpretable* areas;
 - (vi) restrict access of unauthorised machines and other vehicles to the areas to be cleared;
 - (vii) ensuring that drainage is directed away from *uninfested* areas; and
 - (viii) monitoring the implementation of *dieback* management actions through daily visual inspections and keeping an inspection log.
- (e) The Permit Holder may seek approval from the *CEO* of alternative actions to minimise the risk of introducing and spreading *dieback* into land other than DBCA managed land as outlined in condition 9(d) of this Permit.
- (f) Where the Permit Holder is notified by the *Department* or in a written report provided to the Permit Holder from an *environmental specialist*, that the area to be cleared may be susceptible to a pathogen other than *dieback*, the Permit Holder must:
 - (i) obtain the advice of an *environmental specialist*; and
 - (ii) take appropriate steps in accordance with that advice to minimise the risk of the introduction and spread of that pathogen.
- (g) When undertaking any clearing, *revegetation* and *rehabilitation*, or other activity pursuant to 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; and

- (iii) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.
- (h) At least once in each 12 month period for five years from the commencement of clearing for a *project activity* under condition 1(a), the Permit Holder must remove or kill any *weeds* growing within areas cleared under this Permit, where those *weeds* are likely, on the advice of an *environmental specialist*, to spread to and result in environmental harm to adjacent areas of *native vegetation* that are in *good or better condition*.

PART IV – OFFSETS

10. Determination of offsets

- (a) If part or all of the clearing associated with a *project activity* is at variance with one or more of the *clearing principles* (a), (b), (c), (d), (e), (f) or (h), the Permit Holder must provide the CEO for approval prior to clearing, an *offset proposal*, endorsed by an *environmental specialist*, unless advised in writing by the *CEO* that an *offset proposal* is not required.
- (b) In preparing an *offset proposal*, the Permit Holder must ensure consistency with the principles in the current WA Environmental Offsets Policy and have regard to the environmental offsets guidelines.
- (c) An *offset proposal* is not required if the clearing is at variance to only clearing principle (f) and no other *clearing principles*, the area of the proposed clearing at variance is less than 0.5 hectares and the clearing principle (f) *impacts* only relate to:
 - (i) a *minor non-perennial watercourse(s)*; and/or
 - (ii) a wetland that is not a *defined wetland*.
- (d) If it is necessary to modify the *offset proposal* approved by the *CEO*, then the Permit Holder must provide that modified *offset proposal* to the *CEO* for the *CEO*'s approval prior to implementing the modified *offset*.
- (e) The Permit Holder must implement the latest version of the *offset proposal* approved by the *CEO*.

PART V – MONITORING, REPORTING & AUDITING

11. Monitoring

- (a) The Permit Holder must monitor:
 - (i) areas that are the subject of an EMP, implemented pursuant to condition 6(j) of this Permit;
 - (ii) areas *revegetated* and *rehabilitated* under this Permit to determine compliance with the requirements of conditions 8(e) to (h) of this Permit; and
 - (iii) areas that are the subject of an *offset* pursuant to condition 10 of this Permit to determine compliance with the relevant approved *offset proposal*.

12. Records of assessment and clearing

The Permit Holder must maintain the following records for *project activities* done pursuant to this Permit:

- (a) In relation to the clearing of *native vegetation* pursuant to condition 1(a) of this Permit:
 - (i) description and justification of the actions and management measures taken to avoid, minimise and reduce the *impacts* and extent of clearing pursuant with condition 4 of this Permit;

- (ii) a copy of any *Desktop Report* and *Environmental Assessment Report* produced in accordance with condition 5 and 6 of this Permit;
 - (iii) the dates and list of interested parties where submissions were requested in accordance with condition 7(a) and 7(b);
 - (iv) the location where clearing occurred;
 - (v) the size of the area cleared (in hectares) for each of the *project activities*;
 - (vi) for a cleared area greater than 0.5 hectares, the boundaries of clearing required for *project activities* as depicted in any *Desktop Report* and *Environmental Assessment Report* recorded as a *shapefile*;
 - (vii) for a cleared area of 0.5 hectares or less, a co-ordinate of the location where the clearing occurred;
 - (viii) the total amount of clearing done (in hectares) between 1 January and 31 December of each calendar year; and
 - (ix) the date(s) on which the clearing was done.
- (b) In relation to each EMP implemented pursuant to condition 6(j) of this Permit:
- (i) records of management actions undertaken;
 - (ii) the dates for completion of relevant management actions;
 - (iii) results of the monitoring and maintenance program for assessing the implementation of management actions; and
 - (iv) records of actions undertaken in the event of non-compliance with management actions.
- (c) In relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 8 of this Permit:
- (i) the location of any area *revegetated* and *rehabilitated*;
 - (ii) the boundaries of *revegetation* and *rehabilitation* required for *project activities*; recorded as a *shapefile*;
 - (iii) a description of the *revegetation* and *rehabilitation* activities undertaken;
 - (iv) the size of the area *revegetated* and *rehabilitated* (in hectares);
 - (v) results of monitoring against the *completion criteria* in accordance with condition 8(f); and
 - (vi) *remedial actions* undertaken in accordance with condition 8(g).
- (d) in relation to the control of *weeds*, *dieback* and other pathogens pursuant to condition 9 of this permit:
- (i) a copy of each *dieback management plan* prepared in accordance with condition 9(c) of this Permit;
 - (ii) a map of the *dieback* management areas and associated clean on entry and exit points in accordance with condition 9(d);
 - (iii) the description of the *dieback* management actions undertaken in accordance with condition 9(d);
 - (iv) for any pathogen other than *dieback*, the appropriate steps taken in accordance with condition 9(f); and
 - (v) for any *weed*, the appropriate steps taken in accordance with conditions 9(h) of this Permit for each of the *project activities*.
- (e) in relation to *offsets* implemented pursuant to Part IV of this Permit:
- (i) a copy of each *offset proposal* approved by the *CEO* in accordance with conditions 10 of this Permit;
 - (ii) payment records into the WA offset fund;
 - (iii) where the Permit Holder provides *on-ground offsets*;

- (A) the boundaries of the area of offset required for project activities recorded as a shapefile;
- (B) a description of activities undertaken to implement the approved *offset* proposal;
- (C) the size of each *offset* (in hectares); and
- (D) results of the monitoring against the compliance with relevant approved *offset proposal*.

13. Reporting

- (a) The Permit Holder must provide to the *CEO*, on or before 30 June of each year, a written report concerning those activities done by the Permit Holder under this Permit between 1 January and 31 December of the preceding calendar year.
- (b) The report required by 13(a) must set out the records required to be maintained pursuant to condition 12 of this Permit.
- (c) The Permit Holder must publish this report on its website within 30 days of submitting the report to the *CEO*.
- (d) The Permit Holder must publish on its website, on or before 30 July of each year, the total amount of clearing done (in hectares) between 1 January and 31 December of the preceding year in accordance with this Permit.
- (e) For *project activity* clearing, the Permit Holder must, unless agreed by the *CEO*, publish on its website a copy of the *Desktop Report/Environmental Assessment Report*, no later than three (3) months after commencing clearing.
- (f) The Permit Holder must, unless otherwise agreed with the *CEO*, publish on its website, on or before 30 July of each year, for clearing undertaken between 1 January and 31 December of the preceding year, the following information:
 - (i) the submissions received for each *project activity* required by condition 7(e);
 - (ii) the location where the clearing occurred;
 - (iii) the size (in hectares) of the *project activities*;
 - (iv) the location of *revegetation* and *rehabilitation* areas cleared for temporary works pursuant to condition 8(a); and
 - (v) the dates on which the clearing was done.
- (g) The Permit Holder must publish the information required in condition 13(e) and 13(f) for a period not less than 12 months.
- (h) The Permit Holder is not required to comply with conditions 13(c), 13(d), 13(e), 13(f) and 13(g) of this Permit for the clearing of *project activities* undertaken or authorised under this Permit prior to 31 December 2024.

14. Internal auditing

- (a) The Permit Holder must engage an *internal auditor* to conduct *internal environmental audits* for areas specified in condition 14(c) to determine the Permit Holder's compliance with the conditions of this Permit, with particular emphasis on:
 - (i) the location and extent of *native vegetation* cleared;
 - (ii) the implementation status of any *offsets* imposed;
 - (iii) the effectiveness of any *EMP* implemented; and
 - (iv) the implementation status of any *revegetation* or *rehabilitation* undertaken.

- (b) The *internal environmental audits* must be done on or before 30 November annually for the *term* of this Permit and/or otherwise required by the *CEO*.
- (c) The areas to be audited under condition 14(a) must be selected by the *internal auditor* using a structured and documented risk-based selection framework and must use an appropriate sample size of projects in each *region* in which clearing has been done under this Permit within the previous 12 months and determined in consultation with the *CEO*.
- (d) The Permit Holder must implement *corrective action* required to address any non-compliance with conditions of this Permit identified from the *internal environmental audits*.
- (e) The Permit Holder must provide written reports of the *internal environmental audits* conducted pursuant to this condition 14 of this Permit to the *CEO* on or before 30 December of each year for the *term* of this Permit. The reports must include details of *corrective actions* taken by the Permit Holder to address any non-compliance with conditions of this Permit.

15. External auditing

- (a) The Permit Holder must engage an external accredited *lead environmental auditor* to undertake *external environmental audits* of the Permit Holder's compliance with the conditions of this Permit for each of the *regions* in which clearing is done under this Permit.
- (b) The areas to be audited under condition 15(a) must be selected by the *lead environmental auditor* using a structured and documented risk-based selection framework and must use an appropriate sample size of projects in each *region* in which the clearing has been done under this Permit within the previous two calendar years and determined in consultation with the *CEO*.
- (c) The *external environmental audits* must be done on or before 20 October of every second year for the *term* of this Permit and/or as otherwise required by the *CEO*.
- (d) The Permit Holder must implement *corrective action* required to address any non-compliance with conditions of this Permit identified from the *external environmental audits*.
- (e) The Permit Holder must provide the *lead environmental auditor's* written reports of the *external environmental audits* to the *CEO* on or before 30 December in each year that an *external environmental audit* is conducted.
- (f) The Permit Holder must publish the *lead environmental auditor's* full reports, and any *corrective actions* implemented to address identified non-compliance or improvement opportunities of the *external environmental* on its website on or before the 30 January of the year following the *external environmental audit*, for the *term* of this Permit.

PART VI – INTERPRETATION & DEFINITIONS

16. Interpretation

The following rules of interpretation apply to this Permit:

- (a) a reference to any *written law* includes a reference to that *written law* as amended, repealed or replaced from time to time;
- (b) if a word or phrase is defined, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.

17. Severance

It is the intent of these conditions that they shall operate so that, if a condition or part of a condition is beyond the *CEO's* power to impose, or is otherwise ultra vires or invalid, that condition or part of a condition shall be severed and the remainder of these conditions shall nevertheless be valid to the extent that they are within the *CEO's* power to impose and are not otherwise ultra vires or invalid.

18. Inconsistency

- (a) The *EP Act* prevails to the extent of any inconsistency between its provisions and the conditions of this Permit.
- (b) Subject to condition 18(a), this Permit prevails to the extent of any inconsistency between its conditions (including its Schedules), and the provisions of any other document referred to in this Permit.

19. Definitions

The following meanings are given to terms used in this Permit and the attached Advice:

<i>authorised survey/s</i>	has the meaning given to it in section 3 of the <i>Licensed Surveyors Act 1909</i> ;
<i>biological survey</i>	means a site visit undertaken by an <i>environmental specialist</i> to: <ul style="list-style-type: none"> (a) verify <i>desktop study</i> information; (b) delineate key flora, fauna, soil, and groundwater and surface water values and potential sensitivity to impact; (c) undertake <i>vegetation condition mapping</i>; and (d) undertake vegetation mapping by delineating on a map the <i>ecological communities</i> formed within a given area, and the nature and extent of each combination, within the area to be cleared at the scale of the best available mapping information;
<i>camp/s</i>	means any facilities required to be established by the Permit Holder at the site of a project activity such as offices, storerooms, workshops, toilets, washing facilities, accommodation, change rooms, shelter sheds, drying conveniences, mess rooms;
<i>CEO</i>	means the Chief Executive Officer of the Department responsible for the administration of the clearing provisions under the <i>Environmental Protection Act 1986</i> ;
<i>clearing permit/s</i>	means a clearing permit under Part V Division 2 of the <i>EP Act</i> ;

<i>clearing principle/s</i>	means the principles for clearing native vegetation set out in Schedule 5 of the <i>EP Act</i> ;
<i>completion criteria</i>	means a measurable outcome based on a suitable <i>reference site</i> , used to determine <i>revegetation/rehabilitation</i> success;
<i>Controlled Action</i>	actions that the Commonwealth’s Minister for the Environment decides have, will have or are likely to have a significant <i>impact</i> on one or more protected matters and therefore require assessment and approval under the <i>Environmental Protection and Biodiversity Conservation Act 1999</i> ;
<i>corrective action</i>	means action to eliminate the cause of non-conformity detected in an <i>internal environmental audit</i> or an <i>external environmental audit</i> ;
<i>defined wetland</i>	has the meaning given to it in clause 3 of the <i>Environmental Protection (Environmentally Sensitive Areas) Notice 2005</i> ;
<i>Department</i>	means the Western Australian government agency responsible for the implementation of the clearing provisions under Part V, Division 2 of the <i>EP Act</i> ;
<i>desktop study</i>	means a literature review, including a map-based information search of all current and relevant literature sources and databases;
<i>Desktop Report</i>	means the document produced as an outcome of conducting a desktop study in accordance with condition 5 of this Permit;
<i>dieback</i>	means the effect of <i>Phytophthora</i> species on native vegetation;
<i>dieback management plan</i>	means a management plan prepared in accordance with condition 9 of this Permit for the purpose of minimising the spread of <i>dieback</i> ;
<i>dieback survey</i>	means a site visit undertaken by an <i>environmental specialist</i> to: <ul style="list-style-type: none"> (a) verify <i>desktop study</i> information; (b) identify indicator species; and (c) carry out soil sampling in areas significantly affected by <i>dieback</i>.
<i>direct seeding</i>	means a method of re-establishing vegetation through the establishment of a seed bed and the introduction of seeds of the desired plant species;
<i>drain</i>	means a conduit on or under any land; or channel provided it is wholly constructed, which was or is used or intended to be used to carry surplus water, and includes any part of such conduit or channel but does not include a watercourse as defined in the <i>Rights in Water and Irrigation Act 1914</i> ;

<i>ecological community/ies</i>	means a naturally occurring biological assemblage that occurs in a particular type of habitat (English and Blythe, 1997; 1999). The scale at which ecological communities are defined will depend on the level of detail in the information source, therefore no particular scale is specified;
<i>Environmental Assessment Report</i>	means the document produced as an outcome of conducting an <i>EIA</i> in accordance with condition 6 of this Permit;
<i>Environmental Impact Assessment (EIA)</i>	means assessment of <i>impacts</i> of the clearing against the <i>clearing principles</i> , and in accordance with the <i>Department's</i> current version of ' <i>A guide to the assessment of applications to clear native vegetation under Part V Division 2 of the Environmental Protection Act 1986</i> ';
<i>EMP</i>	means environmental management plan;
<i>engineering survey/s</i>	means any inspection or measurement taken by a surveyor engaged by the Permit Holder for the purpose of planning, investigating and design for a <i>project activity</i> ;
<i>environmental specialist</i>	means a person who holds a tertiary qualification in environmental science or equivalent, and has a minimum of 2 years work experience relevant to the type of environmental advice that an <i>environmental specialist</i> is required to provide under this Permit, or who does not hold a tertiary qualification in environmental science or equivalent, and has a minimum 5 years work experience relevant to the type of environmental advice that an <i>environmental specialist</i> is required;
<i>EP Act</i>	means the <i>Environmental Protection Act 1986</i> ;
<i>EPA</i>	means the Western Australian Environmental Protection Authority;
<i>EPA's Technical Guidance – Flora EIA</i>	means the publication " <i>Technical Guidance – Flora and Vegetation Surveys for Environmental Impact Assessment</i> ", Environmental Protection Authority (2020);
<i>EPA's Technical Guidance – Terrestrial Vertebrate Fauna EIA</i>	means the publication " <i>Technical Guidance – Terrestrial Vertebrate Fauna Surveys for Environmental Impact Assessment</i> ", Environmental Protection Authority (2020);
<i>ESA</i>	means an environmentally sensitive area, as declared by a regulation under section 51B of the <i>Environmental Protection Act 1986</i> ;

<i>existing water services infrastructure</i>	means infrastructure necessary for the provision of water supply, sewerage, drainage (to the extent that these are consistent with the definition of drain) or irrigation services as provided for under the <i>Water Corporation Act 1995</i> and any other written laws, that is in existence at the time clearing is sought to be carried out under this Permit;
<i>external environmental audit</i>	means an audit conducted by a <i>lead environmental auditor</i> in accordance with condition 15 of this Permit;
<i>fill</i>	means material used to increase the ground level, or fill a depression;
<i>geological survey/s</i>	means a survey conducted in order to obtain information about the suitability of the ground for a <i>project activity</i> , and includes geotechnical surveys;
<i>good or better condition</i>	means that the vegetation is in either pristine, excellent, very good or good condition according to <i>Keighery scale</i> ;
<i>impacts</i>	means any impact of clearing on <i>environmental values</i> ;
<i>Index of Biodiversity Surveys for Assessments (IBSA)</i>	the Department of Water and Environmental Regulation’s online portal providing an index of land-based biodiversity surveys in Western Australia;
<i>infested</i>	means areas that have been determined to have plant disease symptoms consistent with the presence of the <i>Phytophthora</i> species by an <i>environmental specialist</i> ;
<i>Interim Biogeographic Regionalisation for Australia or IBRA</i>	means the national and regional planning framework for the systematic development of a comprehensive, adequate and representative ‘CAR’ National Reserve System within Thackway and Cresswell 1995, ‘ <i>An Interim Biogeographic Regionalisation for Australia: a framework for establishing the national system of reserves</i> ’;
<i>internal auditor</i>	means a person who holds a tertiary qualification in environmental science or equivalent, and has experience relevant to the type of audit required under this Permit;
<i>internal environmental audit</i>	means an audit conducted by the Permit Holder in accordance with condition 14 of this Permit;
<i>Keighery scale</i>	means the vegetation condition scale described in <i>Bushland Plant Survey: A Guide to Plant Community Survey for the Community (1994)</i> as developed by B.J. Keighery and published by the Wildflower Society of WA (Inc). Nedlands, Western Australia;
<i>land degradation</i>	includes salinity, erosion, nutrient export, soil acidity and waterlogging;

<i>lead environmental auditor</i>	means an individual certified as a lead environmental auditor by either: (a) RABQSA International; or (b) an organisation accredited to ISO/IEC 17024 by, or by a body recognised by, the Joint Accreditation System of Australia and New Zealand);
<i>local provenance</i>	means the vegetation species that are known to occur within the same IBRA subregion of the area cleared;
<i>matter of national environmental significance</i>	A matter of national environmental significance is any of the following: (a) a declared World Heritage property (b) a national Heritage place (c) a declared Ramsar site (d) a listed threatened species or endangered community (e) a listed migratory species (f) the marine environment These terms have the same meaning as they do in the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth).
<i>minor non-perennial watercourse</i>	means a minor river, creek, stream, brook or drain where water flows occasionally, intermittently or for only parts of the year, usually after heavy rainfall;
<i>mulch/es</i>	means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation;
<i>native species richness</i>	means the number of different species represented in an ecological community, landscape or region. It is a count of the total number of species per <i>quadrat</i> ;
<i>offset/s</i>	means a direct <i>offset</i> as described in the Government of Western Australia, WA Environmental Offsets Policy, September 2011;
<i>offset proposal</i>	means a documented plan that addresses the principles outlined in the Government of Western Australia, WA Environmental Offsets Policy, September 2011;
<i>on-ground offsets</i>	<i>offsets</i> that involve the purchase or <i>revegetation</i> or <i>rehabilitation</i> of property. It does not include payment into offset funds nor indirect offsets;
<i>optimal time</i>	means the optimal time for undertaking <i>direct seeding</i> and <i>planting</i> as set out in the table in Schedule 1 of this Permit;
<i>planting</i>	means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired species;

<i>pre-construction activities</i>	means establishing storage areas, laydown and vehicle/machinery parking areas, erecting fences and doing similar activities that are required to be done prior to, and in association with, the carrying out of a <i>project activity</i> ;
<i>project activity/ies</i>	means those activities described in condition 1(a) of this Permit;
<i>project surveys</i>	means <i>authorised surveys, engineering surveys and geological surveys</i> ;
<i>proposal</i>	has the meaning given to it in section 3 of the <i>EP Act</i> ;
<i>quadrat</i>	means a sample plot established for the purpose of data collection and monitoring vegetation characteristics, for example, species composition, structure, density and condition;
<i>rain event</i>	means more than 0.1 mm of rainfall within a single rainfall;
<i>referred</i>	means referred to the Environmental Protection Authority under Part IV of the <i>Environmental Protection Act 1986</i> ;
<i>regeneration</i>	means revegetation that can be established from in situ seed banks contained either within the topsoil or seed-bearing <i>mulch</i> ;
<i>region</i>	means one of the following regions: (a) Metropolitan; (b) South West; (c) Wheatbelt South; (d) Wheatbelt North; (e) Great Southern; (f) Goldfields-Esperance; (g) Midwest; (h) Gascoyne; (i) Pilbara; and (j) Kimberley;
<i>rehabilitate/ed/ion</i>	means actively managing an area containing native vegetation in order to improve the ecological function of that area;
<i>revegetate/ed/ion</i>	means the re-establishment of a cover of <i>native vegetation</i> in an area using methods such as natural <i>regeneration, direct seeding</i> and/or <i>planting</i> , such that the species composition, structure and density is similar to pre-clearing vegetation types in that area;
<i>Revegetation Plan</i>	means a plan developed by the Permit Holder for the <i>revegetation</i> and <i>rehabilitation</i> of a site in accordance with condition 8 of this Permit;
<i>road building materials</i>	means rock, gravel, soil, stone, timber, boulders and water;

<i>shapefile</i>	means a shapefile consisting of polygons using the Geocentric Datum of Australia (GDA) coordinate system.
<i>site preparation</i>	means management of existing site topsoil and preparation of the finished soil surface, for example by ripping or tilling the soil surface and respreading site topsoil and chipped native vegetation;
<i>temporary works</i>	means works associated with a <i>project activity</i> that are temporary in nature including, but not limited to decommissioning, tracks, spoil areas, site offices, storage areas, laydown areas, <i>project surveys</i> and <i>pre-construction activities</i> ;
<i>term</i>	means the duration of this Permit, including as amended or renewed;
<i>uninfested</i>	means areas that have been determined to be free of the pathogen <i>Phytophthora</i> by an <i>environmental specialist</i> (all susceptible indicator plant species are healthy; no plant disease symptoms normally attributed to <i>Phytophthora</i> are evident);
<i>uninterpretable</i>	means areas situated in locations which received an average annual rainfall of greater than 400 millimetres and is south of the 26th parallel of latitude where indicator plants are absent or too few to determine the presence or absence of disease caused by the pathogen <i>Phytophthora</i> ;
<i>vegetation condition mapping</i>	means to delineate on a map the condition attributes of vegetation within an area, according to the <i>Keighery scale</i> ;
<i>vegetation structure</i>	means to determine by the dominant strata of the vegetation community through considering the height of the plants and area of ground covered by the canopy;
<i>water quality deterioration</i>	includes sedimentation, turbidity, eutrophication, salinity, or alteration of pH affecting surface water or groundwater;
<i>water services infrastructure</i>	means infrastructure necessary for the provision of water supply, sewerage, drainage or irrigation services as provided for under the <i>Water Corporation Act 1995</i> ;
<i>weed/s</i>	means any plant - (a) that is a declared pest under section 22 of the <i>Biosecurity and Agriculture Management Act 2007</i> ; 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.
<i>wetland field assessment</i>	means a site visit by an <i>environmental specialist</i> to verify <i>desktop study</i> information;

wetland/s means an area of seasonally, intermittently or permanently waterlogged or inundated land, whether natural or otherwise, and includes a lake, swamp, marsh, spring, dampland, tidal flat or estuary; and

written law has the same meaning as it is given in section 5 of the *Interpretation Act 1984*.



Meenu Vitarana
MANAGER
NATIVE VEGETATION REGULATION

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

16 April 2024

SCHEDULE 1

Optimal Timing for Seeding and Planting

Region	Optimal Timing	
	Seeding	Planting
Gascoyne	May in south of <i>region</i> ; November-December in north of <i>region</i> .	No <i>planting</i> without irrigation.
Goldfields – Esperance	April-May. Earlier in south than in north.	No <i>planting</i> without irrigation.
Great Southern	April-May throughout <i>region</i> . Seeding during September-October within 30km of the coast can also be successful due to warm temperatures and spring coastal showers.	May-June.
Kimberley	October-December, preferably just before rain.	No <i>planting</i> without irrigation.
Metropolitan	April-June.	May-July.
Midwest	April-May in south of <i>region</i> ; November-December in extreme north of <i>region</i> .	May-June in southern part of <i>region</i> only.
Pilbara	November-December but preferably just before rain.	No <i>planting</i> without irrigation.
South West	April-June.	May-June.
Wheatbelt North	May – June.	June- July.
Wheatbelt South	April-June.	May-June.

ADVICE

1. Monitoring by the *CEO*

The *CEO* may monitor the implementation of clearing and other activities done under this Permit in order to determine whether the Permit Holder is complying with the conditions of this Permit. In the event that the *CEO* determines that the Permit Holder is not complying with one or more conditions of this Permit, the *CEO* may amend, suspend or revoke this Permit as the *CEO* considers necessary.

2. Reports

Reports provided by the Permit Holder to the *CEO* under Part V of this Permit may be made publicly available.

3. Levels of variance to clearing principles

- Clearing is “**not at variance**”: where there is sufficient data to indicate certainty, for example there are no wetlands or watercourses within the clearing area.
- Clearing is “**not likely to be at variance**”: where a reasonable basis of information exists to support assessment, either provided by the applicant or available via other sources, but an element of uncertainty remains, for example surveys have not indicated threatened flora but there is a risk as suitable habitat is present within the clearing area.
- Clearing is “**may be at variance**”: where there is insufficient data available to fully assess the *impacts*, for example threatened flora are known to occur in the area within the same vegetation and soil type. This level of variance often triggers further action, such as request for surveys, imposition of permit conditions or modification of the clearing area.
- Clearing is “**at variance**”: where there are known *impacts* or significant risk of *impact*, for example the Soil and Land Conservation Commissioner has advised likelihood of *land degradation* through salinity, or surveys identified threatened flora in the clearing area.
- Clearing is “**seriously at variance**”: where the clearing will result in an *impact* so significant it is likely to be irreversible, for example clearing a threatened flora population, or clearing which will affect the viability of a fauna population.

4. Clearing likely to have a significant impact on the environment

The Permit Holder must ensure that it complies with any obligation under section 38(4) of the *EP Act* to refer to the *EPA* a *proposal* that appears to the Permit Holder to be likely, if implemented, to have a significant effect on the environment.

5. Cumulative impacts of clearing

In accordance with the intent of the *clearing principles* in Schedule 5 of the *EP Act*, the Permit Holder must consider the cumulative *impacts* of clearing of native vegetation done under this Permit and other clearing done in that *region*. The cumulative *impacts* of clearing done under this Permit will be considered by the *CEO* annually upon receipt of the Permit Holder’s reports pursuant to Part VI of this Permit, and this Permit may be amended as necessary.

6. Temporary clearing

The Permit Holder must ensure that, wherever possible, new *temporary works*, *camps* and rest areas are located in areas that have already been cleared of native vegetation.

7. External Audit

When conducting an *external audit* under condition 15 of this Permit, the *lead environmental auditor* will determine which conditions of this Permit in respect of which he or she will conduct the audit.



Clearing Permit Decision Report

1 Application details and outcome

1.1. Permit application details

Permit number:	CPS 185/10
Permit type:	Purpose permit
Applicant name:	Water Corporation
Application received:	22 February 2024
Purpose of clearing:	Water services infrastructure installation and related activities
Property:	The State of Western Australia
Location (LGA area/s):	Statewide

1.2. Description of clearing activities

This clearing permit allows Water Corporation to clear native vegetation, where certain conditions are met, for the purpose of project activities as described in condition 1(a) of the permit. The clearing may occur throughout the State of Western Australia for activities related to the State's water services infrastructure, as provided for under the *Water Corporation Act 1995*.

1.3. Decision on application

Decision:	Granted
Decision date:	16 April 2024
Decision area:	Statewide

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 21 days and no submissions were received.

Clearing permit CPS 185/1 was granted to Water Corporation on 20 March 2008 by the then Department of Environment. The clearing permit authorises the clearing of native vegetation for project activities relating to the State's water services infrastructure. The permit has since been amended eight times, with CPS 185/9 being the latest amendment.

The purpose of this amendment is to:

- amend the permit conditions to bring them in line with current departmental policies and procedures; and
- extend the permit duration.

In making this decision, DWER has conducted a review of clearing permit CPS 185 to ensure that it meets community expectations with respect to transparency and protection of the environment, whilst also providing an efficient approvals pathway for important works to the State's water services infrastructure. As a result, numerous changes to the conditions of clearing permit CPS 185 have been made. These changes include:

- effective from 1 January 2025, a requirement for Water Corporation to publish details of proposed clearing projects that are at variance of may be at variance with the clearing principles for a 21 day public submission period;
- a requirement for Water Corporation to publish all details of clearing activities undertaken under CPS 185 on their website;

- a requirement for Water Corporation to publish public submissions received on their website, along with a statement addressing each submission;
- increased requirements to demonstrate that alternatives to clearing have been undertaken prior to clearing under this permit;
- improved efficiencies with the assessment against the clearing principles procedure outlined under Part II of this permit; and
- improved efficiencies with the management of clearing impacts, including revegetation and rehabilitation, outlined under Part III of the Permit.

With consideration of the above, and having regard to the clearing principles, planning and other relevant matters, the Delegated Officer determined that environmental impacts that may occur as a result of clearing undertaken through this permit can be appropriately managed through the conditions imposed on the permit.

1.5. Assessment

The assessment against the clearing principles has not changed from the Clearing Permit Decision Report CPS 185/2 (DEC, 2009). This amendment will update the permit conditions to align them with current departmental policies and procedures.

Several changes have been made to the permit to incorporate the new requirements listed in Section 1.4. above and to align with current policy and practice. The major changes have been captured within Table 1; however, some changes of particular note are discussed below.

The following terms have been replaced in CPS 185/10:

- 'PEIA Report' is now referred to as 'Desktop Report'
- 'EIA Report' is now referred to as 'Environmental Assessment Report'.

These changes are to align with current terminology used by the Department and Water Corporation and to further distinguish and clarify the functions of the different assessment required under this permit.

The term 'seriously at variance' has been removed from the majority of this permit to align with condition 2(a)(i) which states that if a proposed clearing is 'seriously at variance' with any of the clearing principles, it cannot be authorised under this permit.

References to the Permit Holder's *Preliminary Environmental Impact Procedure – Clearing of Native Vegetation and Drafting and Implementing Environmental Management Plans* have been removed from this permit. This change removes the double up of processes for the Permit Holder and ensures that proposals assessed under this permit are done in a manner consistent with current department practice.

The review of 185/9 determined that Condition 5 'Assessment of Clearing Impacts' should be separated into two different conditions now referred to as:

- 'Condition 5. Assessment of clearing impacts – desktop study'
- 'Condition 6. Assessment of clearing impacts – environmental impact assessment (EIA)'

Separating the processes provides clarity on the functions of each assessment and aligns the permit with other statewide purpose permits.

'Part III – Assessment Principles' of this permit which contained conditions 8. *Assessment against the clearing principles* and 9. *Other* has been removed from this permit. When aligning the conditions of this permit, it was determined that Part III can be captured under the amended condition 5 and new condition 6 and is no longer necessary to remain separate. This change supports the streamlining of processes contained within this permit.

Condition 7. 'Submissions – Department' has been removed from the amended permit for the following reasons:

- an enhanced condition has been imposed on clearing permit CPS 185/10 to improve the public transparency of the Permit Holder's clearing activities, which requires the invitation of submissions from a broader range of interested parties; and
- there are existing mechanisms within other conditions that require the Permit Holder to provide a submission to the Department, including requests for CEO approval.

Changes to requirements for the preparation of an environmental management Plan (EMP) and Management Strategy include:

- the term 'management strategy' will no longer be used and 'EMP' will be used to encompass all of the management requirements;
- the EMP and Management Strategy are now captured in the new condition 6 instead of as separate conditions in an effort to streamline the permit and assessment process; and

- the provision for the Permit Holder to request approval from the CEO not to prepare an EMP has been removed as it is assumed that if an EIA is required, it is because the proposed clearing 'may be at variance' or is 'at variance' with at least one of the clearing principles and will therefore require management actions.

Table 1. Summary of changes made in CPS 185/10.

Condition	Amendment	Justification
Duration	Extended to 20 April 2027	Ensures that Water Corporation can effectively manage the State's water service infrastructure over the next three year period.
3	Removed the term 'authorise persons'.	Avoids the need for the Permit Holder to have to formally issue a third party with 'authorisation' to undertake clearing.
4(b) – (c)	Addition of requirements to demonstrate and document that alternatives to clearing have been explored and determined not viable.	Allows for transparent and auditability from the Permit Holder to demonstrate that alternatives were explored and why these were not considered viable.
5(b)	Addition of requirement to have regard for approved policies and planning instruments that apply to the native vegetation to be cleared	Aligns with current department practice and ensures that the Permit Holder consider these in their assessment.
5(d)	Removed <ul style="list-style-type: none"> Whether an EMP, management strategy or offset is required. Added: <ul style="list-style-type: none"> Areas greater than 0.5 ha recorded as a shapefile Areas 0.5 ha or less recorded as a coordinate 	Align with current department practice. Management strategy is no longer used in this permit and is incorporated into the EMP. The EMP and offset requirements are now captured within the new condition 6 to better reflect the function of the desktop study which is to gather context on the values of the proposed clearing and whether further assessment is required. An EMP or offset would only be considered during an assessment once the significance of potential impacts are better understood.
5(f) 6(d) 7(c) 10(c)	Includes wording that allows certain conditions to not be complied with if the proposed clearing is only at variance with principle (f) and less than 0.5 hectares.	Clarifies that only significant watercourses or wetlands (as defined in the Department's <i>A guide to the assessment of applications to clear native vegetation</i>) are considered to be at variance to principle (f) and require assessment by DWER.
5(h)	Includes 'unless advised in writing by the CEO'.	Allows for consideration of exceptional circumstances where Water Corporation is not required to comply with the requirement to prepare an Environmental Assessment Report.
6	New condition with updated wording and requirements for conducting an EIA and preparing an Environmental Assessment Report including: EMP requirements included in this condition and removes 'unless written advice to the contrary is provided by the CEO'.	Aligns assessment requirements to current department practice and further clarifies the scope of this assessment. Ensures an EMP is prepared and implemented for the majority of proposed clearing that 'may be at variance' or are 'at variance' to any of the clearing principles with the exception of 6(e).
7	Addition of requirement to invite public submissions through the Permit Holder's website including: <ul style="list-style-type: none"> The information required to be published Allow 21 days for submissions Respond to and publish each submission Requirement to publish responses for 12 months Not required to publish if CEO advises in writing 	Allows for additional stakeholder consultation outside of the pre-defined list within the condition and ensures transparency in clearing activities undertaken. Allows for consideration of exceptional circumstances where Water Corporation is not required to comply with the requirement to publish public submissions.

7(i) 13(h) 15(g)	Not required to comply with publishing conditions before 1 January 2025.	Allows Water Corporation to develop the necessary infrastructure on their website and to conduct training with staff to use this infrastructure and incorporate these procedures into their assessments.
8(d)	Allow Water Corporation to revegetate in accordance with 8(e) or prepare a Revegetation Plan in accordance with Department guidance.	Provides flexibility to the Permit Holder to design their revegetation and rehabilitation activities to cater to the needs of the project site, but ensuring this is done consistently and in line with current departmental practice.
8(e)	Changed requirements for revegetation and rehabilitation and addition of completion criteria table.	Provides a standardised method to revegetation and rehabilitation including completion criteria, in line with current departmental practice
8(f) – (g)	Addition of requirement to undertake remedial actions if revegetation and rehabilitation is done under 8(e).	Ensures that if Water Corporation uses 8(e) to undergo revegetation and rehabilitation instead of preparing a plan, there are mechanisms ensuring that remedial actions are undertaken if the actions are not meeting the completion criteria.
8(h)	Addition of seeking approval for alternative completion criteria from CEO.	Allows for exceptional circumstances where Water Corporation propose alternative completion criteria for a project.
10(a)	Changed 'designed' to 'endorsed'.	Enables greater flexibility in the design of an offset proposal while still having the expertise of an environmental specialist to review and endorse. The final decision regarding the appropriateness of the offset is to be decided by the CEO.
11(a)(i)	Addition of monitoring areas subject to an EMP.	Ensures regular review of activities occurring as part of an EMP for compliance and transparency.
12	Updated wording and requirements for reporting.	To align with changes made during this amendment.
13(e) – (g)	Inclusion of requirements to publish on website.	Ensures that the public can view information in relation to the project activities and associated clearing undertaken throughout the year.
14(c)	Changed 'at least one cleared area' to 'use an appropriate sample size of projects' and addition of determining sample size in consultation with CEO.	Recognises that the amount of clearing occurring can differ between regions and ensures they are audited appropriately to account for this. Also recognises instances where clearing may not have occurred within a region.
15(f)	Included requirement to publish external audit report on website.	Allows for further transparency on the project activities undertaken by Water Corporation and any corrective actions required or undertaken.
Definitions	<p>Additional definitions:</p> <ul style="list-style-type: none"> • Completion criteria • Controlled action • Desktop Report • Dieback Management Plan • Dry conditions • Index of Biodiversity Surveys for Assessment (IBSA) • Interim Biogeographic Regionalisation for Australia or IBRA • Internal auditor • Minor non-perennial watercourse • Native species richness • On-ground offsets • Quadrat • Rain event • Shapefile • Vegetation structure 	To include terms already within the permit that were previously not defined and to define new terms included as a result of this amendment.

Definitions	<p>Updated definitions:</p> <ul style="list-style-type: none"> • Department • Dieback survey • Ecological communities • Environmental Assessment Report • Environmental Impact Assessment (EIA) • Environmental specialist • EPA's Technical Guidance – Flora EIA • Fill • Land degradation • Local provenance • Offset • Offset proposal • Pre-construction activities • Regeneration • Revegetation • Temporary works 	To further clarify terms already used in this permit
Definitions	<p>Removed definitions:</p> <ul style="list-style-type: none"> • Assessment Principles • Assessment Procedure • Bioregion • Drafting and Implementing Environmental Management Plans • EIA Report • ESRI Shapefile • Extraction sites • Management strategy • Firebreaks • PEIA • PEIA Report • Preliminary Environmental Impact Procedure – Clearing of Native Vegetation • Vegetation establishment period 	Terms are no longer used in this permit
Advice	Inclusion of definitions and examples of each variance level.	Provides the Permit Holder and public context on how variance is considered for assessments.

End

Appendix A. Additional information provided by applicant

Summary of comments	Consideration of comment
List of avoidance and mitigation measures to be included within condition 4 of the amended permit.	See Table 1 and condition 4 on CPS 185/10

Appendix B. References

Department of Environment Regulation (DER) (2013). *A guide to the assessment of applications to clear native vegetation*. Perth. Available from: https://www.der.wa.gov.au/images/documents/your-environment/native-vegetation/Guidelines/Guide2_assessment_native_veg.pdf.

Department of Water and Environmental Regulation (DWER) (2019). *Procedure: Native vegetation clearing permits*. Joondalup. Available from: https://dwer.wa.gov.au/sites/default/files/Procedure_Native_vegetation_clearing_permits_v1.PDF.

Water Corporation (2024a) *Clearing permit application to amend CPS 185/9*, received 20 February 2024 (DWER Ref: DWERDT910284).

Water Corporation (2024b) *Supporting information for clearing permit application to amend CPS 185/9 – avoidance and mitigation measures*, received 11 March 2024 (DWER Ref: DWERDT924121).