



# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 818/10  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: Commissioner of Main Roads Western Australia

### 1.3. Property details

Property: The State of Western Australia  
Local Government Area: -  
Colloquial name: Statewide

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
See regional clearing limits	-	Mechanical Removal	Road construction or maintenance

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 3 January 2014

## 2. Site Information

### 2.1. Existing environment and information

#### 2.1.1. Description of the native vegetation under application

Vegetation Description	Clearing Description	Vegetation Condition	Comment
-	-	-	As clearing is to occur statewide, native vegetation of all descriptions and conditions is likely to be cleared under this permit.

### 3. Assessment of application against Clearing Principles

#### (a) Native vegetation should not be cleared if it comprises a high level of biological diversity.

##### Comments

Clearing for project activities will occur statewide. It is likely that some areas proposed to be cleared for these activities will comprise a high level of biological diversity. Where areas proposed to be cleared are identified by MRWA's environmental specialist as comprising a high level of biological diversity then the assessment process set out in Part II of the clearing permit will apply to require MRWA to:

- undertake clearing impact assessment, including any necessary biological surveys;
- take submissions from relevant stakeholders and government organisations; and
- implement a vegetation management plan to address the impacts of the clearing.

If the proposed clearing is at variance to this principle, MRWA is required to offset the area cleared in accordance with Part V of the clearing permit. If the proposed clearing is seriously at variance with this principle, MRWA must submit a separate clearing permit application to the CEO.

**Methodology** Refer to Parts II, III, IV and V of the clearing permit.

#### (b) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia.

##### Comments

Clearing for project activities will occur statewide. It is likely that some areas proposed to be cleared for these activities will comprise the whole or part of, or be necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia. In particular, road reserves are often likely to constitute an ecological linkage necessary for the maintenance of fauna. Where areas proposed to be cleared are identified by MRWA's environmental specialist as comprising the whole or part of, or are necessary for the maintenance of, a significant habitat for indigenous fauna, then the assessment process set out in Part II of the clearing permit will apply to require MRWA to:

- undertake clearing impact assessment, including any necessary biological surveys;
- take submissions from relevant stakeholders and government organisations; and
- implement a vegetation management plan to address the impacts of the clearing.

If the proposed clearing is at variance to this principle, MRWA is required to offset the area cleared in accordance with Part V of the clearing permit. If the proposed clearing is seriously at variance with this principle, MRWA must submit a separate clearing permit application to the CEO.

**Methodology** Refer to Parts II, III, IV and V of the clearing permit.

#### (c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.

##### Comments

Clearing for project activities will occur statewide. It is likely that some areas proposed to be cleared for these activities will include, or be necessary for the continued existence of, rare flora. Where areas proposed to be cleared are identified by MRWA's environmental specialist as containing, or as necessary for the continuing existence of, rare flora, then the assessment process set out in Part II of the clearing permit will apply to require MRWA to:

- undertake clearing impact assessment, including any necessary flora surveys;
- take submissions from relevant stakeholders and government organisations; and
- implement a vegetation management plan to address the impacts of the clearing.

If the proposed clearing is at variance to this principle, MRWA is required to offset the area cleared in accordance with Part V of the clearing permit. If the proposed clearing is seriously at variance with this principle, MRWA must submit a separate clearing permit application to the CEO.

**Methodology** Refer to Parts II, III, IV and V of the clearing permit.

#### (d) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community.

##### Comments

Clearing for project activities will occur statewide. It is likely that some areas proposed to be cleared for these activities will comprise the whole or part of, or be necessary for the maintenance of, a threatened ecological community. Where areas proposed to be cleared are identified by MRWA's environmental specialist as comprising the whole or part of, or as necessary for the maintenance of, a threatened ecological community, then the assessment process set out in Part II of the clearing permit will apply to require MRWA to:

- undertake clearing impact assessment, including any necessary flora surveys;
- take submissions from relevant stakeholders and government organisations; and



- implement a vegetation management plan to address the impacts of the clearing.

If the proposed clearing is at variance to this principle, MRWA is required to offset the area cleared in accordance with Part V of the clearing permit. If the proposed clearing is seriously at variance with this principle, MRWA must submit a separate clearing permit application to the CEO.

**Methodology** Refer to Parts II, III, IV and IV of the clearing permit.

**(e) Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.**

**Comments**

Clearing for project activities will occur statewide. It is likely that some areas proposed to be cleared for these activities will contain native vegetation that is significant as a remnant of native vegetation in an area that has been extensively cleared. Where areas proposed to be cleared are identified by MRWA's environmental specialist as comprising or including native vegetation that is significant as a remnant of native vegetation in an area that has been extensively cleared, then the assessment process set out in Part II of the clearing permit will apply to require MRWA to:

- undertake clearing impact assessment, including any necessary flora surveys;
- take submissions from relevant stakeholders and government organisations; and
- implement a vegetation management plan to address the impacts of the clearing.

If the proposed clearing is at variance to this principle, MRWA is required to offset the area cleared in accordance with Part IV of the clearing permit. If the proposed clearing is seriously at variance with this principle, MRWA must submit a separate clearing permit application to the CEO.

**Methodology** Refer to Parts II, III, IV and V of the clearing permit.

**(f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.**

**Comments**

Clearing for project activities will occur statewide. It is likely that some areas proposed to be cleared for these activities will comprise native vegetation that is growing in, or in association with, an environment associated with a watercourse or wetland. Where areas proposed to be cleared are identified by MRWA's environmental specialist as comprising native vegetation that is growing in, or in association with, an environment associated with a watercourse or wetland, then the assessment process set out in Part II of the clearing permit will apply to require MRWA to:

- undertake clearing impact assessment, including any necessary flora surveys;
- take submissions from relevant stakeholders and government organisations; and
- implement a vegetation management plan to address the impacts of the clearing.

If the proposed clearing is at variance to this principle, MRWA is required to offset the area cleared in accordance with Part IV of the clearing permit. If the proposed clearing is seriously at variance with this principle, MRWA must submit a separate clearing permit application to the CEO.

**Methodology** Refer to Parts II, III, IV and V of the clearing permit.

**(g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.**

**Comments**

Clearing for project activities will occur statewide. It is likely that the clearing of native vegetation in some areas proposed to be cleared for these activities will be likely to cause appreciable land degradation. Where the proposed clearing in an area is identified by MRWA's environmental specialist as likely to result in appreciable land degradation, then the assessment process set out in Part II of the clearing permit will apply to require MRWA to:

- undertake clearing impact assessment;
- take submissions from relevant stakeholders and government organisations; and
- implement a vegetation management plan to address the impacts of the clearing.

If the proposed clearing is at variance to this principle, MRWA is required under Part IV of the clearing permit to implement a vegetation management plan, developed in consultation with the Commissioner of Soil and Land Conservation, to address the impacts of clearing. If the proposed clearing is at variance to this principle, MRWA is required to offset the area cleared in accordance with Part V of the clearing permit. If the proposed clearing is seriously at variance with this principle, MRWA must submit a separate clearing permit application to the CEO.

**Methodology** Refer to Parts II, III, IV and V of the clearing permit.



**(h) Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.**

**Comments**

Clearing for project activities will occur statewide. The proposed clearing of native vegetation in some areas may be likely to have an impact on the environmental values of an adjacent or nearby conservation area. Where the clearing of native vegetation in an area is identified by MRWA's environmental specialist as likely to impact on the environmental values of an adjacent or nearby conservation area, then the assessment process set out in Part II of the clearing permit will apply to require MRWA to:

- undertake clearing impact assessment, including a biological survey;
- take submissions from relevant stakeholders and government organisations; and
- implement a vegetation management plan to address the impacts of the clearing.

If the proposed clearing is at variance to this principle, MRWA is required to offset the area cleared in accordance with Part IV of the clearing permit. If the proposed clearing is seriously at variance with this principle, MRWA must submit a separate clearing permit application to the CEO.

**Methodology** Refer to Parts II, III, IV and V of the clearing permit.

**(i) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.**

**Comments**

Clearing for project activities will occur statewide. It is likely that the clearing of native vegetation in some areas proposed to be cleared for these activities will be likely to cause deterioration in the quality of surface or underground water. Where the proposed clearing in an area is identified by MRWA's environmental specialist as likely to result in deterioration in the quality of surface or underground water, then the assessment process set out in Part II of the clearing permit will apply to require MRWA to:

- undertake clearing impact assessment, including a biological survey;
- take submissions from relevant stakeholders and government organisations; and
- implement a vegetation management plan to address the impacts of the clearing.

If the proposed clearing is at variance to this principle, MRWA is required under Part IV of the clearing permit to implement a vegetation management plan, developed in consultation with the Commissioner of Soil and Land Conservation, to address the impacts of the clearing. If the proposed clearing is at variance to this principle, MRWA is required to offset the area cleared in accordance with Part V of the clearing permit. If the proposed clearing is seriously at variance with this principle, MRWA must submit a separate clearing permit application to the CEO.

**Methodology** Refer to Parts II, III and IV of the clearing permit.

**(j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.**

**Comments**

Clearing for project activities will occur statewide. The clearing of native vegetation in some areas proposed to be cleared for these activities will be likely to cause, or exacerbate, the incidence or intensity of flooding. Where the proposed clearing in an area is identified by MRWA's environmental specialist as likely to result in, or exacerbate, the incidence or intensity of flooding, then the assessment process set out in Part II of the clearing permit will apply to require MRWA to:

- undertake clearing impact assessment, including relevant surveys or field assessments;
- take submissions from relevant stakeholders and government organisations; and
- implement a vegetation management plan to address the impacts of the clearing.

If the proposed clearing is at variance to this principle, MRWA is required under Part IV of the clearing permit to implement a vegetation management plan, developed in consultation with the Commissioner of Soil and Land Conservation, to address the impacts of clearing. If the proposed clearing is at variance to this principle, MRWA is required to offset the area cleared in accordance with Part IV of the clearing permit. If the proposed clearing is seriously at variance with this principle, MRWA must submit a separate clearing permit application to the CEO.

**Methodology** Refer to Parts II, III and IV of the clearing permit.

**Planning instrument, Native Title, Previous EPA decision or other matter.**

**Comments**

Administrative changes to the permit conditions have been made to bring the conditions in line with current Department of Environment Regulation practice.

One submission was made opposing the grant of the purpose permit and recommending the following:



- Introduce clear objectives to the permit.
- Need to strengthen requirements for avoidance and minimisation.
- Improved community consultation.
- Improve transparency of information and reporting.
- Salvage of environmental resources prior to clearing.
- Have a requirement not to clear any trees that were found to contain fauna so that this habitat was retained. If such habitat is removed, then there should be a requirement to replace that habitat.
- There must be much less clearing approved where the clearing is at variance with one or more of the Clearing Principles.
- MRWA and the DER must more seriously consider the cumulative impacts of clearing.
- If MRWA determine that the clearing is seriously at variance with any of the Clearing Principles, the proposal must be submitted to the EPA for formal assessment under Part IV of the EP Act.
- The Revegetation Management Plan needs to include an allocation of responsibility for implementation of the Revegetation Management Plan.
- MRWA must revegetate all areas disturbed for temporary works.
- The offset proposal must be submitted to the list of parties from whom MRWA invites submissions.
- In reporting on the implementation of the offset, the report must include the success of implementing the offset, and if it is a revegetation offset, whether the success criteria have been achieved. Responsibility for implementing the offset must not be relinquished or the offset must not be considered to have been achieved unless and until the completion criteria as initially agreed to have been fulfilled.
- Recommend that MRWA prepare a Weed Management Plan and that this Plan addresses weeds that are included in the Minister for Environment's Environmental Roadside Weeds List as prepared by the Roadside Conservation Committee, in addition to those listed in the Glossary of the draft Clearing Permit.
- The regional clearing limits in Schedule 1 appear to be excessive.

These concerns have been addressed under the appropriate clearing principles where it is within the power of the CEO under section 51(2) of the *Environmental Protection Act 1986* to do so. General comments contained in the submission not directly related to this permit are not included in this decision report.

**Methodology** Refer to Parts II, III, IV and V of the clearing permit.  
CCWA (2012)

#### 4. Assessor's recommendations

Purpose	Method	Applied area (ha)/ trees	Decision	Comment / recommendation
Road construction o maintenance	Mechanical Removal	-	Grant	Statewide clearing for project activities. Annual regional clearing limits apply.

#### 5. References

CCWA (2012), Submission to the Department of Environment and Conservation on the review of the Main Roads (MRWA) State-wide Clearing Permit (DER Ref: A552930).

#### 6. Glossary

Term	Meaning
DER	Department of Environment Regulation
DRF	Declared Rare Flora
EPP	Environmental Protection Policy
GIS	Geographical Information System
ha	Hectare (10,000 square metres)
TEC	Threatened Ecological Community