



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

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| Purpose Permit number: | CPS 818/17 |
| Permit Holder: | Commissioner of Main Roads Western Australia |
| Purpose of clearing: | Clearing for <i>project activities</i> |
| Duration of Permit: | 12 December 2005 – 30 June 2026 |

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| Purpose of clearing: | Clearing for <i>project activities</i> |
| Duration of Permit: | 12 December 2005 – 30 June 2026 |

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 for *project activities*, which means any one or more of the following:
- (i) to construct new *roads*;
 - (ii) to construct *road* transport corridor infrastructure, including all buildings, depot sites, fences, gates, posts, boards, overpasses, underpasses, erections and structures placed upon any *road* that are associated with the use of the road;
 - (iii) to install new road signs, as defined in regulation 3 of the *Road Traffic Code 2000*;
 - (iv) to install new traffic-control signals, as defined in regulation 3 of the *Road Traffic Code 2000*;
 - (v) to establish new *sightline areas* and *crossover area*;
 - (vi) to re-establish *sightline areas* and *crossover area*;
 - (vii) to establish new *lateral clearance areas*;
 - (viii) to re-establish or expand *lateral clearance areas*;
 - (ix) to establish new *temporary works*;
 - (x) to construct and maintain new public roadside facilities, including principal shared paths and cycle paths;
 - (xi) to establish new *rest areas* and *camps*;
 - (xii) to re-establish *rest areas* and *camps*;
 - (xiii) to establish and maintain new *firebreaks*;
 - (xiv) to maintain the efficacy of new and existing *road* transport corridor infrastructure, to the following extents:
 - (A) for a building or structure – 20m from the building or structure;
 - (B) for a *drain* or fence line – 5m from the *drain* or fence line;
 - (C) for a vehicle track – 5m track width;
 - (xv) clearing for *revegetation and environmental management*;
 - (xvi) searching for and extracting *road building materials*;
 - (xvii) *road realignment*;
 - (xviii) *road widening*.
 - (xix) *project surveys*; and
 - (xx) *pre-construction activities*.
- (b) This Permit authorises the Permit Holder to clear native vegetation for the *project activities* described in condition 1(a) of this Permit to the extent that the Permit Holder has the power to carry out works involving clearing for those *project activities* under the *Main Roads Act 1930* 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 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 *EP Act*);

- (iii) a *proposal* incorporating a *project activity* described in condition 1(a) of this Permit has been referred to and assessed under Part IV of the *EP Act* by the *EPA*; or
 - (iv) the clearing is determined to be a *Controlled Action* under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) as it may have a significant impact on a *matter of national environmental significance*.
- (b) If a *proposal* incorporating a *project activity* described in condition 1(a) of this Permit has been referred to the *EPA*, this Permit does not authorise any clearing for that *project activity* unless:
- (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 forms part of, or is related to 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 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. The Permit Holder remains responsible for ensuring compliance with the conditions of this Permit.

4. Limits on authorised clearing

The total amount of native vegetation cleared within a calendar year pursuant to this Permit, per *region*, must not exceed the *regional clearing* limits unless authorised in writing by the *CEO*.

PART II - ASSESSMENT PROCEDURE

5. Avoid, minimise and reduce impacts of clearing

- (a) In determining the amount of native vegetation to be cleared, the Permit Holder shall 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.
- (b) The Permit Holder must demonstrate that alternatives to clearing have been considered, including, where relevant, but not limited to:
- (i) reducing speed limits;
 - (ii) retaining low frangible vegetation as a 'soft safety barrier'; and
 - (iii) consideration of alternative engineering and design options
- (c) Where alternatives to clearing are not considered viable, the Permit Holder must document why this is the case.

6. Assessment of clearing impacts – desktop study

- (a) Once the Permit Holder has complied with condition 5 of this Permit, a *desktop study* shall be conducted for the native vegetation to be cleared against each of the clearing principles in accordance with the current version of 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*".
- (b) The *desktop study* must be conducted having regard to:

- (i) any approved policy (as defined in section 3 of the *EP Act*), that applies to the area of native vegetation to be cleared; and
 - (ii) any planning instrument (as defined in section 3 of the *EP Act*), that applies to the area of native vegetation to be cleared.
- (c) The *desktop study* must include production of a *Desktop Report*, unless an *Assessment Report* has been prepared in accordance with condition 7(i) or the *CEO* has advised in writing that a *Desktop Report* is not required.
- (d) The *Desktop Report* must set out:
- (i) The Permit Holder's consideration of alternatives to clearing, and management measures and actions implemented to avoid and minimise the *impacts* of the clearing in accordance with the condition 5 of this Permit;
 - (ii) the manner in which the Permit Holder has had regard to any approved policy and planning instrument in accordance with condition 6(b) of this permit;
 - (iii) the area (in hectares) of clearing required for the *project activity*;
 - (iv) for an area greater than 0.5 hectares, the boundaries of clearing required for the *project activities* recorded as a *shapefile*;
 - (v) for an area of 0.5 hectares or less, a co-ordinate of the location of clearing required for the *project activities*;
 - (vi) how the Permit Holder has had regard to the clearing principles through the *desktop study*;
 - (vii) whether the outcome of the *desktop study* indicates that the clearing is at variance, may be at variance, not likely to be at variance or not at variance with each of the clearing principles;
 - (viii) any *impacts* likely to occur as a result of the clearing, including a description of those *impacts* that are at variance or may be at variance with one or more of the clearing principles; and
 - (ix) whether:
 - (A) *rehabilitation* and *revegetation* are likely to be required under condition 9 of this Permit; and
 - (B) the management of *dieback* is likely to be required under condition 10 of this Permit.
- (e) An *Assessment Report*, must be prepared in accordance with condition 7 where:
- (i) the outcome of the *desktop study* indicates that the clearing is at variance with one or more of the clearing principles, except where the variance relates to condition 6(f); or
 - (ii) the available information is insufficient to allow the Permit Holder to assess the proposed clearing against one or more of the clearing principles (i.e. may be at variance).
- (f) Where the clearing is at variance or may be at variance to clearing principle (f) and no other clearing principle, and the area of the proposed clearing is less than 0.5 hectares in size and the clearing principle (f) *impacts* only relate to:
- (i) a *minor non-perennial watercourse(s)*; and/or
 - (ii) a wetland that is not a *defined wetland*;
- the preparation of an *Assessment Report*, as required by condition 6(e), is not required.
- (g) An *Assessment Report* shall be prepared as required by condition 6(e), unless advised in writing by the *CEO* that an *Assessment Report* is not required, or where the clearing meets the criteria described in condition 6(f).

7. Assessment of clearing impacts- environmental assessment

- (a) Where:
- (i) the outcome of the *desktop study* indicates that the clearing is at variance with one or more of the clearing principles, except where the variance relates to condition 6(f); or
 - (ii) the available information is insufficient to allow the Permit Holder to assess the proposed clearing against one or more of the clearing principles (i.e. may be at variance).

the Permit Holder must conduct an *environmental assessment*, unless advised in writing by the *CEO* that an *environmental assessment* is not required.

- (b) The *environmental assessment* must be conducted in accordance with the current version of 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".
- (c) An *environmental assessment* must include:
- (i) a *biological survey* if the *desktop study* identified that the clearing is at variance or may be at variance with clearing principles (a), (b), (c), (d) or (f), except where the variance relates to condition 7(d);
 - (ii) *vegetation condition mapping* and 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, if the clearing is at variance or may be at variance with clearing principle (e);
 - (iii) a *dieback survey* if the area proposed to be cleared may introduce or spread *dieback* into *dieback* free areas;
 - (iv) a *wetland field assessment* if the clearing may have a detrimental *impact* on the environmental values of a *defined wetland*; and
 - (v) 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.
- (d) a *biological survey* is not required if the clearing is at variance or may be at variance to only clearing principle (f) and no other clearing principles, that the area of the proposed clearing at variance is less than 0.5 hectares and the clearing principle (f) *impacts* only relate to:
- (i) a *minor non-perennial watercourse(s)*;
 - (ii) a wetland that is not a *defined wetland*.
- (e) A survey or field assessment carried out pursuant to condition 7(c) of this Permit must be conducted by an *environmental specialist*.
- (f) Any *biological survey* carried out pursuant to condition 7(c) of this Permit that relates to flora and vegetation must be conducted having regard to EPA's *Technical Guidance – Flora EIA*.
- (i) where a *biological survey* is required to be submitted in support of an *Assessment Report* in accordance with condition 7(i), the *biological survey* is to be prepared in a data package which meets the requirements of the *Index of Biodiversity Surveys for Assessments* and submitted to *Index of Biodiversity Surveys for Assessments*, by the Permit Holder.
- (g) Any *biological survey* carried out pursuant to condition 7(c) of this Permit that relates to fauna must be conducted having regard to EPA's *Technical Guidance – Terrestrial Fauna EIA*.
- (i) where a *biological survey* is required to be submitted in support of an *Assessment Report* in accordance with condition 7(i), the *biological survey* is to be prepared in a data package which meets the requirements of the *Index of Biodiversity Surveys for Assessments* and submitted to *Index of Biodiversity Surveys for Assessments*, by the Permit Holder.
- (h) The *environmental assessment* must include production of an *Assessment Report*.
- (i) The *Assessment Report* must set out:
- (i) all of the information required to be provided in a *Desktop Report* in accordance with condition 6(d) of this Permit;
 - (ii) a summary of results of all surveys and field assessments carried out pursuant to condition 7(c) of this Permit, that apply to the area of native vegetation to be cleared;
 - (iii) whether the outcome of the *environmental assessment* indicates that the clearing is at variance, may be at variance, not likely to be at variance or not at variance with each of the clearing principles;
 - (iv) a *Vegetation Management Plan* (VMP), subject to condition 7(j), for the clearing, endorsed by an *environmental specialist*; and
 - (v) any *offset proposal* developed pursuant to condition 11 of this Permit.

- (j) Where the outcome of the *Assessment Report* indicates that the clearing is at variance or may be at variance with one or more of the clearing principles, except where the variance relates to condition 6(f), the *Assessment Report* must include a VMP.
- (k) Where a VMP is required by condition 7(j), a VMP must include the following:
 - (i) The scope of the *project activities* and of the VMP;
 - (ii) management actions to be taken by the Permit Holder to avoid, mitigate or manage the *impacts* of the clearing;
 - (iii) allocation of responsibilities for implementation of the management actions to avoid, mitigate or manage the *impacts* of the clearing;
 - (iv) timing of each management action;
 - (v) a monitoring and maintenance program for assessing the implementation of management actions;
 - (vi) actions to be taken in the event of non-compliance with management actions; and
 - (vii) details of revegetation to be undertaken, where required under condition 9 of this Permit.
- (l) VMP management actions to be taken by the Permit Holder pursuant to condition 8(b)(i) and 8(b)(ii) to avoid, mitigate or manage land degradation, water quality deterioration, or flooding must be developed in consultation with the Commissioner of Soil and Land Conservation in the Department of Primary Industries and Regional Development and the *CEO*.
- (m) Where the outcome of the *Assessment Report* indicates that the clearing is at variance or may be at variance with one or more of the clearing principles, except where the variance relates to condition 6(f), no clearing must be undertaken in relation to *project activities* unless an *Assessment Report* relating to those *project activities* has been approved by the *CEO*.
- (n) Where the outcome of the *Assessment Report* indicates that the clearing is at variance or may be at variance with one or more of the clearing principles, except where the variance relates to condition 6(f), submissions shall be sought in accordance with condition 8, unless advised in writing by the *CEO* that seeking submissions is not required.

8. Submissions – interested parties

- (a) Where required pursuant to condition 7(n) of this Permit, the Permit Holder must:
 - (i) publish on its website a notification regarding the *project activities* and inviting submission from the public with respect to the proposed clearing; and
 - (ii) invite submissions from the following parties about those *impacts* of the proposed clearing that are at variance or may be at variance with one or more of the clearing principles:
 - A. the local government responsible for the area that is to be cleared;
 - B. the owner (as defined in section 51A of the *EP Act*), or occupier (as defined in section 51A of the *EP Act*), of any land on which the clearing is proposed to be done;
 - C. any environment or community groups that the Permit Holder considers may have an interest in the clearing that is proposed to be done; and
 - D. any other party that the Permit Holder considers may have an interest in the clearing that is proposed to be done.
- (b) Where required pursuant to condition 7(n) of this Permit, in addition to the requirements of condition 8(a) of this Permit, the Permit Holder must invite submissions:
 - (i) from the Office of the Commissioner of Soil and Land Conservation in the Department of Primary Industries and Regional Development about those impacts of the proposed clearing that are at variance or may be at variance with clearing principles (g), (i) or (j);
 - (ii) from the *CEO* about those *impacts* of the proposed clearing that are likely to be at variance or may be at variance with clearing principles (f), (i) and (j).
- (c) Submissions under conditions 8(a) and 8(b) are not required to be sought if the clearing is at variance or may be at variance to only clearing principle (f) and no other clearing principles, that the area of the proposed clearing at variance is less than 0.5 hectares and the clearing principle (f) impacts only relate to:

- (i) a *minor non-perennial watercourse(s)*; and/or
 - (ii) a wetland(s) that is not a *defined wetland*.
- (d) The Permit Holder is not required to publish submissions if the *CEO* advises so in writing.
- (e) Pursuant to conditions 8(a) and 8(b) of this Permit, the Permit Holder must publish the following information on its website during the submission period:
- (i) a copy of the *Assessment Report* required by condition 7(h) of this Permit;
 - (ii) management actions to be taken by the Permit Holder to avoid, mitigate or manage the *impacts* of the clearing
 - (iii) the relevant sections of the executive summary and the conclusion of reports of any *biological surveys* and field assessments carried out pursuant to condition 7(c) of this Permit;
 - (iv) an outline of any rehabilitation, revegetation, or offset proposal proposed to be implemented in relation to the clearing; and
 - (v) instructions for making a submission on the proposed clearing.
- (f) The information required by condition 8(e) must also be included on the Permit Holder's website.
- (g) The Permit Holder must allow a period of at least 21 days for submissions to be made.
- (h) The Permit Holder must publish on its website a summary of all submissions received pursuant to condition 8(a) and 8(b) of this Permit and a statement addressing each of those submissions.
- (i) The Permit Holder is not required to comply with conditions 8(a)(i), 8(f) and 8(h) of this Permit for the clearing of *project activities* undertaken or authorised under this Permit prior to 31 December 2020.
- (j) The Permit Holder is not required to comply with conditions 8(e)(iii), of this Permit for the clearing of *project activities* undertaken or authorised under this Permit prior to 30 June 2023.

PART III – MANAGEMENT

9. Revegetation and Rehabilitation

- (a) The Permit Holder must *revegetate* and *rehabilitate* areas cleared for *temporary works* as soon as possible, but no later than 24 months after the area is no longer required for the purpose for which it was cleared.
- (b) The Permit Holder is not required to *revegetate* and *rehabilitate* an area specified in condition 9(a) of this Permit if the Permit Holder intends to use that cleared area for another *project activity* within 24 months of that area no longer being required for the purpose for which it was originally cleared under this Permit.
- (c) The Permit Holder is not required to *revegetate* and *rehabilitate* areas cleared for temporary works if the *CEO* advises so in writing.
- (d) The Permit Holder is not required to comply with condition 9(f) and 9(g) if the area to be *revegetated* and *rehabilitated* is:
 - (i) 0.5 hectares or less; and
 - (ii) is either not or not likely to be at variance with all of the clearing principles.
- (e) The Permit Holder must *revegetate* and *rehabilitate* areas cleared for temporary works in accordance with a Revegetation Plan prepared by utilising the methodology described in the current version of the Department's *A Guide to Preparing Revegetation Plans for Clearing Permits* and approved by the *CEO* or in accordance with Conditions 9(f).

- (f) Pursuant to Conditions 9(a) – (e), where *revegetation* and *rehabilitation* is required, the Permit Holder must *revegetate* and *rehabilitate* areas cleared for temporary works by:
- (i) retaining the vegetative material and topsoil removed by clearing authorized under this Permit;
 - (ii) re-shaping the surface of the land so that it is consistent with the surrounding five metres of uncleared land;
 - (iii) ripping the ground on the contour to remove soil compaction;
 - (iv) laying the vegetative material and topsoil retained under condition 9(c)(i) on the cleared area(s);
 - (v) establishing quadrat monitoring sites within the *revegetated* and *rehabilitated* area in accordance with the methodology described in the *Department's 'A Guide to Preparing Revegetation Plans for Clearing Permits'* provided in Annexure 1;
 - (vi) implementing hygiene protocols by cleaning earth-moving machinery of soil and vegetation prior to entering and leaving the *revegetated* and *rehabilitated* area;
 - (vii) undertake annual weed control activities; and
 - (viii) achieving the below *completion criteria* within ten years within the *revegetated* and *rehabilitated* areas;

| Criterion | Aspect | Scale | Completion criteria | Monitoring frequency |
|-----------|--|-------------------------|--|--------------------------|
| 1 | Per cent weed cover | Average of quadrat data | Per cent of weed cover to be no greater than that observed within the <i>biological survey</i> of the proposed clearing area/adjacent areas. | After year 1, 2, 3 and 5 |
| 2 | Declared weeds | Site traverse | Absence of declared <i>weeds</i> . | After year 1, 2, 3 and 5 |
| 3 | Native species cover | Average of quadrat data | The native species cover equal to at least 60% of that observed within the <i>biological survey</i> of the proposed clearing area/adjacent areas by year 10. | After year 1, 2, 3 and 5 |
| 4 | Vegetation Condition | Site traverse | For sites were the <i>biological survey</i> observed <i>Good or better condition</i> vegetation, the condition of the vegetation to be in <i>Good condition</i> . | After year 1, 2, 3 and 5 |
| 5 | <i>Native Species Richness</i> (Diversity) | Average of quadrat data | The <i>native species richness</i> of the vegetation to equal at least 60%, to a maximum of 20 species, than that observed within the <i>biological survey</i> of the proposed clearing area/adjacent areas. | After year 1, 2, 3 and 5 |
| 6 | <i>Vegetation Structure</i> | Site traverse | The final <i>vegetation structure</i> of the vegetation is trending towards that observed within the <i>biological survey</i> of the proposed clearing area/adjacent areas. | After year 1, 2, 3 and 5 |

- (g) Permit Holder must undertake *remedial actions* for areas *revegetated* and *rehabilitated* where monitoring, after year five, indicates that *revegetation* is unlikely to meet the *completion criteria*, outlined in condition 9(f), including:
- (i) *revegetate* the area by deliberately *planting* native vegetation and/or *direct seeding* native vegetation at an *optimal time* that will result in the minimum target in 9(c) and ensuring that only *local provenance* species are used;
 - (ii) undertake further weed control activities; and

- (iii) monitoring of the *revegetated* and *rehabilitated* site, by an *environmental specialist*, is to be undertaken after year 1, 2, 3 and 5 of remedial actions to ascertain if *completion criteria* outlined in 9(f) are met.
- (h) If condition 9(g)(iii) monitoring identifies that *completion criteria* has not been met, the Permit Holder must undertake *remedial actions* described in condition 9(g).
- (i) The Permit Holder may seek approval from the *CEO* of alternative *completion criteria* as outlined in condition 9(f) of this Permit.

10. Dieback, other pathogen and weed control

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:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be *cleared*.
- (b) ensure that no known dieback-affected soil, mulch, fill or other material are brought into an area that is dieback free; and
- (c) If movement of soil is necessary in conditions other than dry conditions and the clearing will impact land managed by Department of Biodiversity, Conservation and Attractions (DBCA), the Permit Holder must, prior to clearing, implement a dieback management plan endorsed by DBCA for minimising the spread of dieback.
- (d) If movement of soil is necessary in conditions other than dry conditions and the clearing will impact land other than DBCA managed land, if the area proposed to be cleared may introduce or spread dieback into uninfested areas, in addition to the requirements of condition 10(a), (b) and (c), the Permit Holder must minimise the risk of the introduction and spread of dieback by:
 - (i) mapping dieback areas, including *infested*, *uninfested* and *uninterpretable*, within the area to be cleared, prior to clearing;
 - (ii) ensuring that no clearing occurs in *infested* areas during *rain events* where there is a risk of transporting material into *uninfested* areas;
 - (iii) demarcating all *dieback* areas, including *infested*, *uninterpretable* and *uninfested*, with flagging tape and appropriate signage prior to clearing;
 - (iv) establishing clean on entry points to ensure machines and other vehicles are clean of soil and vegetation prior to entering *dieback uninfested* and *uninterpretable* areas;
 - (v) establishing clean on exist points to ensure machines and other vehicles are clean of soil and vegetation prior to existing *dieback infested* and *uninterpretable* areas;
 - (vi) restrict the access of unauthorised machines and other vehicles to the areas to be cleared.
 - (vii) ensuring that drainage is directed away from *uninfested* areas; and
 - (viii) monitoring the implementation of dieback management actions through daily visual inspections and keeping an inspection log.
- (e) Where the Permit Holder is notified by the Department or in a written report provided to the Permit Holder, from an environmental specialist, that the area to be cleared may be susceptible to a pathogen other than dieback, the Permit Holder must:
 - (i) obtain the advice of an *environmental specialist*;
 - (ii) take appropriate steps in accordance with that advice to minimise the risk of the introduction and spread of that pathogen.
- (f) 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 known *weed*-affected soil, *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.
- (g) At least once in each 12 month period for five years from the commencement of clearing for a project activity under condition 1(a), the Permit Holder must remove or kill any weeds growing within areas cleared under this Permit, where those weeds are likely, on 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 IV – OFFSETS

11. Determination of offsets

- (a) If part or all of the clearing associated with a project activity is at variance with any one of the clearing principles (a), (b), (c), (d), (e), (f) or (h), the Permit Holder must provide to the *CEO* for approval prior to clearing, an *offset proposal*, endorsed by an *environmental specialist*, unless advised in writing by the *CEO* that an *offset proposal* is not required.
- (b) In preparing an *offset proposal*, the Permit Holder must ensure consistency with the principles in the current WA environmental offsets Policy and have regard to the current environmental offsets guidelines.
- (c) An *offset proposal* is not required if the clearing is at variance to only clearing principle (f) and no other clearing principles, that the area of the proposed clearing at variance is less than 0.5 hectares and the clearing principle (f) impacts only relate to:
 - (i) a *minor non-perennial watercourse(s)*; and/or
 - (ii) a wetland that is not a *defined wetland*.
- (d) If it is necessary to modify the *offset proposal* approved by the *CEO*, then the Permit Holder must provide that modified *offset proposal* to the *CEO* for the *CEO's* approval and prior to implementing the modified *offset proposal*.
- (e) The Permit Holder must implement the latest version of the *offset proposal* approved by the *CEO*.

PART V – MONITORING, REPORTING & AUDITING

12. Monitoring

- (a) The Permit Holder must monitor:
 - (i) areas that are the subject of a VMP, implemented pursuant to condition 7(k) of this Permit;
 - (ii) areas *revegetated* and *rehabilitated* under this Permit to determine compliance with the monitoring requirements of condition 9(e) to (h) of this Permit; and
 - (iii) areas that are the subject of an *offset* implemented pursuant to condition 11 of this Permit to determine compliance with the relevant approved *offset proposal*.

13. Records of assessment and clearing

The Permit Holder must maintain the following records for *project activities* done pursuant to this Permit:

- (a) In relation to the clearing of native vegetation pursuant to condition 1(a) of this Permit:
 - (i) description and justification of the actions and management measures taken to avoid, minimise and reduce the impacts and extent of clearing pursuant with condition 5 of this Permit;
 - (ii) a copy of any *Desktop Report* and *Assessment Report* produced pursuant with condition 6 and 7 of this Permit;
 - (iii) the dates and list of interested parties where submissions were requested in accordance within condition 8(a) and 8(b);
 - (iv) the location where the clearing occurred;
 - (v) the size of the area to be cleared (in hectares) for the *project activities*;

- (vi) for a cleared area greater than 0.5 hectares, the boundaries of the area of clearing required for project activities recorded as a shapefile;
 - (vii) for a cleared area of 0.5 hectares or less, a co-ordinate of the location where the clearing occurred;
 - (viii) the total amount of clearing done (in hectares) in each *region* between 1 January and 31 December of the preceding year; and
 - (ix) the dates on which the clearing was done.
- (b) In relation to each VMP implemented pursuant to condition 7(k) of this Permit:
- (i) a description of management actions undertaken;
 - (ii) the dates for completion of relevant management action;
 - (iii) results of the monitoring and maintenance program for assessing the implementation of management actions; and
 - (iv) description of actions undertaken in the event of non-compliance with management actions.
- (c) In relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 9 of this Permit:
- (i) the location of any area *revegetated* and *rehabilitated*
 - (ii) the boundaries of the area of revegetation required for *project activities* recorded as a *shapefile*;
 - (iii) a description of the *revegetation* and *rehabilitation* activities undertaken;
 - (iv) the size of the area *revegetated* and *rehabilitated* (in hectares); and
 - (v) results of the monitoring against the *completion criteria* in accordance with condition 9(f); and
 - (vi) *remedial actions* undertaken in accordance with condition 9(g).
- (d) In relation to the control of *weeds*, *dieback* and other pathogens pursuant to condition 10 of this Permit:
- (i) a copy of any *dieback* management plan prepared in accordance with condition 10(c) of this Permit;
 - (ii) a map of the *dieback* management areas and associated clean on entry and exist points in accordance with condition 10(d);
 - (iii) description of the *dieback* management actions undertaken in accordance with condition 10(d);
 - (iv) for any pathogen other than *dieback*, the appropriate steps taken in accordance with condition 10(e) of this Permit; and
 - (v) for any *weed*, the appropriate steps taken in accordance with conditions 10(f) and 10(g) of this Permit.
- (e) In relation to each *offset* implemented pursuant to Part IV of this Permit:
- (i) a copy of each *offset proposal* approved by the *CEO* in accordance with condition 11 of this Permit;
 - (ii) payment records into the WA offset fund;
 - (iii) where the Permit Holder provides *on-ground offsets*, the location of any *offset* implemented;
 - (iv) where the Permit Holder provides *on-ground offsets*, the boundaries of the area of *offset* required for *project activities* recorded as a *shapefile*;
 - (v) where the Permit Holder provides *on-ground offsets*, a description of activities undertaken to implement the approved *offset proposal*;
 - (vi) where the Permit Holder provides *on-ground offsets*, the size of the area of each *offset* (in hectares); and
 - (vii) where the Permit Holder provides *on-ground offsets*, results of the monitoring against the compliance with the relevant approved *offset proposal*.

14. 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 Permit Holder must publish this report on its website within 30 days of submitting the report to the *CEO*.
- (c) The report, required by condition 14(a), must set out the records required to be maintained pursuant to condition 13 of this Permit.
- (d) The Permit Holder must publish on its website, on or before 30 July of each year, the total amount of clearing done (in hectares) in each *region* between 1 January and 31 December of the preceding year in accordance with this Permit.
- (e) For project activity clearing, the Permit Holder must, unless otherwise agreed with the CEO, publish on its website a copy of the *Desktop Report/Assessment Report*, no later than three months after clearing commencing.
- (f) The Permit Holder must, unless otherwise agreed with the CEO, publish on its website on or before 30 July of each year, for clearing undertaken 1 January and 31 December of the preceding year the following information:
 - (i) a summary of submissions received for each project activity required by condition 8(h);
 - (ii) the location where the clearing occurred;
 - (iii) the size of the area cleared (in hectares) for the project activities;
 - (iv) the location of revegetation and rehabilitation areas cleared for temporary works pursuant to condition 9(a); and
 - (v) the dates on which the clearing was done.
- (g) The Permit Holder must publish the information required in condition 14(e) and (f) for a period not less than 12 months.
- (h) The Permit Holder is not required to comply with conditions 14(a), 14(c), 14(d), 14(e) and 14(f) of this Permit for the clearing of *project activities* undertaken or authorised under this Permit prior to 31 December 2020.
- (i) The Permit Holder is not required to comply with condition 14(e) of this Permit for the clearing of *project activities* undertaken or authorised under this Permit prior to 30 June 2023.

15. Internal auditing

- (a) The Permit Holder must engage an *internal auditor* to conduct *internal environmental audits* for areas specified in condition 15(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 VMP implemented; and
 - (iv) the implementation status of any *revegetation* or *rehabilitation* undertaken.
- (b) The *internal environmental audits* must be done on or before 30 November annually for the *term* of this Permit and/or as otherwise required by the *CEO*.
- (c) The areas to be audited under condition 15(a) must be selected by the *internal auditor* using a structured and documented risk-based selection framework and must use an appropriate sample size of projects in each *region* in which clearing has been done under this Permit within the previous 12 months and determined in consultation with the *CEO*.
- (d) The Permit Holder must implement *corrective action* required to address any non-compliance with conditions of this Permit identified from the *internal environmental audits*.
- (e) The Permit Holder must provide written reports of the *internal environmental audits* conducted pursuant to this condition 15 of this Permit to the *CEO* on or before 30 December of each year for the *term* of this Permit. The reports must include details of *corrective action* taken by the Permit Holder to address any non-compliance with conditions of this Permit.

16. 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, including VMPs, *revegetation* and *rehabilitation* activities and approved *offset proposals*, for each of the *regions* in which clearing is done under this Permit.
- (b) The areas to be audited under condition 16(a) must be selected by the *lead environmental auditor* using a structured and documented risk-based selection framework and must use an appropriate sample size of projects in each *region* in which clearing has been done under this Permit within the previous two calendar years and determined in consultation with the *CEO*.
- (c) The *external environmental audits* must be done on or before 30 November of every second year for the *term* of this Permit and/or as otherwise required by the *CEO*.
- (d) The Permit Holder must implement *corrective action* required to address any non-compliance with conditions of this Permit identified from the *external environmental audits*.
- (e) 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 of each year that an *external environmental audit* is conducted.
- (f) The Permit Holder must publish the *lead environmental auditor's* full report, and any corrective actions implemented to address identified non-compliance or improvement opportunities, of the *external environmental audits* on its website, on or before 30 January, for the *term* of this Permit.

PART VI – INTERPRETATION & DEFINITIONS

17. 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.

18. 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.

19. 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 19(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:

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|-----------------------------------|---|
| <i>Assessment Report</i> | means the document produced as an outcome of conducting an <i>environmental assessment</i> in accordance with condition 7 of this Permit, or, until 31 December 2020, documents prepared as a requirement of condition 6 of Clearing Permit CPS 818/14; |
| <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: (a) verify <i>desktop study</i> information; (b) identify significant flora, fauna, soil, and groundwater and/or surface water values and potential sensitivity to impact; (c) undertake vegetation condition mapping; and/or (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>camp(s)</i> | means any facilities required to be established by the Permit Holder 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 <i>Department</i> responsible for the administration of the clearing provisions under the <i>Environmental Protection Act 1986</i> |
| <i>completion criteria</i> | means a measurable outcome based on a suitable <i>reference site</i> , used to determine <i>revegetation/rehabilitation</i> success; |
| <i>controlled action</i> | actions that the Commonwealth's Minister for the Environment decides have, will have or are likely to have a significant impact on one or more protected matters and therefore require assessment and approval under the <i>Environmental Protection and Biodiversity Conservation Act 1999</i> ; |
| <i>corrective action</i> | means action to eliminate the cause of non-conformity detected in an <i>internal environmental audit</i> or an <i>external environmental audit</i> ; |
| <i>crossover area</i> | has the meaning given to it in Schedule 2 clause 1 of the <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i> ; |
| <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 EP Act. |
| <i>desktop study</i> | means a literature review, including a map-based information search of all current and relevant literature sources and databases; |
| <i>desktop report</i> | means the document produced as an outcome of conducting a <i>desktop study</i> in accordance with conditions 6(a) of this Permit and, until 31 |

December 2020, documents prepared as a requirement of condition 6 of Clearing Permit CPS 818/14;

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| <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/or (c) carry out soil sampling in areas significantly affected by <i>dieback</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>drain</i> | means a conduit on or under any land or channel provided it is wholly constructed, which was or is used or intended to be used to carry surplus water, and includes any part of such conduit or channel but does not include a watercourse as defined in the <i>Rights in Water and Irrigation Act 1914</i> ; |
| <i>dry conditions</i> | means when soils (not dust) do not freely adhere to rubber tyres, tracks, vehicle chassis or wheel arches; |
| <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; |
| <i>engineering survey</i> | means any inspection or measurement taken by a surveyor or engineer engaged by the Permit Holder for the purpose of planning, investigating and design for a <i>project activity</i> ; |
| <i>environmental assessment</i> | means assessment of <i>impacts</i> of the clearing against the clearing principles, and in accordance with the <i>Department's</i> current version of ' <i>A guide to the assessment of applications to clear native vegetation under Part V Division 2 of the Environmental Protection Act 1986</i> ". |
| <i>environmental management</i> | Actions or activities undertaken required by, or at the request of a government agency, or as a requirement under the <i>Biosecurity and Agriculture Management Act 2007</i> |
| <i>environmental specialist</i> | means a person 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, or who does not hold a tertiary qualification in environmental science or equivalent, and has a minimum of 5 years work experience relevant to the type of environmental advice that an environmental specialist is required; |
| <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 EIA</i> | means the publication " <i>Technical Guidance – Flora and Vegetation Surveys for Environmental Impact Assessment</i> , Environmental Protection Authority (2020); |

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| <i>EPA’s Technical Guidance – Terrestrial 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 by a notice under section 51B of the <i>Environmental Protection Act 1986</i> ; |
| <i>external environmental audit(s)</i> | means an audit conducted by a <i>lead environmental auditor</i> in accordance with condition 16 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 depression; |
| <i>firebreak</i> | means a firebreak established in accordance with the <i>Bush Fires Act 1954</i> ; |
| <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 the <i>Keighery scale</i> ; |
| <i>Interim Biogeographic Regionalisation for Australia or IBRA</i> | means the national and regional planning framework for the systematic development of a comprehensive, adequate and representative ‘CAR’ National Reserve System within Thackway and Cresswell 1995, ‘An Interim Biogeographic Regionalisation for Australia: a framework for establishing the national system of reserves’; |
| <i>Index of Biodiversity Surveys for Assessments (IBSA)</i> | The Department of Water and Environmental Regulation’s online portal providing an index of land-based biodiversity surveys in Western Australia. |
| <i>Impact(s)</i> | means any impact of clearing on environmental values; |
| <i>infested</i> | means areas that have been determined to have plant disease symptoms consistent with the presence of the <i>Phytophthora</i> species by an <i>environmental specialist</i> ; |
| <i>internal auditor</i> | means a person who holds a tertiary qualification in environmental science or equivalent, and has experience relevant to the type of audit required under this Permit; |
| <i>internal environmental audit(s)</i> | means an audit conducted by an <i>internal auditor</i> in accordance with condition 15 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> | means salinity, nutrient export, erosion, soil acidity and waterlogging; |
| <i>lateral clearance area</i> | has the meaning given to it in Schedule 2 of the <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i> ; |

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| <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>local provenance</i> | means native vegetation species that are known to occur within the same IBRA subregion of the area cleared; |
| <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>minor non-perennial watercourse</i> | means a minor river, creek, stream, brook or drain where water flows occasionally, intermittently or for only parts of the year, usually after heavy rainfall. |
| <i>mulch</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>native species richness</i> | means the number of different species represented in an ecological community, landscape or region. It is a count of the total number of species per quadrat. |
| <i>offset</i> | means a direct offset as described in the Government of Western Australia, WA Environmental Offsets Policy, September 2011; |
| <i>offset proposal</i> | means a documented plan that addresses the principles outlined in the Government of Western Australia, WA Environmental Offsets Policy, September 2011; |
| <i>On-ground offsets</i> | Offsets that involve the purchase or revegetation or rehabilitation of property. It does not include payment into offset funds nor indirect offsets. |
| <i>optimal time</i> | means the optimal time for undertaking <i>direct seeding</i> and <i>planting</i> as set out in the table in Schedule 2 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 activities</i> | means establishing storage areas, erecting fences and doing similar activities that are required to be done prior to, and in association with, the carrying out of a project activity; |
| <i>project activity/activities</i> | means those activities described in condition 1(a) of this Permit; |
| <i>project surveys</i> | means <i>authorised surveys</i> , <i>biological surveys</i> , <i>engineering surveys</i> and <i>geological surveys</i> ; |

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| <i>proposal</i> | has the meaning given to it in section 3 of the EP Act; |
| <i>quadrat</i> | means a sample plot established for the purpose of data collection and monitoring vegetation characteristics, for example species composition, structure, density and condition; |
| <i>rain event</i> | means more than 0.1 mm of rainfall within a single rainfall; |
| <i>referred</i> | means referred to the Environmental Protection Authority under Part IV of the <i>Environmental Protection Act 1986</i> ; |
| <i>regeneration</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>region</i> | means one of the following regions as designated by Main Roads Western Australia at the date of issue of this Permit and depicted in the maps that form part of this Permit in Schedule 3: (a) Metropolitan; (b) South West; (c) Wheatbelt; (d) Great Southern; (e) Goldfields-Esperance; (f) Midwest - Gascoyne; (g) Pilbara; and (h) Kimberley; |
| <i>regional clearing limits</i> | means the maximum amount of clearing, carried out pursuant to this Permit and the current version of CPS 817, allowed per <i>region</i> per calendar year as set out in the table in Schedule 1 of this Permit; |
| <i>rehabilitation</i> | means actively managing an area containing native vegetation in order to improve the ecological function of that area; |
| <i>remedial actions</i> | means any activity that is required to ensure successful re-establishment of vegetation to its pre-clearing composition, structure and density, and may include a combination of soil treatments and revegetation; |
| <i>rest area</i> | means a cleared area adjacent to a stretch of <i>road</i> for the purpose of allowing <i>road</i> users to safely exit from the <i>road</i> for a temporary stop; |
| <i>revegetation</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>road</i> | has the meaning given to it in section 6 of the <i>Main Roads Act 1930</i> ; |
| <i>road building materials</i> | means rock, gravel, soil, stone, timber, boulders and water; |
| <i>road formation</i> | means the finished surface of a <i>road</i> , including the shoulders of the <i>road</i> and associated <i>drain</i> ; |
| <i>road realignment</i> | an activity that adjusts the location of an existing <i>road</i> or portions of an existing <i>road</i> ; |
| <i>road widening</i> | an activity associated with widening of an existing <i>road formation</i> ; |

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| <i>sightline area</i> | means the area between the edge of a stretch of <i>road</i> and the line of sight necessary for the safe use of the stretch of <i>road</i> ; |
| <i>shapefile</i> | means a shapefile consisting of polygons using the Geocentric Datum of Australia (GDA). |
| <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, <i>extraction sites</i> , <i>camp</i> s, <i>project surveys</i> , <i>pre-construction activities</i> and similar works associated with a project activity that are temporary in nature; |
| <i>uninfested</i> | means areas that have been determined to be free of the pathogen <i>Phytophthora</i> by an environmental specialist (all susceptible indicator plant species are healthy; no plant disease symptoms normally attributed to <i>Phytophthora</i> are evident); |
| <i>uninterpretable</i> | means areas situated in locations which received an average annual rainfall of greater than 400 millimetres and is south of the 26 th parallel of latitude where indicator plants are absent or too few to determine the presence or absence of disease caused by the pathogen <i>Phytophthora</i> ; |
| <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 condition</i> | means the rating given to native vegetation which refers to the impact of disturbance on each of the layers and the ability of the community to regenerate (Keighery 1994); |
| <i>vegetation structure</i> | means to determined by the dominant strata of the vegetation community through considering the height of the plants and the area of ground covered by the canopy. |
| <i>Vegetation Management Plan</i> | means vegetation management plan, as described in condition 7 of this Permit; |
| <i>water quality deterioration</i> | means sedimentation, turbidity, eutrophication, salinity, or any alteration of pH affecting surface water or groundwater; |
| <i>weed</i> | means any plant - <ul style="list-style-type: none"> (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. |
| <i>wetland field assessment</i> | 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. |
| <i>written law</i> | has the same meaning as it is given in section 5 of the <i>Interpretation Act 1984</i> . |

END OF CONDITIONS

A handwritten signature in black ink, appearing to be 'M Gannaway', written over a horizontal line.

Mathew Gannaway

MANAGER

NATIVE VEGETATION REGULATION

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

9 November 2023

SCHEDULE 1

Regional Clearing Limits

| Region | Maximum Annual Limits of Clearing under CPS 818/17 |
|----------------------|---|
| Metropolitan | 100ha |
| South West | 75ha |
| Wheatbelt | 120ha |
| Great Southern | 75ha |
| Goldfields-Esperance | 200ha |
| Midwest - Gascoyne | 300ha |
| Pilbara | 150ha |
| Kimberley | 500ha |
| Total | 1,520ha |

SCHEDULE 2

Optimal Timing for Seeding and Planting

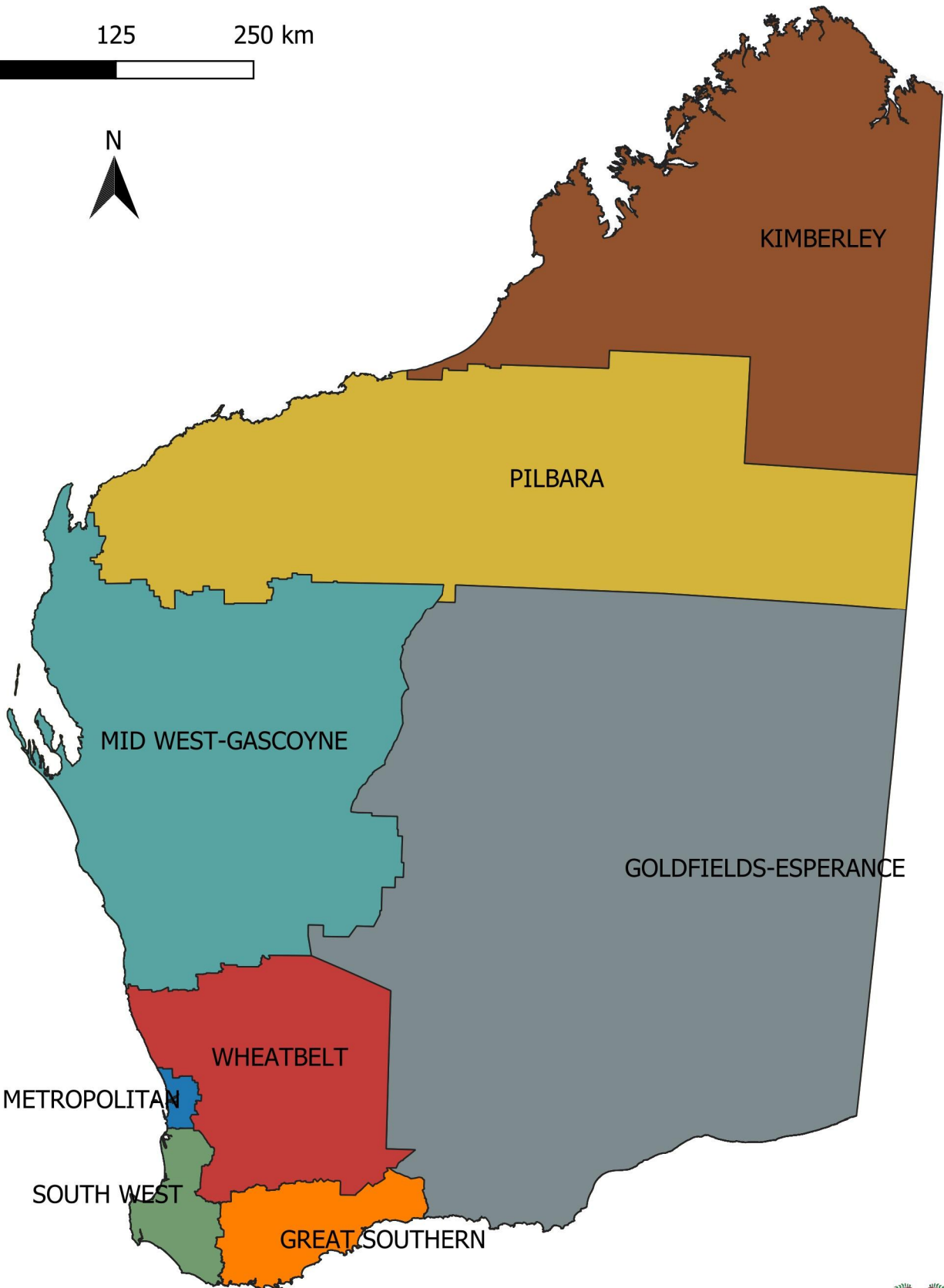
| Area of state | Optimal timing | |
|------------------------|--|--|
| | <i>Direct seeding</i> | <i>Planting</i> |
| Goldfields – Esperance | April-May. Earlier in south than in north. | No <i>planting</i> without irrigation. |
| Great Southern | April-May throughout region. <i>Direct seeding</i> during September-October within 30km of the coast can also be successful due to warm temperatures and spring coastal showers. | May-June. |
| Kimberley | October-December, preferably just before rain. | No <i>planting</i> without irrigation. |
| Metropolitan | April-June. | May-July. |
| Midwest - Gascoyne | April-May in south of Midwest region; November-December in extreme north of Midwest region. May in south of Gascoyne region; November-December in north of Gascoyne region. | May-June in southern part of region only. No <i>planting</i> without irrigation in the Gascoyne region. |
| Pilbara | November-December but preferably just before rain. | No <i>planting</i> without irrigation. |
| South West | April-June. | May-June. |
| Wheatbelt | May – June and April-June in the south of the region. | June- July and May- June in the south of the region. |

SCHEDULE 3

Regional Maps

MRWA Regional Road Responsibility Areas

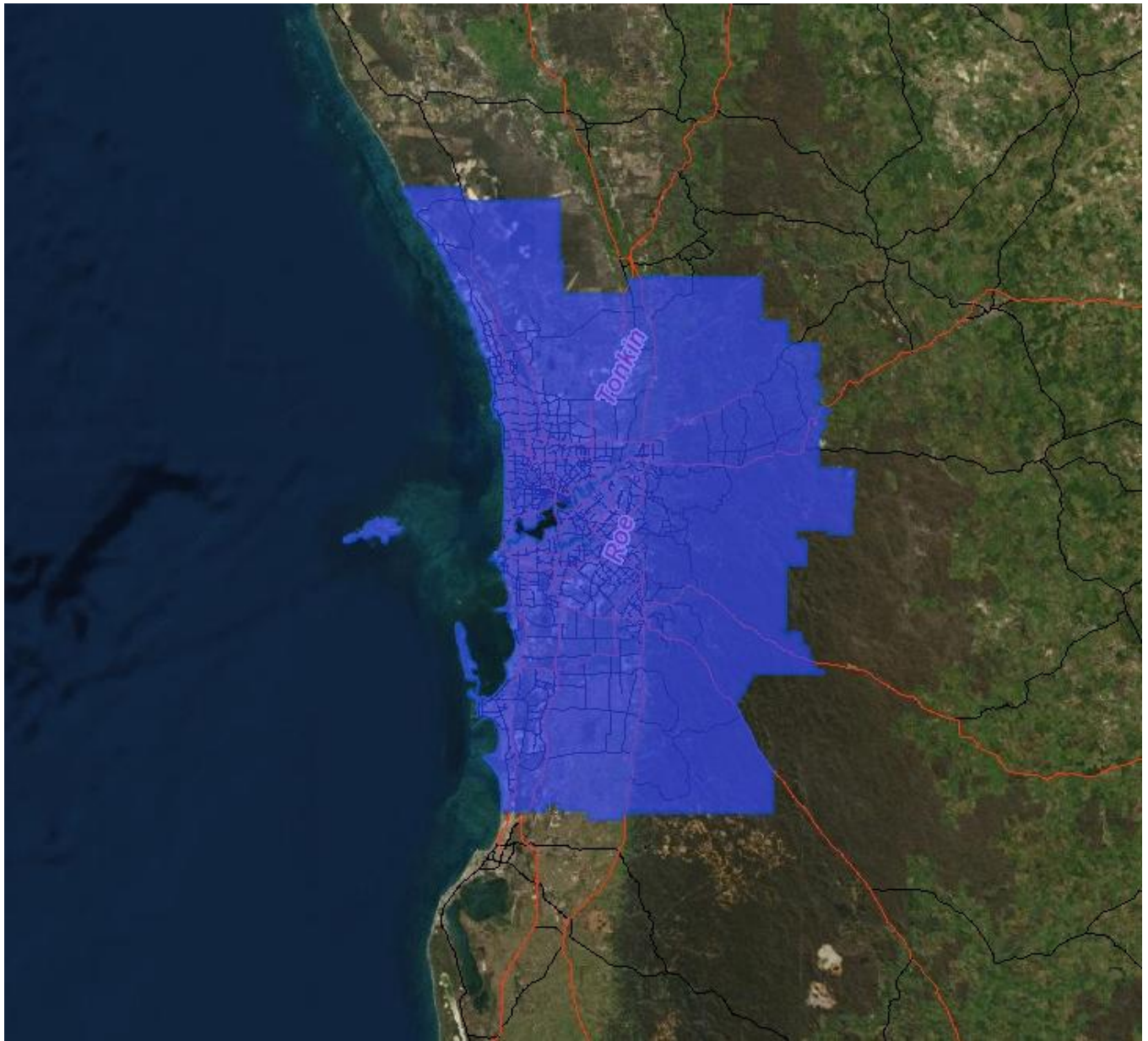
0 125 250 km



GOVERNMENT OF
WESTERN AUSTRALIA

Schedule 3A: Metropolitan Region Map

Metropolitan Region



Legend

- Roads - State Roads
- Roads - Major Roads

31.8 15.89 31.8 Kilometers



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Locality Map



Government of Western Australia
Department of Water and Environmental Regulation

Schedule 3B: South West Region Map

South West Region



Legend

- Roads - State Roads
- Roads - Major Roads

63.6 31.78 63.6 Kilometers



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Locality Map



Government of Western Australia
Department of Water and Environmental Regulation

Schedule 3C: Wheatbelt Region Map

Wheatbelt Region



Legend

- Roads - State Roads
- Roads - Major Roads

127.1 63.56 127.1 Kilometers



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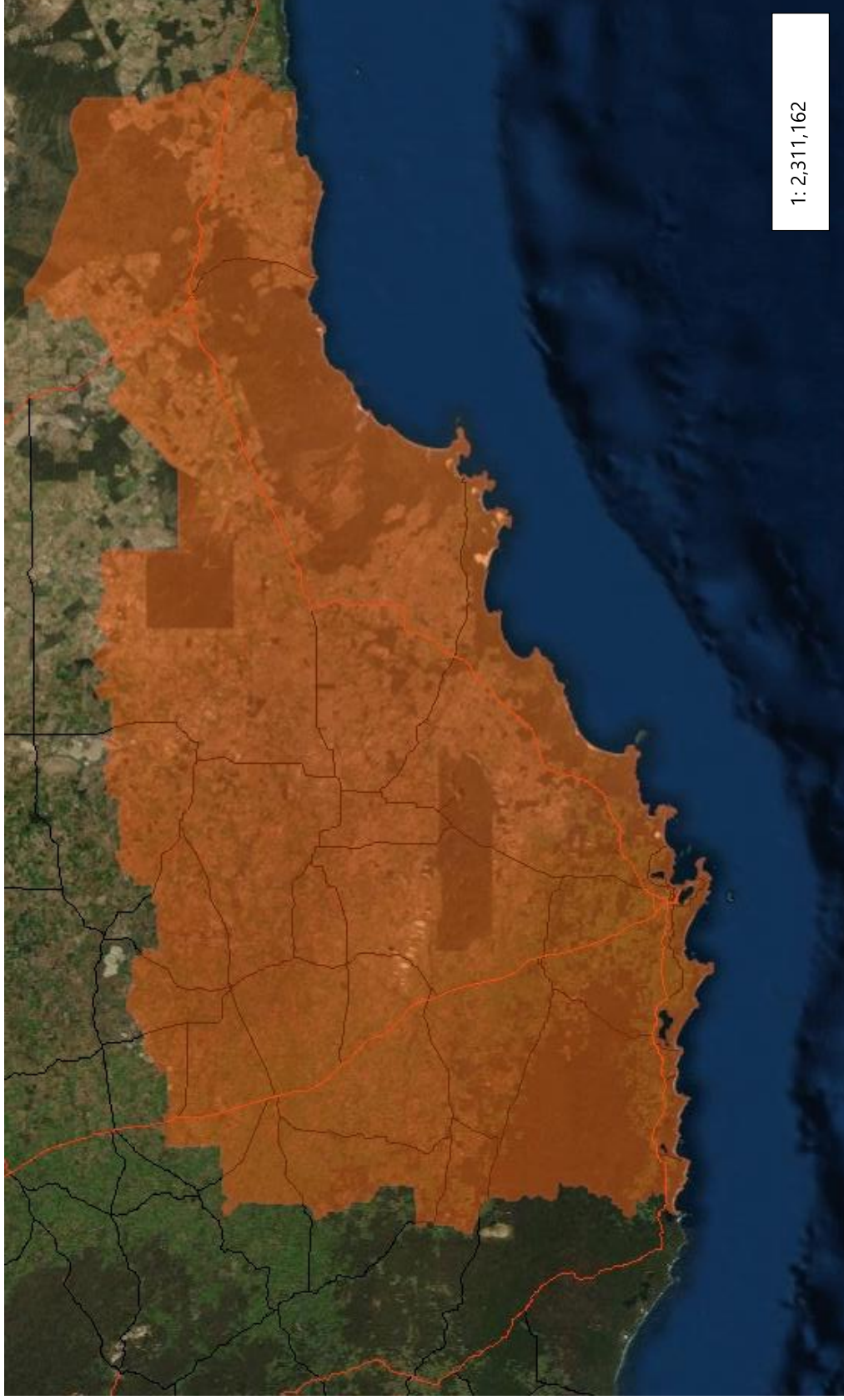
Locality Map



Government of Western Australia
Department of Water and Environmental Regulation

Schedule 3D: Great Southern Region Map

Great Southern Region



Legend

- Roads - State Roads
- Roads - Major Roads

117.4

117.4

58.70

0

Kilometers

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Schedule 3E: Goldfields-Esperance Region Map

Goldfields - Esperance Region



Legend

— Roads - State Roads

254.2 127.12 254.2 Kilometers



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Locality Map



Government of Western Australia
Department of Water and Environmental Regulation

Schedule 3F: Midwest – Gascoyne Region Map

Mid West - Gascoyne Region



Legend

— Roads - State Roads

254.2 127.12 254.2 Kilometers



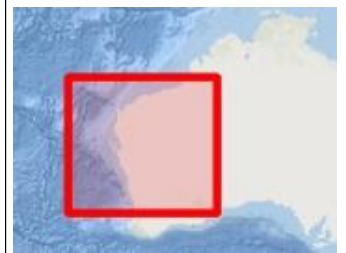
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Locality Map



Government of Western Australia
Department of Water and Environmental Regulation

Schedule 3G: Pilbara Region Map

Pilbara Region



399.4

399.4

199.71

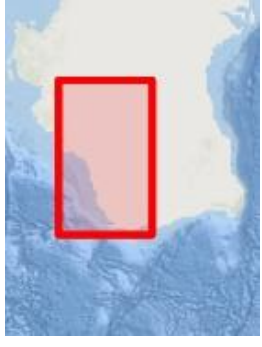
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Kilometers

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Legend

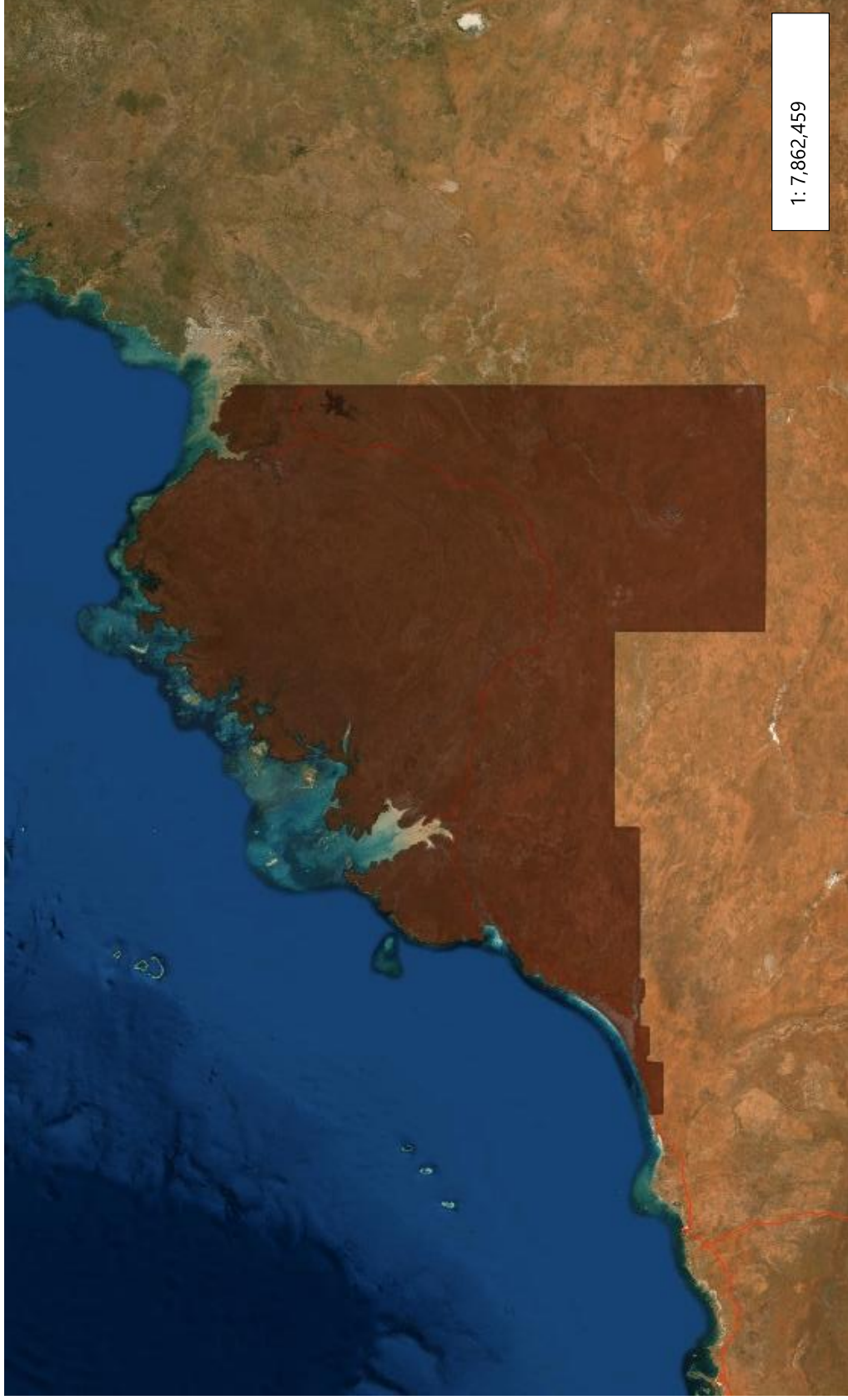
— Roads - State Roads

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



Schedule 3H: Kimberley Region Map

Kimberley Region



399.4

399.4

199.71

0

Kilometers

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Legend

— Roads - State Roads

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



ADVICE

1. Monitoring by the CEO

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 V of this Permit may be made publicly available.

3. Levels of variance to clearing principles

- Clearing is “**not at variance**”: where there is sufficient data to indicate certainty, for example there are no wetlands or watercourses within the clearing area.
- Clearing is “**not likely to be at variance**”: where a reasonable basis of information exists to support assessment, either provided by the applicant or available via other sources, but an element of uncertainty remains, for example surveys have not indicated threatened flora but there is a risk as suitable habitat is present within the clearing area.
- Clearing is “**may be at variance**”: where there is insufficient data available to fully assess the impacts, for example threatened flora are known to occur in the area within the same vegetation and soil type. This level of variance often triggers further action, such as request for surveys, imposition of permit conditions or modification of the clearing area.
- Clearing is “**at variance**”: where there are known impacts or significant risk of impact, for example the Soil and Land Conservation Commissioner has advised likelihood of land degradation through salinity, or surveys identified threatened flora in the clearing area.
- Clearing is “**seriously at variance**”: where the clearing will result in an impact so significant it is likely to be irreversible, for example clearing a threatened flora population, or clearing which will affect the viability of a fauna population.

4. 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.

5. 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 V of this Permit, and this Permit may be amended as necessary.

6. Temporary clearing

The Permit Holder must ensure that, wherever possible, new *temporary works* and *rest areas* are located in areas that have already been cleared of native vegetation.

7. External Audit

When conducting an *external environmental audit* under condition 17 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.



Clearing Permit Decision Report

1. Application details and outcome

1.1. Permit application details

| | |
|------------------------|--|
| Permit number: | CPS 818/17 |
| Permit type: | Purpose permit |
| Applicant name: | Commission of Main Roads Western Australia |
| Purpose of clearing: | Road construction and upgrade and related activities |
| Property: | The State of Western Australia |
| Location (LGA area/s): | Statewide |

1.2. Description of clearing activities

Clearing of native vegetation for a range of project activities throughout the State of Western Australia as defined in Condition 1 of the permit. Regional clearing limits apply (see Table 1 and Figure 1).

Table 1: MRWA Regional Clearing Limits

| Region | Maximum Annual Limits of Clearing (hectares) |
|----------------------|--|
| Metropolitan | 100 |
| South West | 75 |
| Wheatbelt | 120 |
| Great Southern | 75 |
| Goldfields-Esperance | 200 |
| Midwest - Gascoyne | 300 |
| Pilbara | 150 |
| Kimberley | 500 |
| Total | 1,520 ha |

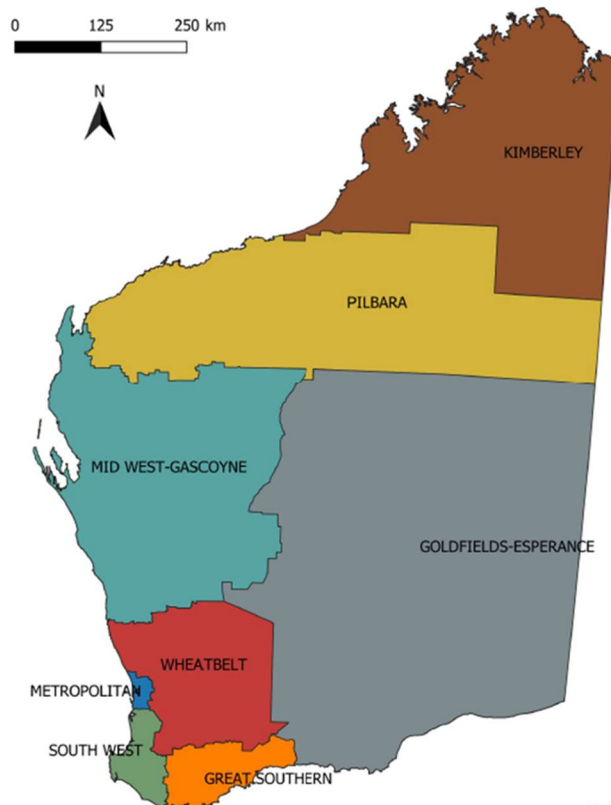


Figure 1: Map of MRWA Regions

1.3. Decision on application and key considerations

| | |
|-----------------------|--|
| Decision: | Granted |
| Decision date: | 9 November 2023 |
| Decision area: | See regional clearing limits in Table 1. |

1.4. Reasons for decision

Clearing Permit CPS 818/1 was granted to the Commissioner of Main Roads Western Australia (MRWA) on 11 November 2005 by the then Department of Environment. The clearing permit authorises the clearing of native vegetation for a range of defined activities across Western Australia necessary for the upgrade and maintenance of the State's main road network. The permit has since been amended sixteen times with CPS 818/17 being the latest amendment.

One appeal was lodged against the decision to grant a clearing permit with conditions for CPS 818/16, covering seven grounds of appeal.

This clearing permit amendment gives effect to the Minister for Environment (Minister) determination to allow the appeal in part (Appeal number: 020 of 2023) made on the 26 October 2023. The Minister has requested DWER to amend the permit to clear to require revegetation plans to be prepared in accordance with the current version of the Department's *A Guide to Preparing Revegetation Plans for Clearing Permits* (Office of the Appeals Convenor, 2023).

The Minister determined the Department's amendments to other conditions and definitions in CPS 818/16 are justified and reasonable, and do not need to be changed.

The Delegated Officer had taken the above into consideration and decided to grant an amended clearing permit in accordance with the Minister's determination.

1.5. Assessment

This amendment is the result of an appeal determination made by the Minister for Environment regarding the conditions of Clearing Permit CPS 818/16. As a result of the appeal determination, the assessment against the clearing principles and planning and other matters have not changed from the Clearing Permit Decision Report CPS 818/15 (DWER, 2020).

Appendix A - References

1. References

Department of Water and Environmental Regulation (DWER) (2020) Purpose permit and decision report: CPS 818/15. <https://ftp.dwer.wa.gov.au/permit/818/Permit/>

Office of the Appeals Convenor (2023) Report to the Minister for Environment – Appeal against amendment of Clearing Permit CPS 818/15 Statewide, Commissioner of Main Roads Western Australia