



## CLEARING PERMIT

*Granted under section 51E of the Environmental Protection Act 1986*

|                               |  |
|-------------------------------|--|
| <b>Purpose permit number:</b> | CPS 1991/1   |
| <b>Permit holder:</b>         | Electricity Networks Corporation, trading as Western Power   |
| <b>Purpose of clearing:</b>   | Clearing for the construction of a 220kV transmission line   |
| <b>Shire:</b>                 | City of Albany, Shire of Broomehill, Shire of Collie, Shire of Gnowangerup, Shire of Kojonup, Shire of Tambellup, Shire of West Arthur |
| <b>Duration of permit:</b>    | 8 March 2008 – 8 March 2013  |

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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 – CLEARING AUTHORISED**

### **1. Land on which clearing is to be done**

The areas shaded yellow on Plan 1991/1a, Plan 1991/1b, Plan 1991/1c, Plan 1991/1d, Plan 1991/1e, Plan 1991/1f, Plan 1991/1g, Plan 1991/1h, Plan 1991/1i, Plan 1991/1j, Plan 1991/1k, Plan 1991/1l, Plan 1991/1m, Plan 1991/1n, Plan 1991/1o and Plan 1991/1p.

### **2. Area of Clearing**

The Permit Holder must not clear more than 41.2 hectares of native vegetation.

### **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. Type of clearing authorised**

This Permit authorises the permit holder to clear native vegetation for activities to the extent that the permit holder has the power to clear native vegetation for those activities under the *Energy Operators (Powers) Act 1979* or any other written law.

### **5. Compliance with Assessment Sequence and Management Procedures**

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



## PART II – ASSESSMENT SEQUENCE AND MANAGEMENT PROCEDURE

### 6. Avoid, minimise etc clearing

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.

### 7. Flora management

Where rare flora or *priority flora taxa* have been identified within the areas described below (as per Annexures 1 and 2):

- (i) Ecoscape (Australia) Pty Ltd 2005 survey site 1;
- (ii) ENV Australia 2006 flora survey site 34;
- (iii) ENV Australia 2006 flora survey site 46;
- (iv) ENV Australia 2006 flora survey site 61; and
- (v) ENV Australia 2006 flora survey site 82;

the Permit Holder shall ensure that:

- (a) no clearing occurs within 50 metres of identified rare flora, unless approved by the CEO; and
- (b) no clearing occurs with 10 metres of identified *priority flora taxa*, unless approved by the CEO.

### 8. Fauna management

(a) The areas described below have been inspected by a *fauna specialist* who has identified them as significant fauna habitat (as per Annexures 1 and 2):

- (i) Ecoscape (Australia) Pty Ltd 2005 survey site 3;
- (ii) Ecoscape (Australia) Pty Ltd 2005 survey site 4;
- (iii) Ecoscape (Australia) Pty Ltd 2005 survey site 5;
- (iv) Ecoscape (Australia) Pty Ltd 2005 survey site 7;
- (v) Ecoscape (Australia) Pty Ltd 2005 survey site 8;
- (vi) ENV Australia 2006 fauna survey site 12;
- (vii) ENV Australia 2006 fauna survey site 14;
- (viii) ENV Australia 2006 fauna survey site 16;
- (ix) ENV Australia 2006 fauna survey site 18;
- (x) ENV Australia 2006 flora survey site 34;
- (xi) ENV Australia 2006 flora survey site 82; and
- (xii) ENV Australia 2006 flora survey site 87;

(b) Prior to clearing within the areas described in condition 8(a) of this Permit, the areas shall be inspected by a *fauna specialist* who shall identify threatened and locally significant fauna including but not limited to:

- (i) Malleefowl (*Leipoa ocellata*);
- (ii) Australasian Bittern (*Botaurus poiciloptilus*);
- (iii) Glossy Swamp Skink (*Egernia luctuosa*); and
- (iv) Crowned Snake (*Elapognathus coronatus*).

- (c) The Permit Holder shall ensure that any threatened and locally significant fauna identified shall be removed and relocated by a *fauna clearing person*, in accordance with a licence issued by the Department.

## 9. Dieback, other pathogen and weed control

- (a) When undertaking any clearing or other activity pursuant to this Permit, 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 for minimising the spread of *dieback*;
  - (iv) ensure that no *dieback*-affected *road building materials*, *mulches* or *fill* is 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 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*, including but not limited to Saffron Thistle (*Carthamus lanatus*) which has been identified at ENV Australia 2006 flora survey sites 56, 58 and 59 (as per Annexure 2), by:
- (i) cleaning earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
  - (ii) ensuring that no *weed*-affected *road building materials*, *mulch*, *fill* or other material is brought into the area to be cleared; and
  - (iii) restricting 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 or the subject of an *offset* implemented by the Permit Holder 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*.



## 10. Offsets

If part or all of the clearing to be done is or may be at variance with one or more of the clearing principles, then the Permit Holder must implement an *offset* in accordance with condition 10 of this Permit with respect to that native vegetation.

(a) Determination of *offsets*:

- (i) In determining the *offset* to be implemented with respect to a particular area of native vegetation proposed to be cleared under this Permit, the Permit Holder must have regard to the *offset* principles contained in condition 10(b) of this Permit.
- (ii) Once the Permit Holder has developed an *offset proposal*, the Permit Holder must provide that *offset proposal* to the CEO for the CEO's approval prior to undertaking any clearing to which the *offset* relates, and prior to implementing the *offset*.
- (iii) Clearing may not commence until and unless the CEO has approved the *offset proposal*.
- (iv) The Permit Holder shall implement the *offset proposal* approved under condition 10(a)(iii).
- (v) Each *offset proposal* shall include a *direct offset*, timing for implementation of the *offset proposal* and may additionally include *contributing offsets*.

(b) The *offset* principles:

- (i) *direct offsets* should directly counterbalance the loss of the native vegetation;
- (ii) *contributing offsets* should complement and enhance the *direct offset*;
- (iii) *offsets* are implemented only once all avenues to avoid, minimise, rectify or reduce environmental impacts have been exhausted;
- (iv) the environmental values, habitat, species, *ecological community*, physical area, ecosystem, landscape, and hydrology of the *offset* should be the same as, or better than, that of the area of native vegetation being *offset*;
- (v) a ratio greater than 1:1 should be applied to the size of the area of native vegetation that is offset to compensate for the risk that the *offset* may fail;
- (vi) *offsets* must entail a robust and consistent assessment process;
- (vii) in determining an appropriate *offset*, consideration should be given to ecosystem function, rarity and type of *ecological community*, vegetation *condition*, habitat quality and area of native vegetation cleared;
- (viii) the *offset* should either result in no net loss of native vegetation, or lead to a net gain in native vegetation and improve the *condition* of the natural environment;
- (ix) *offsets* must satisfy all statutory requirements;
- (x) *offsets* must be clearly defined, documented and audited;
- (xi) *offsets* must ensure a long-term (10-30 year) benefit; and
- (xii) an *environmental specialist* must be involved in the design, assessment and monitoring of *offsets*.

## 11. Revegetation and rehabilitation

- (a) The Permit Holder must *revegetate* and *rehabilitate* any areas no longer required for the purpose for which they were cleared under this Permit.
- (b) The *revegetation* and *rehabilitation* of an area pursuant to this condition 11(a) of this Permit:

- (i) must be carried out within 12 months once the Permit Holder no longer requires that area for the purpose for which they were cleared under this Permit, in accordance with condition 11(a) of this Permit; and
  - (ii) must be undertaken according to a *Revegetation Plan* that the Permit Holder must provide to the CEO prior to clearing native vegetation from the area that is to be *revegetated* and *rehabilitated*.
- (c) A *Revegetation Plan* must be developed and must involve the following steps:
- (i) *site preparation*;
  - (ii) *weed control*;
  - (iii) *regeneration, direct seeding or planting, at an optimal time*;
  - (iv) *a vegetation establishment period*; and
  - (v) *ongoing maintenance and monitoring*.
- (d) Any area of native vegetation that does not form part of the area to be cleared under this Permit and that has been damaged as a result of the clearing by the Permit Holder must be *revegetated* and *rehabilitated* in accordance with condition 11.

### PART III – RECORD KEEPING AND REPORTING

#### 12. Records must be kept

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

- (a) In relation to the clearing of native vegetation undertaken pursuant to the purpose of clearing:
  - (i) the species composition, structure and density of the cleared area;
  - (ii) the location where the clearing occurred, recorded using Geocentric Datum Australia 1994;
  - (iii) the date that the area was cleared; and
  - (iv) the size of the area cleared (in hectares).
- (b) In relation to flora management pursuant to condition 7:
  - (i) the location of each rare flora and *priority flora taxa* recorded using Geocentric Datum Australia 1994; and
  - (ii) the species of each rare flora and *priority flora taxa* identified.
- (c) In relation to fauna management pursuant to condition 8:
  - (i) the species of fauna reasonably likely to utilise, or that have been observed utilising the vegetation as habitat;
  - (ii) the species and number of each species relocated; and
  - (iii) the location and date where relocated fauna was released, using Geocentric Datum Australia 1994.
- (d) In relation to *dieback*, other pathogens and *weed* management pursuant to condition 9:
  - (i) a copy of any management plan prepared in accordance with condition 9(a)(iii); and
  - (ii) for any pathogen other than *dieback*, the appropriate steps taken in accordance with condition 9(b).



- (e) In relation to *offsets* pursuant to condition 10:
  - (i) the location of any area of *offsets* recorded using Geocentric Datum Australia 1994;
  - (ii) a description of the *offset* activities undertaken; and
  - (iii) the size of the *offset* area (in hectares).
- (f) In relation to *revegetation* and *rehabilitation* pursuant to condition 11:
  - (i) a copy of each *Revegetation Plan* provided to the CEO;
  - (ii) the location of any area *revegetated* and *rehabilitated*, recorded using Geocentric Datum Australia 1994;
  - (iii) a description of the *revegetation* and *rehabilitation* activities undertaken; and
  - (iv) the size of the area *revegetated* and *rehabilitated* (in hectares).

### 13. Reporting

The Permit Holder must provide to the CEO, on or before 30 June of each year, a written report of records required under condition 12 and of activities done by the Permit Holder under this Permit between 1 January and 31 December of the preceding year.

### 14. Monitoring

The Permit Holder must monitor:

- (a) areas *revegetated* and *rehabilitated* under this Permit to determine compliance with the relevant *Revegetation Plan* and the conditions of this Permit; and
- (b) areas the subject of an *offset* implemented under this Permit to determine compliance with the relevant *offset proposal* and the conditions of this Permit.

## PART IV – INTERPRETATION AND DEFINITIONS

### 15. 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; and
- (b) if a word or phrase is defined, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.

### 16. 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.

### 17. Inconsistency

- (a) The *Environmental Protection Act 1986* prevails to the extent of any inconsistency between its provisions and the conditions of this Permit.

Subject to condition 17(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.



## 18. Definitions

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

**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;

**contributing offset/s** has the same meaning as is given to that term in the Environmental Protection Authority's *Position Statement No.9: Environmental Offsets*, January 2006;

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

**direct offset/s** has the same meaning as is given to that term in the Environmental Protection Authority's *Position Statement No.9: Environmental Offsets*, January 2006;

**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;

**ecological community** 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. An ecological community is a naturally occurring biological assemblage that occurs in a particular type of habitat;

**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;

**fauna specialist** means a person with training and specific work experience in fauna identification or faunal assemblage surveys of Western Australian fauna;

**fauna clearing person** means a person who has obtained a licence from the Department, issued pursuant to the *Wildlife Conservation Regulations 1970* authorising them to take fauna

**flora specialist** means a person with specific training and/or experience in the ecology and taxonomy of Western Australian flora;

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

**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;

**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;

**offset/s** means an offset required to be implemented under Condition 10 of this Permit;

**offset proposal** means an *offset* determined by the Permit Holder in accordance with condition 10 of this Permit;

**optimal time** means the optimal time for undertaking *direct seeding* and *planting* as set out in the table in Schedule 1 of this Permit;

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

**priority flora taxa** means those plant taxa that described as priority flora classes 1, 2, 3 or 4 in the Department's *Declared Rare and Priority Flora List for Western Australia* (as amended);

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

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

**revegetate/ed/ion** means the re-establishment of a cover of 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*;

**Revegetation Plan** means a plan developed by the Permit Holder for the *revegetation* and *rehabilitation* of a site in accordance with condition 11 of this Permit;

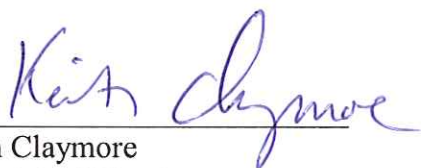
**road building materials** means rock, gravel, soil, stone, timber, boulders and water;

**site preparation** means management of existing site topsoil and preparation of the finished soil surface, for example by ripping or tilling the soil surface and resspreading site topsoil and chipped native vegetation;

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

**vegetation establishment period** means a period of at least two summers after the *revegetation* during which time replacement and infill *revegetation* works may be required for areas in which *revegetation* has been unsuccessful, and involves regular inspections of *revegetation* sites to monitor the success of *revegetation*;

**weed/s** means a species listed in Appendix 3 of the *Environmental Weed Strategy* published by the Department of Conservation and Land Management (1999), and plants declared under section 37 of the *Agricultural and Related Resources Protection Act 1976*.



Keith Claymore  
A/Assistant Director  
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Department of Environment and Conservation  
Officer delegated under Section 20  
of the Environmental Protection Act 1986

7 February 2008

## SCHEDULE 1

### Optimal Timing for Seeding and Planting

| Region                 | Optimal Timing   |  |
|------------------------|--|--|
|                        | Seeding  | Planting   |
| 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.  |
| 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. |
| South West             | April-June.  | May-June.  |
| Wheatbelt North        | May – June.  | June- July.                                      |
| Wheatbelt South        | April-June.  | May-June.  |



## **ANNEXURE 1**

**Ecoscape (Australia) Pty Ltd 2005 spring survey  
Environmental Assessment – Collie to Wellstead Transmission Line**

## **ANNEXURE 2**

**ENV Australia 2006 spring survey**

**Muja Power Station to Southdown Transmission Line – Biological Assessment**