



## CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

<b>Purpose Permit number:</b>	CPS 818/10
<b>Permit Holder:</b>	Commissioner of Main Roads Western Australia
<b>Purpose of clearing:</b>	Clearing for <i>project activities</i>
<b>Duration of Permit:</b>	12 December 2005 – 12 December 2017

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<b>Permit Holder:</b>	Commissioner of Main Roads Western Australia
<b>Purpose of clearing:</b>	Clearing for <i>project activities</i>
<b>Duration of Permit:</b>	12 December 2005 – 12 June 2017

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*;
- (xvi) 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 may be seriously at variance with the clearing principles; or

- (ii) one or more of the *project activities* described in condition 1(a) of this Permit are incorporated or related to a proposal that is *referred* to and assessed under Part IV of the *EP Act* by the *EPA*; or
- (b) If one or more of the *project activities* described in condition 1(a) of this Permit are incorporated or related to a proposal that has been *referred* to the *EPA*, this Permit does not authorise any clearing for those *project activities* 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 one or more *project activities* that are incorporated in a proposal referred to in condition 2(b) of this Permit, then the Permit Holder must have regard to any advice or recommendations made by the *EPA* under section 39A(7) of the *EP Act*.

### **3. Application**

This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit.

### **4. Limits on authorised clearing**

The total amount of native vegetation cleared pursuant to this Permit and the current version of Clearing Permit CPS 817 together, per *region*, must not exceed the *regional clearing limits*.

## **PART II - ASSESSMENT PROCEDURE**

### **5. Avoid, minimise etc clearing**

In determining the amount of native vegetation to be cleared, 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.

### **6. Assessment of Clearing Impacts**

- (a) Once the Permit Holder has complied with condition 5 of this Permit, if any native vegetation is to be cleared the Permit Holder must conduct a *desktop study* assessing the clearing to be undertaken against each of the clearing principles in accordance with the *Assessment Principles* set out in Part III of this Permit.
- (b) The *desktop study* must be conducted having regard to the *Department's "A Guide to the assessment of applications to clear native vegetation under the Environmental Protection Act 1986"* provided in Annexure 1.
- (c) The *desktop study*, subject to condition 6(s) of this Permit, must include production of a *PCIA Report*.
- (d) A *PCIA Report* is not required if the CEO advises so in writing.



- (e) The *PCIA Report* must set out:
- (i) the manner in which the Permit Holder had regard to the principles set out in condition 5 of this Permit;
  - (ii) the manner in which the Permit Holder has had regard to the *desktop study* in accordance with the Department's "*A Guide to the assessment of applications to clear native vegetation under the Environmental Protection Act 1986*" provided in Annexure 1;
  - (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 each of the clearing principles has been addressed through the *desktop study*;
  - (vii) whether the outcome of the *desktop study* indicates that the clearing is likely to be seriously at variance, at variance or may be at variance with one or more of the clearing principles; and
  - (viii) whether, in accordance with the *Assessment Principles*:
    - (A) a *VMP* is likely to be required under condition 10 of this Permit;
    - (B) *rehabilitation* and *revegetation* is likely to be required under condition 11 of this Permit; and
    - (C) an *offset* is likely to be required under Part V of this Permit.
- (f) Where the outcome of the *desktop study* indicates that the clearing is likely to be seriously at variance, at variance or may be at variance with one or more of the clearing principles, the Permit Holder must undertake a *CIA* in accordance with this condition.
- (g) Where the outcome of the *desktop study* indicates that the clearing is likely to be seriously at variance, at variance or may be at variance with one or more of the clearing principles, the Permit Holder must seek submissions in accordance with condition 7 of this Permit.
- (h) Without limiting condition 6(f) of this Permit, where the information available is insufficient to allow the Permit Holder to assess the proposed clearing against one or more of the clearing principles as part of the *desktop study*, the Permit Holder must undertake a *CIA* in accordance with this condition.
- (i) A *CIA* is not required if the CEO advises so in writing.
- (j) Where required pursuant to condition 6(f) of this Permit, the Permit Holder must conduct an *CIA* addressing those environmental values identified in the *desktop study* as likely to be affected by the clearing to an extent that is likely to be seriously at variance, at variance or may be at variance with one or more of the clearing principles.
- (k) Where required pursuant to condition 6(h) of this Permit, the Permit Holder must conduct an *CIA* assessing each of those clearing principles for which there was insufficient information available to undertake a *desktop study*.
- (l) The *CIA* must be conducted in accordance with the Department's "*A Guide to the assessment of applications to clear native vegetation under the Environmental Protection Act 1986*" provided in Annexure 1.
- (m) The *CIA*, subject to condition 6(s) of this Permit, must include production of an *CIA Report*.
- (n) A *CIA* must include:
- (i) a *biological survey* if the clearing is likely to be seriously at variance, at variance or may be at variance with clearing principles (a), (b), (c), (d) or (f);
  - (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 likely to be seriously at variance, at variance or may be at variance with clearing principle (e);



- (iii) a *dieback survey* if the area to be cleared may be affected by *dieback*;
  - (iv) a *wetland field assessment* if the clearing may have a detrimental *impact* on the environmental values of a 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.
- (o) A survey or field assessment carried out pursuant to condition 6(n) must be conducted by an *environmental specialist*.
  - (p) Any *biological survey* carried out pursuant to condition 6(n) that relates to flora must be conducted having regard to *EPA Guidance Statement No.51*.
  - (q) Any *biological survey* carried out pursuant to condition 6(n) that relates to fauna must be conducted having regard to *EPA Guidance Statement No.56*.
  - (r) The *CIA Report* must set out:
    - (i) copies of any submissions received pursuant to condition 7 of this Permit, and a statement addressing each of those submissions;
    - (ii) the manner in which the Permit Holder has conducted a *CIA* having regard to the *Department's "A Guide to the assessment of applications to clear native vegetation under the Environmental Protection Act 1986"* provided in Annexure 1;
    - (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 *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) the methodology and results of any surveys and field assessments carried out pursuant to condition 6(n) of this Permit; and
    - (vii) any *impacts* likely to occur as a result of the clearing, including a description of those *impacts* that are likely to be seriously at variance, at variance or may be at variance with one or more of the clearing principles;
  - (s) Where the Permit Holder conducts a *desktop study* and a *CIA* simultaneously:
    - (i) the Permit Holder may produce one report, to be known as an *Assessment Report*, which contains all of the information required to be provided by this condition in a *PCIA Report* and an *CIA Report*; and
    - (ii) if the Permit Holder produces an *Assessment Report*, there is no requirement to also produce a *PCIA Report* and a *CIA Report* for the proposed clearing.
  - (t) Where the results of the *CIA* indicate that clearing for the *project activity* is likely to be seriously at variance with the clearing principles, the Permit Holder must apply to the CEO for a clearing permit in respect of that clearing.

## 7. Submissions

- (a) The Permit Holder must invite submissions from the following parties about those *impacts* of the proposed clearing that are likely to be seriously at variance, at variance or may be at variance with one or more of the clearing principles:
  - (i) the *Department's* Branch responsible for the administration of clearing permits under the *EP Act*;
  - (ii) the local government responsible for the area that is to be cleared;
  - (iii) the owner (as defined in section 51A of the *EP Act*), or occupier (as defined in section 3 of the *EP Act*), of any land on which the clearing is proposed to be done;
  - (iv) any environment or community groups that the Permit Holder reasonably considers may have an interest in the clearing that is proposed to be done; and
  - (v) any other party that the Permit Holder reasonably considers may have an interest in the clearing that is proposed to be done.



- (b) The Permit Holder must invite submissions from the following parties:
  - (i) the Office of the Commissioner of Soil and Land Conservation in the Department of Agriculture and Food Western Australia about those *impacts* of the proposed clearing that are likely to be seriously at variance, at variance or may be at variance with clearing principles (g), (i) or (j);
  - (ii) the Department of Water's Drainage and Waterways Branch about those *impacts* of the proposed clearing that are likely to be seriously at variance, at variance or may be at variance with clearing principles (f), (i) and (j).
- (c) The Permit Holder is not required to invite submissions if the *CEO* advises so in writing.
- (d) The Permit Holder must provide the following information to the parties from whom it invites submissions under conditions 7(a) and 7(b) of this Permit:
  - (i) a description of the manner in which the Permit Holder has complied with condition 5 of this Permit;
  - (ii) a description of the land on which the clearing is to be done;
  - (iii) a description of the *project activities* for which the clearing is to be done;
  - (iv) the area (in hectares) of clearing required for *project activities*;
  - (v) the boundaries of clearing required for *project activities* recorded on a map;
  - (vi) in what manner the Permit Holder considers that the clearing is likely to be seriously at variance, at variance or may be at variance with one or more of the clearing principles;
  - (vii) an outline of any *rehabilitation, revegetation, VMP, or offset proposal* proposed to be implemented in relation to the clearing;
  - (viii) a summary of the results of any surveys and field assessments carried out pursuant to condition 6(n) of this Permit, if these surveys have been carried out at the time of submission; and
  - (ix) the contact details of the person to whom submissions must be sent.
- (e) In addition to the information provided under condition 7(d), the Permit Holder must provide to the *Department's* Branch responsible for the administration of clearing permits under the *Environmental Protection Act 1986*:
  - (i) an electronic copy of the methodology and results of any surveys and field assessments carried out pursuant to condition 6(n) of this Permit, if these surveys have been carried out at the time of submission; and
  - (ii) the *PCIA Report* or an *Assessment Report*; and
  - (iii) for an area greater than 0.5 hectares, the boundaries of clearing required for *project activities* recorded as a *shapefile*.
  - (iv) for an area of 0.5 hectares or less, a co-ordinate of the location of clearing required for the *project activities*;
- (f) The Permit Holder must allow a period of at least 30 days for submissions to be made.
- (g) Any submissions received by the Permit Holder under conditions 7(a) and 7(b) of this Permit must be addressed in the *CIA Report* in accordance with condition 6(r) of this Permit.
- (h) In making a determination as to whether part or all of the clearing done is likely to be seriously at variance, at variance, may be at variance, not likely to be at variance or not at variance with one or more of the clearing principles, the Permit Holder must implement the levels of variance described in the *Department's* submission.

### **PART III - ASSESSMENT PRINCIPLES**

#### **8. Assessment against the Clearing Principles**

- (a) In complying with condition 6 of this Permit, the Permit Holder must have regard to the *Department's* "*A Guide to the assessment of applications to clear native vegetation under the Environmental Protection Act 1986*" contained in Annexure 1 to this Permit, when conducting an assessment of the proposed clearing against the clearing principles.



- (b) If part or all of the clearing to be done is likely to be seriously at variance with one or more of the clearing principles then condition 6(t) of this Permit applies.
- (c) If part or all of the clearing to be done is likely to be at variance with one or more of the clearing principles, then the Permit Holder must implement an *offset* in accordance with Part V of this Permit with respect to that native vegetation, unless written advice to the contrary is provided by the CEO.
- (d) If part or all of the clearing to be done is likely to be at variance or may be at variance with one or more of the clearing principles, the Permit Holder must implement a *VMP* in accordance with condition 10 of this Permit, with respect to that clearing, unless written advice to the contrary is provided by the CEO.

## 9. Other

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

## PART IV – MANAGEMENT

### 10. Vegetation management plan

- (a) The Permit Holder must prepare, implement and adhere to a *VMP*, designed by an *environmental specialist*, if required by condition 8(d) of this Permit.
- (b) The *VMP* must include the following:
  - (i) the scope of the *project activities* and of the *VMP*;
  - (ii) actions to be taken by the Permit Holder to avoid, mitigate or manage the *impacts*;
  - (iii) allocation of responsibilities for implementation of the *VMP*;
  - (iv) timeframes for completion of each action;
  - (v) a monitoring and maintenance program for assessing the implementation of the *VMP*; and
  - (vi) a copy of the *Revegetation Plan*, where required under condition 11 of this Permit.
- (c) Actions to be taken by the Permit Holder pursuant to condition 10(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 Agriculture and Food Western Australia.
- (d) Once the Permit Holder has developed a *VMP*, the Permit Holder must provide that *VMP* to the CEO for the CEO's approval, prior to undertaking any clearing of an area to which the *VMP* is related, and prior to implementing the *VMP*.
- (e) If it is necessary to modify the *VMP* approved by the CEO, then the Permit Holder must provide that modified *VMP* to the CEO for the CEO's approval prior to implementing the modified *VMP*.
- (f) The Permit Holder shall implement the latest version of the *VMP* approved by the CEO.

### 11. 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 11(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 must prepare a *Revegetation Plan* if required to *revegetate* and *rehabilitate* an area specified in condition 11(a) of this Permit.
- (d) A *Revegetation Plan* required under condition 11 (c) must be designed by an *environmental specialist*.
- (e) The Permit Holder is not required to prepare a *Revegetation Plan* if the CEO advises so in writing.
- (f) The *Revegetation Plan* must include the following:
  - (i) *site preparation*;
  - (ii) *weed control*;
  - (iii) *regeneration, direct seeding or planting, at an optimal time*;
  - (iv) *a vegetation establishment period*;
  - (v) *revegetation success completion criteria*;
  - (vi) *remedial actions to be undertaken if success completion criteria are not met*;
  - (vii) *ongoing maintenance and monitoring of the area to be revegetated and rehabilitated*;
  - (viii) *timeframes for completion of the activities*; and
  - (ix) *management commitments that will be achieved*.
- (g) Once the Permit Holder has developed a *Revegetation Plan*, the Permit Holder must provide that *Revegetation Plan* to the CEO for the CEO's approval, prior to clearing native vegetation from the area that is to be *revegetated* and *rehabilitated*.
- (h) If it is necessary to modify the *Revegetation Plan* approved by the CEO, then the Permit Holder must provide that modified *Revegetation Plan* to the CEO for the CEO's approval prior to implementing the modified *Revegetation Plan*.
- (i) The Permit Holder shall implement the latest version of the *Revegetation Plan* approved by the CEO.
- (j) The Permit Holder is not required to comply with condition 11(c) and 11(g) if the area to be *revegetated* and *rehabilitated* is:
  - (i) 0.5 hectares or less;
  - (ii) not located in an *ESA*; and
  - (iii) is either not or not likely to be at variance with all of the clearing principles.

## **12. Dieback, other pathogen and weed control**

- (a) When undertaking any clearing, *revegetation* and *rehabilitation*, or other activity pursuant to this Permit in any part of a *region* that has an average annual rainfall of greater than 400 millimetres and is south of the 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) only move soils in *dry conditions*;
  - (iii) ensure that no *dieback*-affected soil, *mulch*, *fill* or other material are brought into an area that is not affected by *dieback*; and
  - (iv) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.
- (b) If movement of soil is necessary in conditions other than *dry conditions*, the Permit Holder must prepare, implement and adhere to a *dieback* management plan developed in consultation with the Department of Parks and Wildlife for minimising the spread of *dieback*;

- (c) The Permit Holder is not required to prepare a *dieback* management plan if the CEO advises so in writing.
- (d) Once the Permit Holder has developed a *dieback* management plan, the Permit Holder must provide that *dieback* management plan to the CEO for the CEO's approval, prior to undertaking any clearing of any area to which the *dieback* management plan is related, and prior to implementing the *dieback* management plan.
- (e) If it is necessary to modify the *dieback* management plan approved by the CEO, then the Permit Holder must provide that modified *dieback* management plan to the CEO for the CEO's approval prior to implementing the modified *dieback* management plan.
- (f) The Permit Holder shall implement the latest version of the *dieback* management plan approved by the CEO.
- (g) 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.
- (h) When undertaking any clearing, *revegetation* and *rehabilitation*, or other activity pursuant to this Permit, the Permit Holder must take the following steps to minimise the risk of the introduction and spread of *weeds*:
  - (i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
  - (ii) ensure that no *weed*-affected 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.
- (i) 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 V – OFFSETS

### 13. Determination of offsets

- (a) The Permit Holder must prepare an *offset proposal*, designed by an *environmental specialist*, if an *offset* is required by condition 8(c) of this Permit.
- (b) In determining the *offset* to be implemented with respect to a particular area of native vegetation proposed to be cleared under this Permit, the Permit Holder must comply with the principles in the Government of Western Australia, WA Environmental Offsets Policy, September 2011.
- (c) An *offset proposal* is not required if the CEO advises so in writing.
- (d) Once the Permit Holder has developed an *offset proposal*, the Permit Holder must provide that *offset proposal* to the CEO for the CEO's approval, prior to undertaking any clearing to which the *offset* is related, and prior to implementing the *offset*.
- (e) 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*.



- (f) The Permit Holder must implement the latest version of the *offset proposal* approved by the CEO.

## PART VI – MONITORING, REPORTING & AUDITING

### 14. Monitoring

The Permit Holder must monitor:

- (a) areas *revegetated* and *rehabilitated* under this Permit to determine compliance with the relevant *Revegetation Plan* and the conditions of this Permit; and
- (b) areas that are the subject of an *offset* implemented under this Permit to determine compliance with the relevant approved *offset* and the conditions of this Permit.

### 15. Records of assessment and clearing

The Permit Holder must maintain the following records for activities done pursuant to this Permit, as relevant.

- (a) In relation to the clearing of native vegetation pursuant to condition 1(a) of this Permit:
- (i) a copy of any *PCLIA Report*, *CIA Report* and *Assessment Report* produced in accordance with condition 6 of this Permit;
  - (ii) the location where the clearing occurred;
  - (iii) the size of the area to be cleared (in hectares) for the *project activities*;
  - (iv) for a cleared area greater than 0.5 hectares, the boundaries of the area of clearing required for *project activities* recorded as a *shapefile*;
  - (v) for a cleared area of 0.5 hectares or less, a co-ordinate of the location where the clearing occurred;
  - (vi) the total amount of clearing done (in hectares) in each *region* between 1 January and 31 December of the preceding year; and
  - (vii) the dates on which the clearing was done.
- (b) In relation to each *VMP* implemented pursuant to condition 10 of this Permit:
- (i) a copy of each *VMP* approved by the CEO in accordance with condition 10(d) and 10(e) of this Permit;
  - (ii) the location of any area to which an *VMP* has been applied
  - (iii) the boundaries of the area of clearing required for *project activities* recorded as a *shapefile* a description of the environmental management activities undertaken; and
  - (iv) the size of the area to which the *VMP* was applied (in hectares).
- (c) In relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 11 of this Permit:
- (i) a copy of each *Revegetation Plan* approved by the CEO in accordance with conditions 11(g) and 11(h) of this Permit;
  - (ii) the location of any area *revegetated* and *rehabilitated*
  - (iii) the boundaries of the area of clearing required for *project activities* recorded as a *shapefile*;
  - (iv) a description of the *revegetation* and *rehabilitation* activities undertaken; and
  - (v) the size of the area *revegetated* and *rehabilitated* (in hectares).
- (d) In relation to the control of *weeds*, *dieback* and other pathogens pursuant to condition 12 of this Permit:
- (i) a copy of any *dieback* management plan prepared in accordance with condition 12(b) of this Permit;
  - (ii) for any pathogen other than *dieback*, the appropriate steps taken in accordance with condition 12(g) of this Permit; and
  - (iii) for any weed, the appropriate steps taken in accordance with conditions 12(h) and 12(i) of this Permit.

- (c) In relation to each *offset* implemented pursuant to Part V of this Permit:
  - (i) a copy of each *offset proposal* approved by the CEO in accordance with conditions 13 and 15 of this Permit;
  - (ii) the location of any *offset* implemented;
  - (iii) the boundaries of the area of clearing required for *project activities* recorded as a *shapefile*;
  - (iv) a description of each *offset* implemented; and
  - (v) the size of the area of each *offset* (in hectares).

#### 16. Reporting

- (a) The Permit Holder must provide to the CEO, on or before 30 June of each year, a written report of activities done by the Permit Holder under this Permit between 1 January and 31 December of the preceding year.
- (b) The report must set out the records required to be maintained pursuant to condition 15 of this Permit, except for those records relating to cleared areas of less than 0.5 hectares that:
  - (i) are not located in an *ESA*;
  - (ii) do not require an *offset* to be implemented; and
  - (iii) are either not or not likely to be at variance with all of the clearing principles.

#### 17. Internal auditing

- (a) The Permit Holder must engage an *internal auditor* to conduct *internal environmental audits* for areas specified in condition 17(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 Permit Holder must conduct *internal environmental audits* annually for the *term* of this Permit.
- (c) The areas to be audited under condition 17(a) must be selected by the auditor using a structured and documented risk-based selection framework, and must include at least one cleared area in each *region* in which *clearing* has been done under this Permit within the previous 12 months.
- (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 17 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.

#### 18. External auditing

- (a) The Permit Holder must engage an external accredited *lead environmental auditor* to undertake environmental audits of the Permit Holder's compliance with the conditions of this Permit for each of the *regions* in which clearing is done under this Permit.
- (b) The *external environmental audits* must be done on or before 27 December 2014 and 27 December 2016 and/or as otherwise required by the CEO.
- (c) The Permit Holder must implement *corrective action* required to address any non-compliance with conditions of this Permit identified from the *external environmental audits*.
- (d) The Permit Holder must provide the *lead environmental auditor's* written reports of the *external environmental audits* to the CEO on or before 30 December in each year that an *external environmental audit* is conducted.



## PART VII – INTERPRETATION & DEFINITIONS

### 19. 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.

### 20. 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.

### 21. 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 21(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:

<b><i>Assessment Principles</i></b>	means the assessment principles set out in Part III of this Permit;
<b><i>Assessment Report</i></b>	has the meaning given to that term in condition 6(s) of this Permit;
<b><i>authorised survey</i></b>	has the meaning given to it in section 3 of the <i>Licensed Surveyors Act 1909</i> ;
<b><i>biological survey</i></b>	means a site visit undertaken by an <i>environmental specialist</i> to: <ul style="list-style-type: none"><li>(a) verify <i>desktop study</i> information;</li><li>(b) identify significant flora, fauna, soil, and groundwater and surface water values and potential sensitivity to impact;</li><li>(c) undertake <i>vegetation condition mapping</i>; and</li><li>(d) undertake vegetation mapping by delineating on a map the <i>ecological communities</i> 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;</li></ul>
<b><i>camp(s)</i></b>	means any facilities required to be established by the Permit Holder at the site of a project activity such as offices, storerooms, workshops, toilets, washing facilities, accommodation, change rooms, shelter sheds, drying conveniences, mess rooms;
<b><i>CIA</i></b>	means clearing <i>impact</i> assessment, as described in conditions 6(l)-(r) of this Permit;
<b><i>CIA Report</i></b>	means the document produced as an outcome of conducting an <i>CIA</i> in accordance with conditions 6(l)-(r) of this Permit;
<b><i>corrective action</i></b>	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 Department of Environment Regulation;
<i>desktop study</i>	means a literature review, including a map-based information search of all current and relevant literature sources and databases;
<i>Dieback</i>	means the effect of <i>Phytophthora</i> species on native vegetation;
<i>dieback survey</i>	means a site visit undertaken by an <i>environmental specialist</i> to: <ul style="list-style-type: none"> <li>(a) verify <i>desktop study</i> information;</li> <li>(b) identify indicator species; and</li> <li>(c) carry out soil sampling in areas significantly affected by <i>dieback</i>;</li> </ul>
<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 engaged by the Permit Holder for the purpose of planning, investigating and design for a <i>project activity</i> ;
<i>environmental specialist</i>	means a person who is engaged by the Permit Holder for the purpose of providing environmental advice, who holds a tertiary qualification in environmental science or equivalent, and has experience relevant to the type of environmental advice that an environmental specialist is required to provide under this Permit;
<i>EP Act</i>	means the <i>Environmental Protection Act 1986</i> ;
<i>EPA</i>	means the Western Australian Environmental Protection Authority;
<i>EPA Guidance Statement No.51</i>	means the publication " <i>Guidance for the Assessment of Environmental Factors (in accordance with the Environmental Protection Act 1986): Terrestrial Flora and Vegetation Surveys for Environmental Impact</i> "



	<i>Assessment in Western Australia</i> ", No.51, Environmental Protection Authority (2004);
<b><i>EPA Guidance Statement No.56</i></b>	means the publication " <i>Guidance for the Assessment of Environmental Factors (in accordance with the Environmental Protection Act 1986): Terrestrial Fauna Surveys for Environmental Impact Assessment in Western Australia</i> ", No.56, Environmental Protection Authority (2004);
<b><i>ESA</i></b>	means an environmentally sensitive area, as declared by a notice under section 51B of the <i>Environmental Protection Act 1986</i> ;
<b><i>shapefile</i></b>	means a shapefile consisting of polygons using the Geocentric Datum of Australia (GDA).
<b><i>external environmental audit(s)</i></b>	means an audit conducted by a <i>lead environmental auditor</i> in accordance with condition 18 of this Permit;
<b><i>extraction sites</i></b>	includes gravel pits, borrow pits, water bores and other sites from which <i>road building materials</i> are extracted;
<b><i>fill</i></b>	means material used to increase the ground level, or fill a hollow;
<b><i>Firebreak</i></b>	means a firebreak established in accordance with the <i>Bush Fires Act 1954</i> ;
<b><i>geological survey</i></b>	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;
<b><i>good or better condition</i></b>	means that the vegetation is in either pristine, excellent, very good or good condition according to the <i>Keighery scale</i> ;
<b><i>impact/impacts</i></b>	means any impact of clearing on environmental values;
<b><i>internal auditor</i></b>	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;
<b><i>internal environmental audit(s)</i></b>	means an audit conducted by an <i>internal auditor</i> in accordance with condition 17 of this Permit;
<b><i>Keighery scale</i></b>	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;
<b><i>land degradation</i></b>	means salinity, erosion, soil acidity and waterlogging;
<b><i>lateral clearance area</i></b>	has the meaning given to it in Schedule 2 of the <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i> ;
<b><i>lead environmental auditor</i></b>	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);

<b><i>Mulch</i></b>	means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation;
<b><i>Offset</i></b>	means a direct offset as described in the Government of Western Australia, WA Environmental Offsets Policy, September 2011;
<b><i>offset proposal</i></b>	means a documented plan that addresses the principles outlined in the Government of Western Australia, WA Environmental Offsets Policy, September 2011;
<b><i>optimal time</i></b>	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;
<b><i>PCIA Report</i></b>	means the document produced as an outcome of conducting a <i>desktop study</i> in accordance with conditions 6(a) and (e) of this Permit;
<b><i>Planting</i></b>	means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired species;
<b><i>pre-construction activities</i></b>	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;
<b><i>project activity/activities</i></b>	means those activities described in condition 1(a) of this Permit;
<b><i>project surveys</i></b>	means <i>authorised surveys</i> , <i>engineering surveys</i> and <i>geological surveys</i> ;
<b><i>Referred</i></b>	means referred to the Environmental Protection Authority under Part IV of the <i>Environmental Protection Act 1986</i> ;
<b><i>Regeneration</i></b>	means <i>revegetation</i> that can be established from in situ seed banks contained either within the topsoil or seed-bearing <i>mulch</i> ;
<b><i>Region</i></b>	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 South; (d) Wheatbelt North; (e) Great Southern; (f) Goldfields-Esperance; (g) Midwest; (h) Gascoyne; (i) Pilbara; and (j) Kimberley;
<b><i>regional clearing limits</i></b>	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;
<b><i>Rehabilitation</i></b>	means actively managing an area containing native vegetation in order to improve the ecological function of that area;
<b><i>rest area</i></b>	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;



<b><i>Revegetation</i></b>	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, direct seeding and/or planting</i> ;
<b><i>Revegetation Plan</i></b>	means a plan developed by the Permit Holder for the <i>revegetation and rehabilitation</i> of a site in accordance with condition 11 of this Permit;
<b><i>Road</i></b>	has the meaning given to it in section 6 of the <i>Main Roads Act 1930</i> ;
<b><i>road building materials</i></b>	means rock, gravel, soil, stone, timber, boulders and water;
<b><i>road formation</i></b>	means the finished surface of a <i>road</i> , including the shoulders of the <i>road</i> and associated <i>drain</i> ;
<b><i>road realignment</i></b>	an activity that adjusts the location of an existing <i>road</i> or portions of an existing <i>road</i> ;
<b><i>road widening</i></b>	an activity associated with widening of an existing <i>road formation</i> ;
<b><i>sightline area</i></b>	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> ;
<b><i>site preparation</i></b>	means management of existing site topsoil and preparation of the finished soil surface, for example by ripping or tilling the soil surface and respreading site topsoil and chipped native vegetation;
<b><i>Term</i></b>	means the duration of this Permit, including as amended or renewed;
<b><i>temporary works</i></b>	means access tracks, spoil areas, side tracks, site offices, storage areas, laydown areas, <i>extraction sites, camps, project surveys, pre-construction activities</i> and similar works associated with a project activity that are temporary in nature;
<b><i>vegetation condition</i></b>	means the rating given to native vegetation using the <i>Keighery scale</i> and refers to the degree of change in the structure, density and species present in the particular vegetation in comparison to undisturbed vegetation of the same type;
<b><i>vegetation condition mapping</i></b>	means to delineate on a map the condition attributes of vegetation within an area, according to the <i>Keighery scale</i> ;
<b><i>vegetation establishment period</i></b>	means a period of at least two summers after the <i>revegetation</i> during which time replacement and infill <i>revegetation</i> works may be required for areas in which <i>revegetation</i> has been unsuccessful, and involves regular inspections of <i>revegetation</i> sites to monitor the success of <i>revegetation</i> ;
<b><i>VMP</i></b>	means vegetation management plan, as described in condition 10 of this Permit;
<b><i>water quality deterioration</i></b>	means sedimentation, turbidity, eutrophication, salinity, or any alteration of pH affecting surface water or groundwater;
<b><i>Weed</i></b>	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 the former Department of Environment and Conservation's Regional Weed Assessments, regardless of ranking; or
- (c) not indigenous to the area concerned;

***wetland field assessment***

means a site visit by an *environmental specialist* to:

- (a) verify *desktop study* information; and
- (b) delineate key flora and fauna values of *defined wetlands* and their potential sensitivity to impact.

***written law***

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



Jason Banks  
CHIEF EXECUTIVE OFFICER

3 January 2014