



1. Application details

1.1. Permit application details

Permit application No.: 3454/4
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: ATCO Gas Australia Pty Ltd
Application received date: 21 December 2020

1.3. Property details

Property: The State of Western Australia
Localities: Statewide

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
N/A		Mechanical Removal	Water/gas/cable/pipeline/power installation

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 9 April 2021

Reasons for Decision: This clearing permit amendment application was received on 21 December 2020 and has been made in order to:

- amend the permit conditions, to bring them in line with current departmental policies and procedures; and
- extend the permit duration from 30 April 2021 to 30 April 2022.

The Delegated Officer took into consideration that the proposed amendment relates only to administrative changes to permit conditions and the extension of the permit duration from 30 April 2021 to 30 April 2022.

The Delegated Officer determined that environmental impacts associated with clearing activities undertaken through the permit can be appropriately managed through the conditions imposed on the permit.

2. Site Information

Clearing Description: The proposed amendment to Clearing Permit CPS 3454/3 is for the purpose of extending the permit duration to 30 April 2022 and relates to clearing of native vegetation for the construction of extensions to the State's gas distribution network, including extensions of the gas distribution network in ESAs.

Vegetation Condition As clearing is to occur state-wide, the condition of native vegetation to be cleared under this permit is likely to range from Completely Degraded to Excellent (Keighery, 1994) condition, described as:

- Completely Degraded: The structure of the vegetation is no longer intact, and the area is completely or almost without native species;
- Degraded: Basic vegetation structure severely impacted but disturbance. Scope for regeneration but not to a state approaching good condition without intensive management;
- Good: Vegetation structure significantly altered by very obvious signs of multiple disturbance. Retain basic vegetation structure or ability to regenerate to it;
- Very Good: Vegetation structure altered, obvious signs of disturbance; and
- Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994).

3. Assessment of application against clearing principles and planning instruments and other matters

In determining the amount of native vegetation required to be cleared for construction of extensions to the State's gas distribution network, ATCO Gas Australia Pty Ltd is required to have regard to three principles as outlined under condition 5 of the permit, being, avoid the clearing of native vegetation, minimise the amount of native vegetation to be cleared and reduce the impact of clearing on any environmental value.

Clearing for project activities will occur state-wide. Therefore, after adhering to condition 5, if clearing is still required, it is likely that some areas proposed to be cleared will:

- comprise a high level of biodiversity;

- comprise whole or part of, or be necessary for the maintenance of, a significant habitat for fauna;
- include or be necessary for the continued existence of, threatened flora;
- comprise the whole or a part of, or be necessary for the maintenance of a threatened ecological community;
- be a significant remnant of native vegetation in an area that has been extensively cleared;
- be growing in, or in association with, an environment associated with a watercourse or wetland;
- cause appreciable land degradation;
- will impact on the environmental value of adjacent or nearby conservation areas;
- cause deterioration in the quality of surface or underground water; and
- cause or exacerbate the incidence or intensity of flooding.

Where areas proposed to be cleared are identified by ATCO Gas Australia Pty Ltd's environmental assessment as being seriously at variance, at variance, or may be at variance, with one or more of the ten clearing principles listed in Schedule 5 of the *Environmental Protection Act 1986*, then the assessment process set out in Part II of the clearing permit will require ATCO Gas Australia Pty Ltd to:

- undertake an environmental impact assessment, including any necessary biological surveys, if required;
- prepare, implement and adhere to an environmental management plan to address the clearing impacts, in accordance with Part IV of the clearing permit; and
- seek submissions from relevant stakeholders and government organisations.

If ATCO Gas Australia Pty Ltd's environmental impact assessment under Part II of the clearing permit determines that part or all of the clearing for a project is likely to be at variance with one or more of the clearing principles, ATCO Gas Australia Pty Ltd is required to implement an offset in accordance with Part V of the clearing permit. If the proposed clearing is likely to be at variance or may be at variance with clearing principles (g), (i) or (j), then ATCO Gas Australia Pty Ltd is required to prepare, implement and adhere to a management strategy in consultation with the Commissioner of Soil and Land Conservation, in accordance with Part IV of the clearing permit, to address the impacts of clearing on land degradation, water quality or flooding.

Under conditions 12 and 13 of the clearing permit, ATCO Gas Australia Pty Ltd will also be required to revegetate and rehabilitate areas that have been temporarily cleared and undertake weed and dieback management measures when undertaking the proposed clearing, to reduce impacts.

The permit does not authorise clearing for any project activities if the clearing is likely to be seriously at variance with one or more of the clearing principles. If ATCO Gas Australia Pty Ltd's environmental impact assessment under Part II of the clearing permit determines that part or all of the clearing for a project is likely to be seriously at variance with one or more of the clearing principles, Part III of the clearing permit will require ATCO Gas Australia Pty Ltd to apply to the CEO for a clearing permit in respect of that clearing.

Planning instruments and other relevant matters.

Clearing Permit CPS 3454/1 was granted to the WA Gas Networks Pty Ltd (now ATCO Gas Australia Pty Ltd) on 31 March 2010 by the then Department of Environment and Conservation. The clearing permit authorises the clearing of native vegetation for a range of defined activities across Western Australia necessary for the construction of extensions to the State's gas distribution network. The permit has since been amended twice, with CPS 3454/3 being the latest amendment.

The clearing permit amendment application was advertised on the DWER website on 20 March 2021 with a 14-day submission period. One public submission was received in relation to this application. The public submission did not oppose the extension of state-wide Clearing Permit CPS 3454 for an additional 12 months, but raised the following concerns in regards to future iterations of the permit (Submission, 2021):

Clearing authorised:

- Condition 2(a)(i) should be updated so that clearing is not permitted where the clearing is or is likely to be at variance with any of the clearing principles.

Pre-clearing requirements:

- The wording of Condition 4(b)(i) may be interpreted as operating independently of the other clauses and should be updated.

Avoidance and minimisation:

- The framework used by DWER to interrogate the quality of avoidance and minimisation measures is not transparent.

Field surveys:

- Field surveys should be required under Condition 6(a) where no or few records of species are identified in a desktop survey, or where individual records are more than five years old.
- Field and biological surveys undertaken under Condition 6 should be required to be provided to submitters under Condition 7(b).

Submission responses:

- The current permit does not specify what needs to occur in response to a submission received under Condition 7 or how this is to be addressed in the Environmental Impact Assessment (EIA) Report.
- There is no avenue for a submitter to appeal or further review individual projects after making a submission.

Weed control:

- The obligation to control weeds under Condition 13(d) should be extended beyond the duration of the Clearing Permit.

Auditing:

- External auditing under Condition 20 should be updated to require external auditing annually and auditing reports should be made publicly available.

CPS 3454/3 was due to expire on 30 April 2021. In order to allow sufficient time to complete a review of the conditions and permit processes, DWER has extended the permit's duration by 12 months until 30 April 2022. The conditions of CPS 3454/4 are identical to the previous version of the permit, with minor updates to bring them in line with current departmental policies and procedures. DWER is currently reviewing the operation of CPS 3454 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 construction and extensions to the State's gas distribution network. Issues raised through the public submission above will be incorporated within this review and considered in any future iterations of the state-wide clearing permit.

4. References

Keighery, B. J. (1994) *Bushland Plant Survey: A Guide to Plant Community Survey for the Community*. Wildflower Society of WA (Inc). Nedlands, Western Australia.

Submission (2021) *Public submission in relation to clearing permit amendment application CPS 3454/4*, received 2 April 2021 (DWER Ref: DWERDT435448).