



## CLEARING PERMIT

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

<b>Purpose Permit Number:</b>	CPS 4241/1
<b>Permit Holder:</b>	DBNGP (WA) Nominees Pty Ltd (as trustee for the DBNGP WA Pipeline Trust)
<b>Purpose of Clearing:</b>	Operation and maintenance of <i>existing gas pipeline infrastructure</i> , including within <i>ESAs</i> ; and prevention of danger to human life or health, or irreversible damage to a significant portion of the environment, or as a result of an accident, including within <i>ESAs</i> .
<b>Duration of Permit:</b>	18 June 2011 – 7 April 2026

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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) to the maximum extent cleared within the previous 10 years, in order to maintain the *existing gas pipeline infrastructure*;
  - (ii) around *existing gas pipeline infrastructure*, in order to comply with Australian Standard AS2885: Pipelines Gas and Liquid Petroleum. This clearing is limited to:
    - A. maintaining line of sight visibility between pipeline signposts;
    - B. ensuring large trees do not grow immediately adjacent to the pipeline creating an access problem in the event of an emergency situation;
    - C. clearing for the maintenance of test points;
    - D. clearing for repairs to pipeline and/or pipeline coating; and
    - E. clearing of airstrips and taxiways to allow access to compressor stations to Civil Aviation Authority Standards;
  - (iii) in order to operate and maintain facilities which support the *existing gas pipeline infrastructure*;
  - (iv) to maintain appropriate firebreaks around pipeline facilities to ensure compliance with the *Bush Fires Act, 1954* and Local Government Regulations;
  - (v) to access and repair a pipeline in the event of damage or leak to ensure public safety and continuity of supply;
  - (vi) to prevent danger to human life or health, or irreversible damage to a significant portion of the environment; or
  - (vii) as a result of an accident caused otherwise than by the negligence of the person clearing or the person who authorised the clearing.
- (b) This Permit authorises the Permit Holder to clear native vegetation to operate and maintain *existing gas pipeline infrastructure* to the extent that the Permit Holder is not otherwise required to clear native vegetation to maintain *existing gas pipeline infrastructure* under a *written law* and to the extent that the Permit Holder has the power to maintain the *existing gas pipeline infrastructure* under the *Dampier to Bunbury Pipeline Act 1997*; *Energy Operators (Powers) Act 1979*; and the *Petroleum Pipelines Act 1969* and relevant regulations 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 operating and maintaining the *existing gas pipeline infrastructure* where:
- (i) the clearing may be seriously at variance with the *clearing principles*; or
  - (ii) the operation and maintenance of *existing gas pipeline infrastructure* is incorporated in any *proposal* that is *referred* and assessed under Part IV of the *Environmental Protection Act 1986* by the *EPA*.
- (b) If a *proposal* incorporating operation and maintenance of *existing gas pipeline 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 *Environmental Protection Act 1986* 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 *Environmental Protection Act 1986*.

### 3. Application

This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder and its *related body corporate*, 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 Management Procedures

Prior to clearing any native vegetation under Conditions 1(a)(i), (ii), (iii) or (iv) 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 ASSESSMENT PROCEDURES

### 5. Avoid, minimise etc clearing

In determining the amount of native vegetation to be cleared for the purpose of operating and maintaining an *existing gas pipeline infrastructure*, the Permit Holder must have regard to the following principles, set out in order of preference:

- (i) avoid the clearing of native vegetation;
- (ii) minimise the amount of native vegetation to be cleared; and
- (iii) reduce the impact of clearing on any environmental value.

### 6. Clearing in ESAs

The Permit Holder must determine whether part or all of the area to be cleared under Conditions 1(a)(i), (ii), (iii) or (iv);

- (i) comprises an *ESA*; and
- (ii) is likely to cause *land degradation*; or
- (iii) is likely to cause *water quality deterioration*.

## PART III – MANAGEMENT OF CLEARING IMPACTS

### 7. Environmental management plan

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 *water quality deterioration*, the Permit Holder must implement and adhere to the *EMP*, to avoid, mitigate or manage the *land degradation* or *water quality deterioration* that triggered the Permit Holder's obligation to comply with this condition.

### 8. Dieback, other pathogen and weed control

(a) When undertaking any clearing under Condition 1(a)(i), (ii), (iii) or (iv), *revegetation* and *rehabilitation*, or other activity pursuant to this Permit (other than those activities referred to in Condition 1(a)(v), (vi) or (vii)) in any part of a location that has an average annual rainfall of greater than 400 millimetres and is south of the 26<sup>th</sup> 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 adhere to the *dieback* measures in the *EMP* for minimising the spread of *dieback*;
- (iv) ensure that no *dieback*-affected *road building materials*, *mulch* 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 under Condition 1(a)(i), (ii), (iii) or (iv) 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 under Condition 1(a)(i), (ii), (iii) or (iv), *revegetation* and *rehabilitation*, or other activity pursuant to this Permit (other than those activities referred to in Condition 1(a)(v), (vi) or (vii)) 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)(v), (vi) or (vii) of this Permit, or when areas cleared of native vegetation are no longer required in order to maintain *existing gas pipeline 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 to 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(a):
  - (i) 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 or decimal degrees;
  - (ii) the date that the area was cleared; and
  - (iii) the size of the area cleared (in hectares).
- (b) in relation to the *EMP* pursuant to Condition 7, a description of the *EMP* activities undertaken, in accordance with that *EMP*.
- (c) In relation to the *revegetation* and *rehabilitation* of areas pursuant to Condition 9 of this Permit:
  - (i) a map showing the location of any area *revegetated* or *rehabilitated*, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
  - (ii) a description of the *revegetation* and *rehabilitation* activities undertaken; and
  - (iii) the size of the area *revegetated* and *rehabilitated* (in hectares).

**11. Reporting**

- (a) The Permit Holder shall provide to the Executive Director, Environment, Department of Mines and Petroleum, on or before 30 June each year for the life of this Permit, 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 an *EMP* 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; and
- (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 Executive Director, Environment, Department of Mines and Petroleum’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 Executive Director, Environment, Department of Mines and Petroleum’s power to impose and are not otherwise ultra vires or invalid.

### **14. Inconsistency**

- (a) The *Environmental Protection Act 1986* 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, 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:

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

*water quality deterioration* includes sedimentation, turbidity, eutrophication, salinity, or 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;

*EMP* means the document titled: “Dampier to Bunbury Natural Gas Pipeline – Operational Environmental Management Plan (TEB-001-0020-05) Revision 4”, dated May 2009 as amended or revised to maintain consistency with current legislation and environmental practices;

*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;

*EPA* means the Environmental Protection Authority, Western Australian;

*ESA/s* means an environmentally sensitive area, as declared by a notice under section 51B of the *Environmental Protection Act 1986*;

*existing gas pipeline infrastructure* means infrastructure necessary for the provision of gas transmission services as provided for under the *Dampier to Bunbury Pipeline Act 1997* 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;

*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;

*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*;

*referred* 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*;

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

*related body corporate* has the meaning given to in Section 9 of the *Corporations Acts 2001 (Cth)*

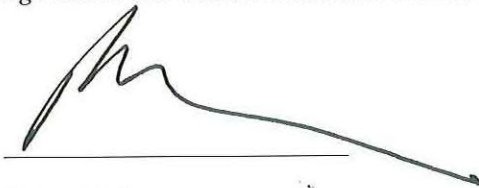
*revegetate/ed/ion* means the re-establishment of a cover of native vegetation in an area such that the species composition, structure and density is similar to pre-clearing vegetation types in that area, and can involve *regeneration, direct seeding and/or planting*;

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

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

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

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



Richard Sellers  
DIRECTOR GENERAL

Officer with delegated authority under Section 20  
of the Environmental Protection Act 1986

26 May 2011