



## CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

<b>Purpose Permit number:</b>	4277/3
<b>Permit Holder:</b>	APT Parmelia Pty Ltd
<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>	From 18 June 2011 to 25 November 2029

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The Permit Holder is authorised to clear native vegetation subject to the following 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. protecting the pipeline and its coating from becoming attached or encircled by roots from large trees;
    - C. ensuring large trees do not grow immediately adjacent to the pipeline creating an access problem in the event of an emergency situation;
    - D. clearing to allow access by off-road vehicles for maintenance and surveillance purposes; and
    - E. clearing for repairs to pipeline and/or pipeline coating.
  - (iii) in order to operate and maintain facilities which support the 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 *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 is likely to be seriously at variance with one or more of the *clearing principles*;
  - (ii) the clearing and the associated effect on the environment would be inconsistent with any approved policy (as defined in section 3 of the *Environmental Protection Act 1986*); or
  - (iii) 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 38G(1) of the *Environmental Protection Act 1986* that it has decided not to assess the *proposal*.

- (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 38G(7) of the *Environmental Protection Act 1986*.

**3. 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**

**4. Avoid, minimise and reduce the impacts and extent of 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 apply 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.

**5. 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**

**6. Environmental management plan**

Where the Permit Holder determines under Condition 5 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.

**7. 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*.

**8. Revegetation and rehabilitation**

Where native vegetation is cleared under Condition 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 IV - RECORD KEEPING AND REPORTING**

**9. Records to be kept**

The Permit Holder must maintain records relating to the listed relevant matters in accordance with the specifications detailed in Table 1.

**Table 1: Records that must be kept.**

No.	Relevant matter	Specifications
1.	In relation to the clearing of native vegetation undertaken pursuant to Condition 1(a)	<ul style="list-style-type: none"> <li>(a) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (GDA2020), expressing the geographical coordinates in Eastings and Northings or decimal degrees;</li> <li>(b) the date that the area was cleared; and</li> <li>(c) the size of the area cleared (in hectares).</li> </ul>
2.	In relation to the EMP pursuant to Condition 6	<ul style="list-style-type: none"> <li>(a) a description of the EMP activities undertaken, in accordance with that EMP.</li> </ul>
3.	In relation to the <i>revegetation</i> and <i>rehabilitation</i> management pursuant to Condition 8	<ul style="list-style-type: none"> <li>(a) the location of any areas <i>revegetated</i> and <i>rehabilitated</i>, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (GDA2020), expressing the geographical coordinates in Eastings and Northings or decimal degrees;</li> <li>(b) a description of the <i>revegetation</i> and <i>rehabilitation</i> activities undertaken; and</li> <li>(c) the size of the area <i>revegetated</i> and <i>rehabilitated</i> (in hectares).</li> </ul>

## 10. Reporting

- (a) The Permit Holder shall provide a report to the *CEO* by 30 June each year for the life of this Permit, demonstrating adherence to all conditions of this Permit, and setting out the records required under Condition 9 of this Permit in relation to clearing carried out between 1 January and 31 December of the previous calendar year.
- (b) The report must set out the records required to be maintained pursuant to Condition 9 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 8; and
  - (ii) do not trigger an obligation to implement an *EMP* under Condition 6.

## **PART V - INTERPRETATION AND DEFINITIONS**

### 11. 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.

### 12. 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.

### 13. 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 13(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.

## **DEFINITIONS**

In this Permit, the terms in Table 2 have the meanings defined.

**Table 2: Definitions**

<b>Term</b>	<b>Definition</b>
CEO	the Chief Executive Officer of the Department responsible for administering the clearing provisions contained within the <i>Environmental Protection Act 1986</i> or an Officer with delegated authority under Section 20 of the <i>Environmental Protection Act 1986</i> .
clearing	has the meaning given under section 3(1) of the <i>Environmental Protection Act 1986</i> .
clearing principles	means the principles for clearing native vegetation set out in Schedule 5 of the <i>Environmental Protection Act 1986</i> .
condition/s	a condition to which this clearing permit is subject under section 51H of the EP Act.
department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> (WA) and designated as responsible for the administration of the EP Act, which includes Part V Division 3.

<b>Term</b>	<b>Definition</b>
dieback	means the effect of <i>Phytophthora</i> 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: “PGP.2373-PL-HSE-0001 Parmelia Gas Pipeline System Operations Environment Plan, Revision 11”, dated July 2023 as amended or revised to maintain consistency with current legislation and environmental practices.
environmental specialist	means a person 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, or who is approved by the <i>CEO</i> as a suitable environmental specialist.
EPA	means the Environmental Protection Authority, Western Australia.
ESA/s	means an environmentally sensitive area, as declared by a notice under section 51B of the <i>Environmental Protection Act 1986</i> .
existing gas pipeline infrastructure	means infrastructure necessary for the provision of gas transmission services as provided for under the <i>Petroleum Pipelines Act 1969</i> 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 to fill a depression.
good or better condition	means that the vegetation is in either pristine, excellent, very good or good condition according to <i>Keighery scale</i> .
Keighery scale	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.
land degradation	includes salinity, erosion, soil acidity or waterlogging.
local provenance	means native vegetation seeds and propagating material from natural sources within <50km kilometres in the same Interim Biogeographic Regionalisation for Australia (IBRA) subregion of the area cleared.
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.
native vegetation	has the meaning given under section 3(1) and section 51A of the <i>Environmental Protection Act 1986</i> .
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 <i>Environmental Protection Act 1986</i> .
referred	means referred to the Environmental Protection Authority under Part IV of the <i>Environmental Protection Act 1986</i> .
regenerate/ed/ion	means <i>revegetation</i> that can be established from in situ seed banks contained either within the topsoil or seed-bearing <i>mulch</i> .
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 <i>local provenance</i> native vegetation in an area using methods such as natural <i>regeneration</i> , <i>direct seeding</i> and/or <i>planting</i> , so that the species composition, structure and density is similar to pre-clearing vegetation types in that area.
road building materials	means rock, gravel, soil, stone, timber, boulders and water.
term	means the duration of this Permit, including as amended or renewed.

Term	Definition
water quality deterioration	includes sedimentation, turbidity, eutrophication, salinity, or alteration of pH affecting surface water or groundwater.
weed/s	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.
written law	has the same meaning as it is given in section 5 of the <i>Interpretation Act 1984</i> .

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**END OF CONDITIONS**

*Danielle Risbey*

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**Danielle Risbey** | Acting General Manager Mine Closure and Environmental Services  
 Resource and Environmental Compliance Division  
 25 November 2024

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