



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 7533/2
Permit Holder:	Commissioner of Main Roads
Duration of Permit:	From 20 August 2019 to 20 August 2039

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

ADVICE NOTE:

The funds referred to in condition 11 of this Permit are intended for the purchase of at least 242 hectares of native vegetation for conservation that contains:

- at least 226 hectares of Carnaby's cockatoo foraging habitat;
- at least 91 hectares of the Banksia Woodlands of the Swan Coastal Plain threatened ecological community;
- at least 17 hectares of vegetation significant as a remnant in an area that has been extensively cleared; and
- at least 16 hectares of significant wetlands.

1. Purpose for which clearing may be done

Clearing for the purpose of road construction and upgrades including associated activities.

2. Land on which clearing is to be done

Brand Highway road reserve (PIN 1358753), Hill River
Brand Highway road reserve (PIN 1358743), Badgingarra
Lot 4180 on Plan 215549, Badgingarra
Brand Highway road reserve (PIN 1358737), Badgingarra
Brand Highway road reserve (PIN 11674695), Badgingarra
Brand Highway road reserve (PIN 11674696), Badgingarra
Lot 4255 on Plan 209084, Badgingarra
Brand Highway road reserve (PIN 11579146), Cooljarloo
Brand Highway road reserve (PIN 11674269), Cooljarloo
Brand Highway road reserve (PIN 11674270), Cataby
Brand Highway road reserve (PIN 1226149), Cataby
Brand Highway road reserve (PIN 1226168), Yathroo
Brand Highway road reserve (PIN 1226171), Regans Ford
Brand Highway road reserve (PIN 1226192), Red Gully
Brand Highway road reserve (PIN 1188398), Orange Springs
Lot 13800 on Plan 206476, Red Gully
Lot 14246 on Plan 27746, Red Gully
Brand Highway road reserve (PIN 11674225), Granville

3. Area of clearing

- (a) The Permit Holder must not clear more than 1.3 hectares of native vegetation within the area cross-hatched yellow on attached Plan 7533/2a.
- (b) The Permit Holder must not clear more than 2.2 hectares of native vegetation within the area cross-hatched yellow on attached Plan 7533/2b.
- (c) The Permit Holder must not clear more than 2.7 hectares of native vegetation within the area cross-hatched yellow on attached Plan 7533/2c.
- (d) The Permit Holder must not clear more than 1.8 hectares of native vegetation within the area cross-hatched yellow on attached Plan 7533/2d.
- (e) The Permit Holder must not clear more than 1.6 hectares of native vegetation within the area cross-hatched yellow on attached Plan 7533/2e.
- (f) The Permit Holder must not clear more than 2.1 hectares of native vegetation within the area cross-hatched yellow on attached Plan 7533/2f.
- (g) The Permit Holder must not clear more than 2.6 hectares of native vegetation within the area cross-hatched yellow on attached Plan 7533/2g.
- (h) The Permit Holder must not clear more than 2.2 hectares of native vegetation within the area cross-hatched yellow on attached Plan 7533/2h.
- (i) The Permit Holder must not clear more than 2.2 hectares of native vegetation within the area cross-hatched yellow on attached Plan 7533/2i.
- (j) The Permit Holder must not clear more than 6 hectares of native vegetation within the combined area cross-hatched yellow on attached Plan 7533/2j, Plan 7533/2k and Plan 7533/2l.
- (k) The Permit Holder must not clear more than 2.5 hectares of native vegetation within the area cross-hatched yellow on attached Plan 7533/2m.
- (l) The Permit Holder must not clear more than 4.6 hectares of native vegetation within the combined area cross-hatched yellow on attached Plan 7533/2n, Plan 7533/2o and Plan 7533/2p.
- (m) The Permit Holder must not clear more than 6 hectares of native vegetation within the area cross-hatched yellow on attached Plan 7533/2q.

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

This Permit authorises the Permit Holder to clear native vegetation for the activities described in condition 1 of this Permit to the extent that the Permit Holder has the power to carry out works involving clearing for those activities under the *Main Roads Act 1930* or any other written law.

6. Avoid, minimise and reduce the impacts and extent of 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.

7. Dieback and weed management

- (a) The Permit Holder must conduct a *dieback* survey of each of the areas cross-hatched yellow on attached Plan 7533/2a, Plan 7533/2b, Plan 7533/2c, Plan 7533/2d, Plan 7533/2e, Plan 7533/2f, Plan 7533/2g, Plan 7533/2h, Plan 7533/2i, Plan 7533/2j, Plan 7533/2k, Plan 7533/2l, Plan 7533/2m, Plan 7533/2n, Plan 7533/2o, Plan 7533/2p and Plan 7533/2q, undertaken by a *dieback specialist*, to map the presence of *dieback*.
- (b) Each *dieback* survey undertaken in accordance with condition 7(a) of this Permit must be undertaken prior to, but no greater than 12 months from, commencing clearing within the related area cross-hatched yellow on attached Plan 7533/2a, Plan 7533/2b, Plan 7533/2c, Plan 7533/2d, Plan 7533/2e, Plan 7533/2f, Plan 7533/2g, Plan 7533/2h, Plan 7533/2i, Plan 7533/2j, Plan 7533/2k, Plan 7533/2l, Plan 7533/2m, Plan 7533/2n, Plan 7533/2o, Plan 7533/2p and Plan 7533/2q.
- (c) The Permit Holder must prepare a Dieback and Weed Management Plan for each of the areas cross-hatched yellow on attached Plan 7533/2a, Plan 7533/2b, Plan 7533/2c, Plan 7533/2d, Plan 7533/2e, Plan 7533/2f, Plan 7533/2g, Plan 7533/2h, Plan 7533/2i, Plan 7533/2j, Plan 7533/2k, Plan 7533/2l, Plan 7533/2m, Plan 7533/2n, Plan 7533/2o, Plan 7533/2p and Plan 7533/2q, for minimising the spread and/or introduction of *dieback* and *weeds*.
- (d) Once the Permit Holder has developed a Dieback and Weed Management Plan, the Permit Holder must provide that Dieback and Weed Management Plan to the *CEO* for the *CEO*'s approval, prior to undertaking any clearing of any area to which the Dieback and Weed Management Plan is related, and prior to implementing the Dieback and Weed Management Plan.
- (e) If it is necessary to modify a Dieback and Weed Management Plan approved by the *CEO*, then the Permit Holder must provide that modified Dieback and Weed Management Plan to the *CEO* for the *CEO*'s approval prior to implementing the modified Dieback and Weed Management Plan.
- (f) The Permit Holder shall implement the latest version of each Dieback and Weed Management Plan approved by the *CEO*.

8. Fauna management

- (a) Up to one week prior to undertaking clearing of any of the areas cross-hatched yellow on attached Plan 7533/2b, Plan 7533/2c, Plan 7533/2d, Plan 7533/2e, Plan 7533/2f and Plan 7533/2g, that area shall be inspected by a *fauna specialist* to identify chuditch (*Dasyurus geoffroii*) dens and individuals.
- (b) Where a chuditch (*Dasyurus geoffroii*) individual(s) is identified in accordance with condition 8(a) of this Permit, clearing shall only occur within that area after the individual has either:
 - (i) moved on to adjacent suitable habitat of its own accord; or
 - (ii) has been relocated to adjacent suitable habitat by a *fauna specialist*.
- (c) Where a chuditch (*Dasyurus geoffroii*) den(s) is identified in accordance with condition 8(a) of this Permit, clearing shall only occur within that area after an equivalent replacement chuditch (*Dasyurus geoffroii*) den(s) has been installed in adjacent suitable habitat.
- (d) The Permit Holder is not required to comply with conditions 8(a), (b) and (c) of this Permit if the clearing of that area is undertaken during the period 1 January to 31 August.
- (e) The Permit Holder shall conduct clearing in a slow progressive manner towards adjacent remnant vegetation to allow fauna to escape the clearing activity.

9. Flora management

- (a) Prior to undertaking any clearing authorised within the areas cross-hatched yellow on attached Plan 7533/2j, Plan 7533/2k, Plan 7533/2l, Plan 7533/2m, Plan 7533/2n, Plan 7533/2o, Plan 7533/2p, and Plan 7533/2q, the Permit Holder must engage a *botanist* to conduct *targeted flora surveys* for the presence of *Thelymitra pulcherrima*.
- (b) The Permit Holder shall ensure that no clearing occurs within 10 metres of *Thelymitra pulcherrima* individuals identified through the surveys required by condition 9(a), unless the clearing is done in accordance with a Flora Management Plan required under condition 10 which has been approved by the *CEO*; and
- (c) Prior to undertaking any clearing within the areas cross-hatched yellow on attached Plan 7533/2j, Plan 7533/2k, Plan 7533/2l, Plan 7533/2m, Plan 7533/2n, Plan 7533/2o, Plan 7533/2p, and Plan 7533/2q, the Permit Holder shall provide the results of the *targeted flora survey* in a report to the *CEO*.

10. Flora Management Plan

- (a) Where the clearing within 10 metres of individuals of *Thelymitra pulcherrima* is unavoidable, the Permit Holder must submit a Flora Management plan to the *CEO* for approval. The management plan must contain the following:
 - (i) The results of the surveys carried out in accordance with condition 9;
 - (ii) Details of the Permit Holder's attempts to avoid and minimise impacts to *Thelymitra pulcherrima*; and
 - (iii) Proposed methods of minimising, mitigating and/or offsetting the residual impacts to *Thelymitra pulcherrima*.

11. Offsets

- (a) Prior to undertaking any clearing within the area cross-hatched yellow on attached Plan 7533/2j, Plan 7533/2k, Plan 7533/2l, Plan 7533/2n, Plan 7533/2o or attached Plan 7533/2p, and no later than 16 June 2038, the Permit Holder shall provide funding of \$162,450 to the Department for the purpose of establishing or maintaining native vegetation.
- (b) Prior to undertaking any clearing within the area cross-hatched yellow on attached Plan 7533/2b or attached Plan 7533/2d, and no later than 16 June 2038, the Permit Holder shall provide funding of \$51,750 to the Department for the purpose of establishing or maintaining native vegetation.
- (c) Prior to undertaking any clearing within the area cross-hatched yellow on attached Plan 7533/2e or attached Plan 7533/2g, and no later than 16 June 2038, the Permit Holder shall provide funding of \$50,700 to the Department for the purpose of establishing or maintaining native vegetation.
- (d) Prior to undertaking any clearing within the area cross-hatched yellow on attached Plan 7533/2a, and no later than 16 June 2038, the Permit Holder shall provide funding of \$6,210 to the Department for the purpose of establishing or maintaining native vegetation.
- (e) Prior to undertaking any clearing within the area cross-hatched yellow on attached Plan 7533/2c, and no later than 16 June 2038, the Permit Holder shall provide funding of \$35,190 to the Department for the purpose of establishing or maintaining native vegetation.
- (f) Prior to undertaking any clearing within the area cross-hatched yellow on attached Plan 7533/2f, and no later than 16 June 2038, the Permit Holder shall provide funding of \$21,450 to the Department for the purpose of establishing or maintaining native vegetation.
- (g) Prior to undertaking any clearing within the area cross-hatched yellow on attached Plan 7533/2h or attached Plan 7533/2i, and no later than 16 June 2038, the Permit Holder shall

provide funding of \$44,850 to the Department for the purpose of establishing or maintaining native vegetation.

- (h) Prior to undertaking any clearing within the area cross-hatched yellow on attached Plan 7533/2q, and no later than 16 June 2038, the Permit Holder shall provide funding of \$173,850 to the Department for the purpose of establishing or maintaining native vegetation.
- (i) Prior to undertaking any clearing within the area cross-hatched yellow on attached Plan 7533/2m, and no later than 16 June 2038, the Permit Holder shall provide funding of \$29,250 to the Department for the purpose of establishing or maintaining native vegetation.

12. Record keeping

The Permit Holder must maintain the following records:

- (a) In relation to the clearing of native vegetation authorised under this Permit:
 - (i) the boundaries of clearing undertaken on each date, 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 size of the area cleared (in hectares); and
 - (iii) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 6 of this Permit.
- (b) In relation to dieback and weed management pursuant to condition 7 of this Permit:
 - (i) a copy of each dieback survey report; and
 - (ii) actions taken in implementing each approved Dieback and Weed Management Plan.
- (c) In relation to fauna management pursuant to condition 8 of this Permit:
 - (i) the date(s) of inspection(s) by the *fauna specialist*;
 - (ii) a description of the *fauna specialist* inspection methodology employed;
 - (iii) the location of each chuditch (*Dasyurus geoffroii*) individual identified, recorded using a GPS unit set to GDA94, expressing the geographical coordinates in Eastings and Northings or decimal degrees;
 - (iv) the date each chuditch (*Dasyurus geoffroii*) individual was identified;
 - (v) the date(s) each identified chuditch (*Dasyurus geoffroii*) individual moved on to adjacent suitable habitat or was relocated to adjacent suitable habitat and a description of the adjacent suitable habitat;
 - (vi) the location of each chuditch (*Dasyurus geoffroii*) den identified, recorded using a GPS unit set to GDA94, expressing the geographical coordinates in Eastings and Northings or decimal degrees;
 - (vii) the date each chuditch (*Dasyurus geoffroii*) den was identified;
 - (viii) a photo and description of each chuditch (*Dasyurus geoffroii*) den identified;
 - (ix) the location of each replacement chuditch (*Dasyurus geoffroii*) den installed, recorded using a GPS unit set to GDA94, expressing the geographical coordinates in Eastings and Northings or decimal degrees;
 - (x) the date each replacement chuditch (*Dasyurus geoffroii*) den was installed; and
 - (xi) a photo and description of each replacement chuditch (*Dasyurus geoffroii*) den installed and the surrounding suitable habitat.
- (d) In relation to flora management pursuant to conditions 9 and 10 of this Permit:
 - (i) a copy of each flora survey report; and
 - (ii) actions taken in implementing each approved Flora Management Plan.
- (e) In relation to offsets pursuant to condition 11 of this Permit:
 - (i) the date(s) that the funds were provided.

13. Reporting

- (a) The Permit Holder must provide to the *CEO* on or before 30 June of each year, a written report:
 - (i) of records required under condition 12 of this Permit; and

- (ii) concerning activities done by the Permit Holder under this Permit between 1 January to 31 December of the preceding calendar year.
- (b) If no clearing authorised under this Permit has been undertaken, a written report confirming that no clearing under this Permit has been undertaken, must be provided to the *CEO* on or before 30 June of each year.
- (c) Prior to 20 June 2039, the Permit Holder must provide to the *CEO* a written report of records required under condition 12 of this Permit where these records have not already been provided under condition 13(a) of this Permit.

Definitions

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

botanist means a person who holds a tertiary qualification specialising in environmental science or equivalent, and has a minimum of 2 years work experience in Western Australian flora identification and undertaking flora surveys native to the bioregion being inspected or surveyed, or who is approved by the *CEO* as a suitable environmental specialist for the bioregion, and who holds a valid flora licence issued under the *Biodiversity Conservation Act 2016*.

CEO means the Chief Executive Officer of the Department responsible for the administration of the clearing provisions under the *Environmental Protection Act 1986*;

dieback means the effect of *Phytophthora* species on native vegetation;

dieback specialist: means a person who is registered as a dieback interpreter with the Department of Biodiversity, Conservation and Attractions, or who is approved by the *CEO* as a suitable dieback specialist;

fauna specialist: means a person who holds a tertiary qualification specializing in environmental science or equivalent, and has a minimum of 2 years work experience in fauna identification and surveys of fauna native to the region being inspected or surveyed, or who is approved by the *CEO* as a suitable fauna specialist for the bioregion, and who holds a valid fauna licence issued under the *Biodiversity Conservation Act 2016*;

targeted flora survey: means a field-based investigation, including a review of established literature, of the biodiversity of flora and vegetation of the Permit Area, focusing on habitat suitable for *Thelymitra pulcherrima* which is being targeted. Targeted survey should be carried out during the optimal time to identify *Thelymitra pulcherrima*;

weed/s means any plant -

- (a) that is a declared pest under section 22 of the *Biosecurity and Agriculture Management Act 2007*;
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.



Mathew Gannaway
MANAGER
NATIVE VEGETATION REGULATION

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

20 August 2019