



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose permit number:	CPS 186/6
Permit holder:	Water Corporation
Purpose of clearing:	Maintenance, removal and decommissioning of <i>existing water services infrastructure</i> , including within <i>ESAs</i> ; and prevention of imminent danger to human health, including within <i>ESAs</i> .
Duration of permit:	3 April 2006 – 3 April 2022

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- Purpose permit number:** CPS 186/6
- Permit holder:** Water Corporation
- Purpose of clearing:**
1. Maintenance, removal and decommissioning of *existing water services infrastructure*, including within *ESAs*; and/or
 2. Prevention of imminent danger to human health, including within *ESAs*.
- Duration of permit:** 3 April 2006 – 3 April 2022

The permit holder is authorised to clear native vegetation for the above stated purposes, subject to the conditions of this Permit.

PART I – TYPE OF CLEARING AUTHORISED

1. Type of clearing authorised

- (a) In accordance with this Permit, the permit holder may clear native vegetation:
- (i) around *existing water services infrastructure*, to the maximum extent cleared within the previous 10 years, in order to maintain the efficacy of the *existing water services infrastructure*;
 - (ii) in areas previously cleared in order to maintain the efficacy of the following *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 *existing water services infrastructure* – 5m track width; or
 - (iii) to prevent imminent danger to human life or health.
- (b) This Permit authorises the permit holder to clear *native vegetation* to maintain *existing water services infrastructure* to the extent that the permit holder has the power to clear *native vegetation* to maintain *existing water services infrastructure* 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* for the purpose of maintaining the efficacy of the *existing water services infrastructure* where:
- (i) it does not have the power to clear native vegetation for this purpose under the *Water Corporation Act 1995* or any other *written law*;
 - (ii) the *clearing* may be seriously at variance with the *clearing principles*; or
 - (iii) the maintenance of *existing water services infrastructure* is incorporated in any proposal that is referred and assessed under Part IV of the *EP Act* by the *EPA*;
or
 - (iv) The clearing may have a significant impact on a *matter of national environmental significance* under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

- (b) If a *proposal* incorporating maintenance of *existing water services infrastructure* has been referred to the EPA, this Permit does not authorise any *clearing* for that activity until:
- (i) the EPA has given notice under section 39A(3) 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 *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 39A(7) of the *EP Act*.

3. 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.

4. Compliance with Assessment Sequence and Assessment Procedures

Prior to clearing any native vegetation under condition 1(a)(i) or (ii) of this Permit, the permit holder must comply with the Assessment Sequence and the Assessment Procedures set out in Part II of this Permit.

PART II – ASSESSMENT SEQUENCE AND ASSESSMENT PROCEDURES

5. Avoid, minimise etc clearing

In determining the amount of native vegetation to be cleared for the purpose of maintaining an *existing water services infrastructure* 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.

6. Clearing in ESAs

The permit holder must determine whether the authorised clearing:

- (a) comprises an ESA; and
- (b) is likely to cause *land degradation*; or
- (c) is likely to cause *deterioration of water quality*.

PART III – MANAGEMENT OF CLEARING IMPACTS

7. Management Strategies

Where the permit holder determines under condition 6 that the area to be cleared comprises an ESA and the clearing is likely to cause *land degradation* or *deterioration of water quality*, the permit holder must prepare, implement and adhere to a *management strategy* designed by an *environmental specialist*, in consultation with the Commissioner of Soil and Land Conservation, to avoid, mitigate or manage the *land degradation* or

deterioration of water quality that triggered the permit holder's obligation to comply with this condition.

8. Dieback, other pathogen and weed control

- (a) 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*:
- (i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
 - (ii) avoid the movement of soil in wet conditions;
 - (iii) if movement of soil in wet conditions is necessary, the permit holder must prepare, implement and adhere to a *dieback* management plan developed in consultation with the Department of Biodiversity, Conservation and Attractions for minimising the spread of *dieback*;
 - (iv) ensure that no *dieback*-affected *road building materials, mulches* or *fill* are brought into an area that is not affected by *dieback*; and
 - (v) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.
- (b) Where the permit holder considers, having regard to the advice of an *environmental specialist*, that the area to be cleared may be susceptible to a pathogen other than *dieback*, the permit holder must take appropriate steps to minimise the risk of the introduction and spread of that pathogen.
- (c) 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 *road building materials, 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.
- (d) At least once in each 12 month period for the *term* of this Permit, the permit holder must remove or kill any *weeds* growing within areas *cleared, revegetated* and *rehabilitated* under this Permit where those *weeds* are likely, having regard to 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*.

9. Revegetation and rehabilitation

Where native vegetation is cleared under conditions 1(a)(iii) of this Permit, or upon removal of *water services infrastructure*, or when areas cleared of *native vegetation* are no longer required in order to maintain *existing water services infrastructure*, the permit holder must *revegetate* and *rehabilitate* the area that was previously cleared pursuant to this permit.

PART V – RECORD KEEPING AND REPORTING

10. Records must be kept

The permit holder must maintain the following records for activities done pursuant to this Permit, as relevant:

- (a) in relation to the *clearing of native vegetation* undertaken pursuant to condition 1:
 - (i) the location where the clearing occurred, recorded using Geocentric Datum Australia 1994;
 - (ii) the date that the area was cleared;
 - (iii) the size of the area cleared (in hectares);
- (b) in relation to each *management strategy* implemented:
 - (i) a map showing the location of any area to which a *management strategy* has been applied in accordance with condition 7, recorded using Geocentric Datum Australia 1994;
 - (ii) a description of the *management strategy* implemented under condition 7; and
 - (iii) the size of the area to which the *management strategy* was applied under condition 7 (in hectares);
- (c) in relation to the *revegetation and rehabilitation* of areas:
 - (i) a map showing the location of any area *revegetated and rehabilitated* in accordance with condition 9, recorded using Geocentric Datum Australia 1994;
 - (ii) a description of the *revegetation and rehabilitation* activities undertaken pursuant to condition 9; and
 - (iii) the size of the area *revegetated and rehabilitated* (in hectares) pursuant to condition 9;

11. Reporting

- (a) The permit holder must provide to the *CEO*, on or before 30 June of each year, a written report of activities done by the permit holder under this Permit between 1 January and 31 December of the preceding year.
- (b) The report must set out the records required to be maintained pursuant to condition 10 of this Permit, except for those records relating to cleared areas of less than 0.5 hectares that:
 - (i) do not trigger an obligation to *revegetate* or *rehabilitate* under condition 9; and
 - (ii) do not trigger an obligation to implement a *management strategy* under condition 7.

PART VI – INTERPRETATION AND DEFINITIONS

12. 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.

13. 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.

14. 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 14(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.

15. Definitions

The following meanings are given to terms used in this Permit:

CEO means the Chief Executive Officer of the *Department*;

clearing has the meaning given to it in section 51A of the *Environmental Protection Act 1986*;

clearing principles means the principles for *clearing native vegetation* set out in Schedule 5 of the *Environmental Protection Act 1986*;

condition means the rating given to *native vegetation* using the *Keighery scale* and refers to the degree of change in the structure, density and species present in the particular vegetation in comparison to undisturbed vegetation of the same type;

Department means the Western Australian government agency responsible for the implementation of the clearing provisions under Part V, Division 2 of the *Environmental Protection Act 1986*;

deterioration of water quality includes sedimentation, turbidity, eutrophication, salinity, or any alteration of pH affecting surface water or groundwater;

dieback means the effect of *Phytophthora* species on *native vegetation*;

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

drain 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 *Rights in water and Irrigation Act 1914*;

environmental harm has the same meaning as it is given in section 3A of the *Environmental Protection Act 1986*;

environmental specialist means a person who is engaged by the permit holder for the purpose of providing environmental advice, who holds a tertiary qualification in environmental science or equivalent, and has experience relevant to the type of environmental advice that an environmental specialist is required to provide under this Permit;

environmental value has the same meaning as it is given in section 3 of the *Environmental Protection Act 1986*;

EPA means the Western Australian Environmental Protection Authority;

EP Act means the *Environmental Protection Act 1986*;

ESA means an environmentally sensitive area, as declared in the *Environmental Protection (Environmentally Sensitive Areas) Notice 2005* under section 51B of the *Environmental Protection Act 1986*;

existing water services infrastructure 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 *Water Corporation Act 1995* and any other written laws, that is in existence at the time clearing is sought to be carried out under this Permit;

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

good or better condition means that the vegetation is in either pristine, excellent, very good or good condition according to *Keighery scale*;

Keighery scale means the vegetation condition scale described in *Bushland Plant Survey: A Guide to Plant Community Survey for the Community (1994)* as developed by B.J. Keighery and published by the Wildflower Society of WA (Inc). Nedlands, Western Australia;

land degradation includes salinity, erosion, soil acidity or waterlogging;

management strategy means any activity, method or approach implemented pursuant to condition 7 of this Permit;

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 *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

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;

native vegetation has the meaning given to it in sections 3 and 51A of the *Environmental Protection Act 1986* and regulation 4 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*;

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

proposal has the meaning given to it in section 3 of the *Environmental Protection Act 1986*;

refer/red means referred to the Environmental Protection Authority under Part IV of the *Environmental Protection Act 1986*;

regenerate/ed/ion means *revegetation* that can be established from in situ seed banks contained either within the topsoil or seed-bearing *mulch*;

region means one of the following regions as designated by Water Corporation at the date of issue of this Permit and depicted in the maps that form part of this Permit in Schedule 1:

- (a) Perth;
- (b) North West;
- (c) Mid West;
- (d) Agricultural;
- (e) Goldfields;
- (f) South West;
- (g) Great Southern;

rehabilitate/ed/ion means actively managing an area containing native vegetation in order to improve the ecological function of that area;

revegetate/ed/ion means the re-establishment of a cover of *native vegetation* in an area such that the species composition, structure and density is similar to *pre-clearing* vegetation types in that area, and can involve *regeneration, direct seeding and/or planting*;

road building materials means rock, gravel, soil, stone, timber, boulders and water;

term means the duration of this Permit, including as amended or renewed;

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; and

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



Meenu Vitarana
A/MANAGER
NATIVE VEGETATION REGULATION

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

31 March 2021

SCHEDULE 1

WATER CORPORATION REGIONS

