



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 3454/4
Permit Holder:	ATCO Gas Australia Pty Ltd
Purpose of clearing:	Clearing for the construction of extensions to the gas distribution network including extensions of the gas distribution network in ESAs.
Duration of Permit:	30 April 2010 – 30 April 2022

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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:
 - (i) to construct pipelines and any associated apparatus, facilities, infrastructure, structures, plant or equipment;
 - (ii) to construct any apparatus, facilities, infrastructure, structures, plant or equipment that support the gas distribution network;
 - (iii) to construct new *temporary works*;
 - (iv) to construct new *camps*;
 - (v) to construct new *firebreaks*;
 - (vi) for the extraction of water for construction and commissioning purposes;
 - (vii) for commissioning including hydro-testing, introduction of a nitrogen blanket, and introduction of gas;
 - (viii) *project surveys*;
 - (ix) *pre-construction activities*; and
 - (x) any other activity connected with the *project activities* described in condition 1(a)(i) to 1(a)(ix) of this permit.
- (b) This Permit authorises the Permit Holder to clear native vegetation for the activities described in condition 1(a) of this Permit to the extent that the Permit Holder is not otherwise required to clear native vegetation for those *project activities* under the *Energy Operators (Powers) Act 1979* 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 may be seriously at variance with one or more of the *clearing principles*; or
 - (ii) one or more of the activities described in condition 1(a) of this Permit are incorporated or related to a proposal that is *referred* to and assessed under Part IV of the *EP Act* by the *EPA*; or
 - (iii) 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 one or more of the *project activities* has been *referred* to the *EPA*, this Permit does not authorise any clearing for that *project 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 *project activity* that is incorporated in a proposal referred to in condition 2(b) of this Permit, 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. Requirements prior to undertaking clearing

- (a) Prior to clearing any native vegetation under this Permit, the Permit Holder must:
- (i) comply with the *Assessment Procedure* and the *Assessment Principles* set out in this Permit;
 - (ii) if an *offset* is required to be implemented pursuant to condition 8(c) of this Permit, provide the *CEO* with an *offset proposal* for the *CEO*'s approval;
 - (iii) if a *management strategy* is required to be implemented pursuant to condition 8(d) of this Permit, provide the *CEO* with a *management strategy* for the *CEO*'s approval; and
 - (iv) if *revegetation* and *rehabilitation* is required to be done pursuant to condition 12 of this Permit, provide the *CEO* with a *Revegetation Plan* for the *CEO*'s approval.
- (b) The Permit Holder need not comply with condition 4(a)(iv) of this Permit if the area to be *revegetated* and *rehabilitated* is:
- (i) less than 0.5 hectares;
 - (ii) not located in an *ESA*; and
 - (iii) an area where the proposed clearing that triggers the obligation to *revegetate* and *rehabilitate* is not at variance or is not likely to be at variance with all of the *clearing principles*.

PART II - ASSESSMENT PROCEDURE

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

In determining the native vegetation authorised to be cleared under this permit, the Permit Holder must apply the following principles, set out in descending 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. Assessment of Clearing Impacts

- (a) Once the Permit Holder has complied with condition 5 of this Permit, if any native vegetation is to be cleared the Permit Holder must conduct a *desktop study* assessing the clearing to be undertaken against each of the *clearing principles* in accordance with the *Assessment Principles* set out in Part III of this Permit.
- (b) The *desktop study* must be conducted having regard to 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 – December 2014", contained in Annexure 1 to this Permit and, subject to condition 6(l) of this Permit, must include production of a *PEIA Report*.
- (c) The *PEIA Report* must set out:
 - (i) the manner in which the Permit Holder has had regard to the principles set out in condition 5 of this Permit;
 - (ii) the manner in which the Permit Holder has had regard to 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 – December 2014", in conducting a *desktop study*;
 - (iii) the amount (in hectares) and boundaries of clearing required for the *project activity*;
 - (iv) how each of the *clearing principles* has been addressed through the *desktop study*;
 - (v) whether the outcome of the *desktop study* indicates that the *clearing* is likely to be seriously at variance, at variance or may be at variance with one or more of the *clearing principles*; and
 - (vi) whether, in accordance with the *Assessment Principles*:
 - (A) *rehabilitation and revegetation*, or a *management strategy*, is likely to be required under Part IV of this Permit; and
 - (B) an *offset* is likely to be required under Part V of this Permit.
- (d) Where the outcome of the *desktop study* indicates that the clearing is likely to be seriously at variance, at variance or may be at variance with one or more of the *clearing principles*, the Permit Holder must undertake *EIA* in accordance with this condition, and seek submissions in accordance with condition 7 of this Permit.
- (e) Without limiting condition 6(d) of this Permit, where the information available is insufficient to allow the Permit Holder to assess the proposed clearing against one or more of the *clearing principles* as part of the *desktop study*, the Permit Holder must undertake *EIA* in accordance with this condition.
- (f) Where required pursuant to condition 6(d) of this Permit, the Permit Holder must conduct an *EIA* addressing those environmental values identified in the *desktop study* as likely to be affected by the clearing to an extent that is likely to be seriously at variance, at variance or may be at variance with one or more of the *clearing principles*.
- (g) Where required pursuant to condition 6(e) of this Permit, the Permit Holder must conduct an *EIA* assessing each of those *clearing principles* for which there was insufficient information available to undertake a *desktop study*.

- (h) *EIA* must be conducted having regard to 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 – December 2014"*, contained in Annexure 1 to this Permit and, subject to condition 6(l) of this Permit, must include production of an *EIA Report*.
- (i) *EIA* must include a *biological survey*, and:
- (i) where the area to be cleared may be affected by *dieback*, a *dieback survey*;
 - (ii) where the clearing may have a detrimental impact on the environmental values of a *wetland*, a *wetland field assessment*; and
 - (iii) 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*,
- and every such survey or field assessment must be conducted by an *environmental specialist*.
- (j) Any *biological survey* carried out pursuant to condition 6(i) of this Permit that relates to flora must be conducted having regard to *EPA's Technical Guidance – Flora and Vegetation EIA*, and any *biological survey* carried out pursuant to condition 6(i) that relates to fauna must be conducted having regard to *EPA's Technical Guidance – Terrestrial Vertebrate Fauna EIA*.
- (k) The *EIA Report* must set out:
- (i) copies of any submissions received pursuant to condition 7 of this Permit, and a statement addressing each of those submissions;
 - (ii) the manner in which the Permit Holder has had regard to 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 – December 2014"*, in conducting an *EIA*;
 - (iii) the results of any surveys and field assessments carried out pursuant to conditions 6(h) and 6(i) of this Permit;
 - (iv) any *impacts* likely to occur as a result of the clearing, including a description of those *impacts* that are likely to be seriously at variance, at variance or may be at variance with one or more of the *clearing principles*;
 - (v) any *rehabilitation*, *revegetation*, *management strategy* or other means of rectification that the Permit Holder will adopt to address the *impacts*; and
 - (vi) any *offsets* developed in accordance with Part V of this Permit that the Permit Holder will implement to address the *impacts*.
- (l) Where the Permit Holder conducts a *PEIA* and an *EIA* simultaneously:
- (i) the Permit Holder may produce one report, to be known as an *Assessment Report*, which contains all of the information required to be provided by this condition in a *PEIA Report* and an *EIA Report*; and
 - (ii) if the Permit Holder produces an *Assessment Report*, there is no need to produce a *PEIA Report* or an *EIA Report* for the proposed clearing.
- (m) Subject to condition 6(n) of this Permit, after undertaking the *EIA* the Permit Holder must prepare, implement and adhere to an *EMP* to address the *impacts*, in accordance with condition 10 of this Permit.
- (n) Where the results of the *EIA* indicate that clearing for the *project activity* is likely to be seriously at variance with one or more of the *clearing principles*, the Permit Holder must apply to the *CEO* for a clearing permit in respect of that clearing.

7. Submissions

- (a) The Permit Holder must invite submissions from the following parties about those *impacts* of the proposed clearing that are likely to be seriously at variance, at variance or may be at variance with one or more of the *clearing principles*:
 - (i) the *Department's* functional area responsible for the administration of clearing permits under the *EP Act*;
 - (ii) the Office of the Commissioner of Soil and Land Conservation in the Department of Primary Industries and Regional Development;
 - (iii) the Department of Water and Environmental Regulation's Urban Water Branch;
 - (iv) the local government responsible for the area that is to be cleared;
 - (v) 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;
 - (vi) 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
 - (vii) any other party that the Permit Holder reasonably considers may have an interest in the clearing that is proposed to be done.
- (b) The Permit Holder must provide the following information to the parties from whom it invites submissions under condition 7(a) of this Permit:
 - (i) a description of the land on which the clearing is to be done;
 - (ii) a description of the *project activities* for which the clearing is to be done;
 - (iii) the size of the area to be cleared (in hectares);
 - (iv) in what manner the Permit Holder considers that the clearing is likely to be seriously at variance, at variance or may be at variance with one or more of the *clearing principles*;
 - (v) an outline of any *rehabilitation, revegetation, management strategy or offset* proposed to be implemented in relation to the clearing;
 - (vi) the contact details of the person to whom submissions must be sent; and
 - (vii) the date by which submissions must be made.
- (c) The Permit Holder must allow a period of at least 21 days for submissions to be made.
- (d) Any submissions received by the Permit Holder under part (a) of this condition must be addressed in the *EIA Report* in accordance with condition 6(k) of this Permit.

PART III - ASSESSMENT PRINCIPLES

8. Assessment against the Clearing Principles

- (a) In complying with condition 6 of this Permit, the Permit Holder must have regard to 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 – December 2014"*, contained in Annexure 1 to this Permit, when conducting an assessment of the proposed clearing against the *clearing principles*.
- (b) If part or all of the clearing to be done is likely to be seriously at variance with one or more of the *clearing principles* then condition 6(n) of this Permit applies.
- (c) If part or all of the clearing to be done is likely to be at variance with one or more of the *clearing principles*, then the Permit Holder must implement an *offset* in accordance with Part V of this Permit with respect to that native vegetation, unless written advice to the contrary is provided by the *CEO*.

- (d) If part or all of the clearing to be done is likely to be at variance or may be at variance with *clearing principle* (g), *clearing principle* (i) or *clearing principle* (j), the Permit Holder must implement a *management strategy*, approved by the *CEO* in accordance with conditions 4(a)(iii) and 11 of this Permit, with respect to that clearing.
- (e) In making a determination under condition 8(b) of this Permit as to whether part or all of the clearing to be done is likely to be seriously at variance, or under conditions 8(c) and 8(d) of this Permit as to whether part or all of the clearing to be done is likely to be at variance or may be at variance, with one or more of the *clearing principles*, the Permit Holder must obtain and have regard to the advice of an *environmental specialist*.

9. Other

In assessing the clearing for the *project activity* against the *clearing principles*, the Permit Holder must have regard to any approved policy (as defined in section 3 of the *EP Act*) and any planning instrument (as defined in section 51O of the *EP Act*), that applies to the area of native vegetation to be cleared.

PART IV – MANAGEMENT

10. Environmental management plan

- (a) The Permit Holder must prepare, implement and adhere to an *EMP* if required by condition 6(m) of this Permit.
- (b) The *EMP* must have regard to the Permit Holder's *Projects Advice Checklist* and include:
 - (i) a plan for managing the *impacts*;
 - (ii) a table setting out the Permit Holder's commitments to the *EMP*'s requirements;
 - (iii) a program for monitoring compliance with the Permit Holder's commitments;
 - (iv) a copy of the *Revegetation Plan*, where required under condition 12 of this Permit.

11. Management strategy

- (a) Where the Permit Holder is required under this Permit to comply with condition 8(d), the Permit Holder must prepare, implement and adhere to a strategy designed by an *environmental specialist*, in consultation with the Commissioner of Soil and Land Conservation, to avoid, mitigate or manage the *land degradation*, *water quality deterioration*, or flooding that triggered the permit holder's obligation to comply with this condition.
- (b) Once the permit holder has developed a *management strategy*, the permit holder must provide that *management strategy* to the *CEO* for the *CEO*'s approval prior to undertaking any clearing of an area to which the *management strategy* is related, and prior to implementing the *management strategy*.

12. Revegetation and rehabilitation

- (a) The Permit Holder must *revegetate* and *rehabilitate* the following areas once those areas are no longer required for the following purpose for which they were cleared under this Permit:
 - (i) *temporary works*;
 - (ii) *extraction sites*;

- (iii) *camps*;
 - (iv) *project surveys*;
 - (v) *pre-construction activities*; or
 - (vi) other *project activities* where part or all of the area cleared is no longer required to be used for the purpose for which it was cleared.
- (b) The Permit Holder need not *revegetate* and *rehabilitate* an area specified in condition 12(a) of this Permit if:
- (i) the Permit Holder intends to use that cleared area for another *project activity* within 12 months of that area no longer being required for the purpose for which it was originally cleared under this Permit; or
 - (ii) written advice to this effect is provided by the *CEO*.
- (c) The *revegetation* and *rehabilitation* of an area in accordance with conditions 12(a) and 12(b) of this Permit must be undertaken according to a *Revegetation Plan* that the permit holder must provide to the *CEO* for the *CEO*'s approval prior to clearing native vegetation from the area that is to be *revegetated* and *rehabilitated* unless written advice to the contrary is provided by the *CEO*.
- (d) The Permit Holder need not comply with condition 12(c) of this Permit if the area to be *revegetated* and *rehabilitated* is:
- (i) less than 0.5 hectares;
 - (ii) not located in an *ESA*; and
 - (iii) an area where the proposed clearing that triggers the obligation to *revegetate* and *rehabilitate* is not at variance or is not likely to be at variance with all of the *clearing principles*.
- (e) Where required by condition 12(c) of this Permit, a *Revegetation Plan* must be prepared to include 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.

13. Dieback, other pathogens 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* 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*, 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*.

PART V – OFFSETS

14. Determination of offsets

- (a) In preparing an *offset proposal* with respect to a particular area of native vegetation proposed to be cleared under this Permit, the Permit Holder must comply with the principles in the Government of Western Australia, WA Environmental Offsets Policy, September 2011 and have regard to the WA Environmental Offsets Guidelines, August 2014.
- (b) 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 in accordance with condition 4(a)(ii) of this Permit, prior to undertaking any clearing to which the *offset* related, and prior to implementing the *offset*.

15. Duration of offsets

- (a) The Permit Holder must ensure that an *offset* implemented under this Permit continues to be implemented for the *term* of this Permit.
- (b) If for any reason an *offset* is not continually implemented for the *term* of this Permit, the Permit Holder must:
 - (i) implement the *offset* again within 12 months of becoming aware that the *offset* is not succeeding or being maintained; and
 - (ii) if necessary, modify the *offset* in a manner that increases the likelihood that the *offset* will be implemented for the *term* of this Permit.

PART VI – MONITORING, REPORTING & AUDITING

16. 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.

17. Records of assessment and clearing

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 pursuant to condition 1(a) of this Permit:
 - (i) a copy of any *PEIA Report*, *EIA Report* and *Assessment Report* produced in accordance with condition 6 of this Permit;
 - (ii) a copy of any *EMP* produced in accordance with conditions 6 and 10 of this Permit;
 - (iii) 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;
 - (iv) the size of the area cleared (in hectares); and
 - (v) the dates on which the clearing was done.
- (b) In relation to each *management strategy* implemented pursuant to condition 11 of this Permit:
 - (i) the location of any area to which a *management strategy* has been applied, 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 each *management strategy* implemented; and
 - (iii) the size of the area to which the *management strategy* was applied (in hectares).
- (c) In relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 12 of this Permit:
 - (i) a copy of each *Revegetation Plan* provided to the *CEO* in accordance with condition 12(c) of this Permit;
 - (ii) the location of any area *revegetated* and *rehabilitated*, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings;
 - (iii) a description of the *revegetation* and *rehabilitation* activities undertaken; and
 - (iv) the size of the area *revegetated* and *rehabilitated* (in hectares).
- (d) In relation to the control of *weeds*, *dieback* and other pathogens pursuant to condition 13 of this Permit:
 - (i) a copy of any *dieback* management plan prepared in accordance with condition 13(a)(iii) of this Permit ; and
 - (ii) for any pathogen other than *dieback*, the appropriate steps taken in accordance with condition 13 of this Permit.

- (e) In relation to each *offset* implemented pursuant to Part V of this Permit:
 - (i) a copy of each *offset proposal* approved by the *CEO* in accordance with condition 14(b) of this Permit;
 - (ii) the location of any *offset* implemented, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings;
 - (iii) a description of each *offset* implemented; and
 - (iv) the size of the area of each *offset* (in hectares).

18. 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 17 of this Permit, except for those records relating to cleared areas of less than 0.5 hectares that:
 - (i) are not located in an *ESA*;
 - (ii) do not require an *offset* to be implemented; and
 - (iii) are not at variance or not likely to be at variance with all of the *clearing principles*.

19. Internal auditing

- (a) The Permit Holder must conduct *internal environmental audits* for areas specified in condition 19(c) of this Permit 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 *management strategies* implemented; and
 - (iv) the implementation status of any *revegetation* or *rehabilitation* undertaken.
- (b) The Permit Holder must conduct its first *internal environmental audit* within 6 months of the date of this Permit. Subsequent *internal environmental audits* must be conducted annually.
- (c) The areas to be audited under condition 19(a) of this Permit must be selected by the auditor using a structured and documented risk-based selection framework, and must include at least one cleared area in each *bioregion* in which clearing has been done under this Permit within the previous 12 months.
- (d) The Permit Holder must provide written reports of the *internal environmental audits* conducted pursuant to this condition 19 of this Permit to the *CEO* on or before 30 December of each year for the *term* of this Permit, which reports must include details of steps taken by the Permit Holder to address any non-compliance with conditions of this Permit.

20. External auditing

- (a) The permit holder must engage an external accredited *lead environmental auditor* to undertake environmental audits of the permit holder's compliance with the conditions of this Permit for each *bioregion* in which clearing is done under this Permit.

- (b) The *external environmental audits* must be done on or before 30 April 2018 and 30 April 2020 unless authorised otherwise in writing by the *CEO*.
- (c) 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 unless authorised otherwise in writing by the *CEO*.

PART VII – INTERPRETATION & DEFINITIONS

21. 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.

22. 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.

23. 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 23(a) of this Permit, 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.

Definitions

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

<i>Assessment Principles</i>	means the assessment principles set out in Part III of this Permit;
<i>Assessment Procedure</i>	means the assessment procedure set out in Part II of this Permit;
<i>Assessment Report</i>	has the meaning given to that term in condition 6(l) of this Permit;
<i>authorised survey</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

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;

<i>bioregion</i>	has the meaning given to it in regulation 3 of the <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i> ;
<i>camp/s</i>	means any facilities required to be established by the Permit Holder at the site of a <i>project activity</i> such as offices, storerooms, workshops, toilets, washing facilities, accommodation, change rooms, shelter sheds, drying conveniences, mess rooms;
<i>CEO</i>	Chief Executive Officer of the Department responsible for the administration of the clearing provisions under the <i>Environmental Protection Act 1986</i> ;
<i>clearing principles</i>	means the principles for clearing native vegetation set out in Schedule 5 of the <i>Environmental Protection Act 1986</i> ;
<i>condition</i>	means the rating given to native vegetation using the <i>Keighery scale</i> 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;
<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>Environmental Protection Act 1986</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>dieback</i>	means the effect of <i>Phytophthora</i> species on native vegetation;
<i>dieback survey</i>	means a site visit undertaken by an <i>environmental specialist</i> to: (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> ; and (d) map areas of different <i>soil disease status</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>ecological community</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. An ecological community is a naturally occurring biological assemblage that occurs in a particular type of habitat;

<i>EIA</i>	means environmental impact assessment, as described in conditions 6(d)-(n) of this Permit;
<i>EIA Report</i>	means the document produced as an outcome of conducting an <i>EIA</i> in accordance with conditions 6(d)-(n) of this Permit;
<i>EMP</i>	means environmental management plan, as described in condition 10 of this Permit;
<i>engineering survey</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 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 a minimum of 2 years work experience relevant to the type of environmental advice that an environmental specialist is required to provide under this Permit;
<i>EP Act</i>	means the <i>Environmental Protection Act 1986</i> (WA);
<i>EPA</i>	means the Western Australian Environmental Protection Authority;
<i>EPA's Technical Guidance – Flora and Vegetation EIA</i>	means the publication “ <i>Technical Guidance – Flora and Vegetation Surveys for Environmental Impact Assessment</i> ”, Environmental Protection Authority (2016);
<i>EPA's Technical Guidance – Terrestrial Vertebrate Fauna EIA</i>	means the publication “ <i>Technical Guidance – Terrestrial Vertebrate Fauna Surveys for Environmental Impact Assessments</i> ”, Environmental Protection Authority (2020);
<i>ESA</i>	means an environmentally sensitive area, as declared in the <i>Environmental Protection (Environmentally Sensitive Areas) Notice 2005</i> under section 51B of the <i>Environmental Protection Act 1986</i> ;
<i>external environmental audit</i>	means an audit conducted by a <i>lead environmental auditor</i> in accordance with condition 20 of this Permit;
<i>extraction sites</i>	includes gravel pits, borrow pits, water bores and other sites from which <i>road building materials</i> are extracted;
<i>fill</i>	means material used to increase the ground level, or fill a hollow;
<i>firebreak/s</i>	means a firebreak established in accordance with the <i>Bush Fires Act 1954</i> ;
<i>gas distribution network</i>	means infrastructure including any associated apparatus, facilities, infrastructure, structures, plant or equipment for the provision of gas supply or services;
<i>geological survey</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 environmental values;
<i>internal environmental audit</i>	means an audit conducted by the Permit Holder in accordance with condition 19 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, 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>management strategy</i>	means any activity, method or approach implemented pursuant to condition 11 of this Permit;
<i>matter of national environmental significance</i>	A matter of national environmental significance is any of the following: (i) a declared World Heritage property (ii) a national Heritage place (iii) a declared Ramsar site (iv) a listed threatened species or endangered community (v) a listed migratory species (vii) 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>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>offset/s</i>	means an offset required to be implemented under Part V of this Permit;
<i>offset proposal</i>	means an offset determined by the Permit Holder in accordance with Part V of this Permit;
<i>PEIA Report</i>	means the document produced as an outcome of conducting a <i>desktop study</i> in accordance with conditions 6(a)-(c) 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</i>	means establishing storage areas, erecting fences and doing similar

<i>activities</i>	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</i> , <i>engineering surveys</i> and <i>geological surveys</i> ;
<i>referred</i>	means referred to the Environmental Protection Authority under Part IV of the <i>Environmental Protection Act 1986</i> ;
<i>regenerate/ed/ion</i>	means <i>revegetation</i> that can be established from in situ seed banks contained either within the topsoil or seed-bearing <i>mulch</i> ;
<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 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 <i>regeneration</i> , <i>direct seeding</i> and/or <i>planting</i> ;
<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 12 of this Permit;
<i>road building materials</i>	means rock, gravel, soil, stone, timber, boulders and water;
<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 resspreading site topsoil and chipped native vegetation;
<i>term</i>	means the duration of this Permit, including as amended or renewed;
<i>temporary works</i>	means access tracks, spoil areas, side tracks, site offices, storage areas, laydown areas and similar works associated with a <i>project activity</i> that are temporary in nature;
<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 establishment period</i>	means a period of at least two summers after the <i>revegetation</i> during which time replacement and infill <i>revegetation</i> works may be required for areas in which revegetation has been unsuccessful, and involves regular inspections of <i>revegetation</i> sites to monitor the success of <i>revegetation</i> ;
<i>water quality deterioration</i>	includes sedimentation, turbidity, eutrophication, salinity, or alteration of pH affecting surface water or groundwater;
<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.

wetland/s	has the same meaning as it is given in Schedule 5 of the <i>Environmental Protection Act 1986</i> ;
wetland field assessment	means a site visit by an <i>environmental specialist</i> to: <ul style="list-style-type: none">(a) verify <i>desktop study</i> information; and(b) delineate key flora and fauna values of <i>defined wetlands</i> and their potential sensitivity to impact;
written law	has the same meaning as it is given in section 5 of the <i>Interpretation Act 1984</i> .

Ryan Mincham
MANAGER
NATIVE VEGETATION REGULATION

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

9 April 2021

ANNEXURE 1

A guide to the assessment of applications to clear native vegetation - Under Part V Division 2 of the *Environmental Protection Act 1986* – December 2014

ADVICE

1. Type of clearing authorised

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 VI of this Permit may be made publicly available.

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

The Permit Holder must ensure that it complies with any obligation under section 38(5) 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.

4. 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 *bioregion*. 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.

5. 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.

6. External Audit

When conducting an *external audit* under condition 20 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.