



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 2821/2
Permit Holder:	Main Roads Western Australia
Duration of Permit:	27 December 2008 – 27 December 2014

The Permit Holder is authorised to clear native vegetation subject to the following conditions of this Permit.

PART I – CLEARING AUTHORISED

1. Purpose for which clearing may be done

Clearing for the purpose of road widening and realignment.

2. Land on which clearing is to be done

ROAD RESERVE (Brookton Highway KONDININ 6367)

3. Area of Clearing

The Permit Holder must not clear more than 1.4 hectares of native vegetation within the area solid filled yellow on attached Plan 2821/2a, Plan 2821/2b, Plan 2821/2c.

4. Application

This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

5. Type of clearing authorised

- (a) 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 *Main Roads Act 1930* or any other written law.
- (b) Clearing authorised under this Permit must be completed by 27 December 2010, being two years from the date from which this Permit becomes valid.

6. Compliance with Assessment Sequence and Management Procedures

Prior to clearing any native vegetation under conditions 1, 2 and 3 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 PROCEDURES

7. Avoid, minimise etc clearing

In determining the amount of native vegetation to be cleared authorised under this Permit, the Permit Holder must have regard to the following principles, set out in order of preference:

- (a) avoid the clearing of native vegetation;
- (b) minimise the amount of native vegetation to be cleared; and
- (c) reduce the impact of clearing on any environmental value.

8. Weed Control

When undertaking any clearing or other activity pursuant to this Permit the Permit Holder must take the following steps to minimise the risk of the introduction and spread of *weeds*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (b) ensure that no *weed*-affected *mulch*, *fill* or other material is brought into the area to be cleared; and
- (c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

9. Fauna Management – site inspection (habitat)

- (a) Prior to undertaking any clearing authorised under this Permit, the areas shall be inspected by a *fauna specialist* who shall identify habitat suitable to be utilised as habitat by fauna listed in the *Wildlife Conservation (Specially Protected Fauna) Notice 2008(2)*.
- (b) Prior to clearing, any habitat identified by condition 9(a) shall be inspected by a *fauna specialist* for the presence of fauna listed in the *Wildlife Conservation (Specially Protected Fauna) Notice 2008(2)*.
- (c) Prior to clearing, the Permit Holder shall ensure that any fauna identified by condition 9(b) shall be removed and relocated by a *fauna clearing person*, in accordance with a licence issued by the Department of Environment and Conservation.

10. Offsets

The Permit Holder must develop and implement an *offset* in accordance with conditions 10(a) and 10(b) of this Permit for that clearing that may be at or is at variance with the *clearing principles*, including that native vegetation identified as requiring an *offset* in the decision report.

(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*;
- (vi) within two years of completing clearing of native vegetation authorised under this Permit, the Permit Holder must implement the *offset*; and
- (vii) where, in the opinion of an *environmental specialist*, there is evidence that the *offset* is unlikely to achieve the targets specified in the CEO-approved *offset proposal*, the Permit Holder must undertake *remedial action* at an *optimal time* within the next 12 months to ensure successful establishment of the *offset* prior to expiry of this Permit.

(b) For the purpose of this condition, the *offset principles* are as follows:

- (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*.

PART III – RECORD KEEPING AND REPORTING

11. Records must be kept

- (a) The Permit Holder must maintain the following records for activities done pursuant to this Permit in relation to the clearing of native vegetation authorised under this Permit:
 - (i) the species composition, structure and density of the cleared area;
 - (ii) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings;
 - (iii) the date that the area was cleared; and
 - (iv) the size of the area cleared (in hectares).
- (b) In relation to fauna management pursuant to condition 9 of this Permit:
 - (i) the location of each habitat identified recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings;
 - (ii) the species of fauna reasonably likely to utilise, or that have been observed utilising, the habitat; and
 - (iii) the location and date where relocated fauna was released, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings.
- (c) In relation to the *offset* of areas pursuant to condition 10:
 - (i) the location of any area of *offsets* recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings;
 - (ii) a description of the *offset* activities undertaken; and
 - (iii) the size of the *offset* area (in hectares).

12. Reporting

- (a) The Permit Holder must provide to the CEO, on or before 30 June of each year, a written report of records required under condition 11 of this Permit and activities done by the Permit Holder under this Permit between 1 January and 31 December of the preceding year.
- (b) Prior to 20 September 2014, the Permit Holder must provide to the CEO a written report of records required under condition 11 of this Permit where these records have not already been provided under condition 12(a) of this Permit.

Definitions

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

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;

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

ecological community/ies 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;

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 of Environment and Conservation, issued pursuant to the *Wildlife Conservation Regulations 1970* (as amended) authorising them to take fauna in order to carry out the approved clearing associated with this Permit;

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 this Permit;

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

weed 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
NATURE CONSERVATION DIVISION

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

12 February 2009