



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose permit number:	CPS 818/7
Permit holder:	Commissioner of Main Roads
Purpose of clearing:	Clearing for <i>project activities</i>
Duration of permit:	12 December 2005 – 12 June 2013

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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) new roads;
- (ii) road infrastructure, including all buildings, fences, gates, posts, boards, erections and structures placed upon any *road* that are associated with the use of the *road*;
- (iii) new road signs, as defined in regulation 3 of the *Road Traffic Code 2000*;
- (iv) new traffic-control signals, as defined in regulation 3 of the *Road Traffic Code 2000*;
- (v) new *sightline areas*;
- (vi) new *lateral clearance areas*;
- (vii) new *temporary works*;
- (viii) new *rest areas*;
- (ix) new *camps*;
- (x) new *firebreaks*;
- (xi) searching for and extracting *road building materials*;
- (xii) *road realignment*;
- (xiii) *road widening*;
- (xiv) *project surveys*;
- (xv) expansion of existing *lateral clearance areas*; and
- (xvi) *pre-construction activities*.

(b) This Permit authorises the permit holder to clear *native vegetation* for *project activities* to the extent that the permit holder has the power to clear *native vegetation* 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* for *project activities* where:

- (i) it does not have the power to clear *native vegetation* for those *project activities* under the *Main Roads Act 1930* or any other *written law*;
- (ii) the *clearing* may be seriously at variance with the *clearing principles*; or
- (iii) those *project activities* are incorporated in any *proposal* that is *referred* to and assessed under Part IV of the *EP Act* by the *EPA*.

(b) If a *proposal* incorporating a *project activity* has been *referred* to the *EPA*, this Permit does not authorise any *clearing* for that *project activity* until:

- (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 is incorporated in a *proposal* referred to in condition 2(b), then the permit holder must have regard to any advice or recommendations made by the *EPA* under section 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 CPS 817/1 together, per *region*, must not exceed the *regional clearing limits*.

5. Requirements prior to undertaking clearing

- (a) Prior to *clearing* any *native vegetation* under this Permit, the permit holder must:
 - (i) comply with the *Assessment Procedure* and the *Assessment Principles* set out in this Permit;
 - (ii) if an *offset* is required to be implemented pursuant to condition 9(c), provide the *CEO* with an *offset proposal* for the *CEO*'s approval;
 - (iii) if a *management strategy* is required to be implemented pursuant to condition 9(d), provide the *CEO* with a *management strategy* for the *CEO*'s approval; and
 - (iv) if *revegetation* and *rehabilitation* is required to be done pursuant to condition 13, provide the *CEO* with a *Revegetation Plan*.
- (b) The permit holder need not comply with condition 5(a)(iv) if the area to be *revegetated* and *rehabilitated* is:
 - (i) less than 0.5 hectares;
 - (ii) not located in an *ESA*; and
 - (iii) an area where the proposed clearing that triggers the obligation to *revegetate* and *rehabilitate* is not at variance with one or more of the *clearing principles*.

PART II - ASSESSMENT PROCEDURE

6. Avoid, minimise etc clearing

The permit holder must have regard to the following principles, set out in order of preference:

- (a) avoid the *clearing* of *native vegetation*;
- (b) minimise the amount of *native vegetation* to be cleared; and
- (c) reduce the impact of *clearing* on any *environmental value*.

7. Assessment of Clearing Impacts

- (a) Once the permit holder has complied with condition 6 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 permit holder's *Standard Brief for Preliminary Environmental Impact Assessment* and, subject to condition 7(l), must include production of a *PEIA Report*.
- (c) The *PEIA Report* must set out:
- (i) the manner in which the permit holder has had regard to the principles set out in condition 6;
 - (ii) the manner in which the permit holder has had regard to the permit holder's *Standard Brief for Preliminary Environmental Impact Assessment* in conducting a *desktop study*;
 - (iii) the amount (in hectares) and boundaries of *clearing* required for the *project activity*;
 - (iv) how each of the *clearing principles* has been addressed through the *desktop study*;
 - (v) whether there are likely to be any *impacts* that may be at variance or seriously at variance with the *clearing principles*; and
 - (vi) whether, in accordance with the *Assessment Principles*:
 - (A) *rehabilitation* and *revegetation*, or a *management strategy*, is likely to be required under Part IV of this Permit; and
 - (B) an *offset* is likely to be required under Part V of this Permit.
- (d) Where the outcome of the *desktop study* indicates that the *clearing* may be at variance or seriously at variance with one or more of the *clearing principles*, the permit holder must undertake *EIA* in accordance with this condition, and seek submissions in accordance with condition 8 of this Permit.
- (e) Without limiting condition 7(d), 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 *EIA* in accordance with this condition.
- (f) Where required pursuant to condition 7(d), the permit holder must conduct an *EIA* addressing those *environmental values* identified in the *desktop study* as likely to be affected by the *clearing* to an extent that may be at variance or seriously at variance with the *clearing principles*.
- (g) Where required pursuant to condition 7(e), the permit holder must conduct an *EIA* assessing each of those *clearing principles* for which there was insufficient information available to undertake a *desktop study*.
- (h) *EIA* must be conducted having regard to the permit holder's *Standard Brief for Environmental Impact Assessment and Environmental Management Plan (Internal)* and, subject to condition 7(l), must include production of an *EIA Report*.
- (i) *EIA* must include a *biological survey*, and:
- (i) where the area to be cleared may be affected by *dieback*, a *dieback survey*;
 - (ii) where the *clearing* may have a detrimental impact on the *environmental values* of a *wetland*, a *wetland field assessment*; and
 - (iii) 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*,
- and every such survey or field assessment must be conducted by an *environmental specialist*.

- (j) Any *biological survey* carried out pursuant to condition 7(i) that relates to flora must be conducted having regard to *EPA Guidance Statement No.51*.
- (k) The *EIA Report* must set out:
 - (i) copies of any submissions received pursuant to condition 8, and a statement addressing each of those submissions;
 - (ii) the manner in which the permit holder has had regard to the permit holder's *Standard Brief for Environmental Impact Assessment and Environmental Management Plan (Internal)* in conducting an *EIA*;
 - (iii) the results of any surveys and field assessments carried out pursuant to conditions 7(h) and 7(i);
 - (iv) any *impacts* likely to occur as a result of the *clearing*, including a description of those *impacts* that may be at variance or seriously at variance with the *clearing principles*;
 - (v) any *rehabilitation, revegetation, management strategy* or other means of rectification that the permit holder will adopt to address the *impacts*; and
 - (vi) any *offsets* developed in accordance with Part V of this Permit that the permit holder will implement to address the *impacts*.
- (l) Where the permit holder conducts a *PEIA* and an *EIA* 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 *PEIA Report* and an *EIA Report*; and
 - (ii) if the permit holder produces an *Assessment Report*, there is no need to produce a *PEIA Report* or an *EIA Report* for the proposed *clearing*.
- (m) Subject to condition 7(n), after undertaking the *EIA* the permit holder must prepare, implement and adhere to an *EMP* to address the *impacts*, in accordance with condition 11 of this Permit.
- (n) Where the results of the *EIA* indicate that *clearing* for the *project activity* may 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*.

8. Submissions

- (a) The permit holder must invite submissions from the following parties about those *impacts* of the proposed *clearing* that may be at variance or seriously at variance with the *clearing principles*:
 - (i) the *Department's* Native Vegetation Conservation Branch;
 - (ii) the Office of the Commissioner of Soil and Land Conservation in the Department of Agriculture and Food;
 - (iii) the Department of Water;
 - (iv) the Conservation Council of Western Australia Inc.;
 - (v) the local government responsible for the area that is to be cleared;
 - (vi) 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;
 - (vii) any other environment or community groups that the permit holder reasonably considers may have an interest in the *clearing* that is proposed to be done; and
 - (viii) 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 provide the following information to the parties from whom it invites submissions under condition 8(a):
 - (i) a description of the land on which the *clearing* is to be done;

- (ii) a description of the *project activities* for which the *clearing* is to be done;
 - (iii) the size of the area to be cleared (in hectares);
 - (iv) in what manner the permit holder considers that the *clearing* may be at variance or seriously at variance with the *clearing principles*;
 - (v) an outline of any *rehabilitation, revegetation, management strategy* or *offset* proposed to be implemented in relation to the *clearing*;
 - (vi) the contact details of the person to whom submissions must be sent; and
 - (vii) the date by which submissions must be made.
- (c) The permit holder must allow a period of at least 21 days for submissions to be made.
- (d) Any submissions received by the permit holder under this condition 8 must be addressed in the *EIA Report* in accordance with condition 7(k) of this Permit.

PART III - ASSESSMENT PRINCIPLES

9. Assessment against the Clearing Principles

- (a) In complying with condition 7 of this Permit, the permit holder must have regard to the *Department's Guidelines for Assessment: Clearing of Native Vegetation under the Environmental Protection Act 1986*, contained in Annexure 7 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 may be seriously at variance with one or more of the *clearing principles* then condition 7(n) applies.
- (c) If part or all of the *clearing* to be done is or 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*.
- (d) If part or all of the *clearing* to be done is or is likely to be at variance with *clearing principle (g)*, *clearing principle (i)* or *clearing principle (j)*, the permit holder must implement a *management strategy*, approved by the *CEO* in accordance with conditions 5(iii) and 12 of this Permit, with respect to that *clearing*.
- (e) In making a determination under condition 9(b) as to whether part or all of the *clearing* to be done may be seriously at variance, or under conditions 9(c) and 9(d) as to whether part or all of the *clearing* to be done is or is likely to be at variance, with one or more of the *clearing principles*, the permit holder must obtain and have regard to the advice of an *environmental specialist*.

10. Other

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*) and any 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

11. Environmental management plan

- (a) The permit holder must prepare, implement and adhere to an *EMP* if required by condition 7(l) of this Permit.

- (b) The *EMP* must have regard to the permit holder's *Standard Brief for Environmental Impact Assessment and Environmental Management Plan (Internal)* and include:
 - (i) a plan for managing the *impacts*;
 - (ii) a table setting out the permit holder's commitments to the *EMP*'s requirements;
 - (iii) a program for monitoring compliance with the permit holder's commitments;
 - (iv) a copy of the *Revegetation Plan*, where required under condition 13 of this Permit.

12. Management strategy

- (a) Where the permit holder is required under this Permit to comply with this condition 12, the permit holder must prepare, implement and adhere to a strategy designed by an *environmental specialist*, in consultation with the Commissioner of Soil and Land Conservation, to avoid, mitigate or manage the *land degradation, water quality deterioration*, or flooding that triggered the permit holder's obligation to comply with this condition.
- (b) Once the permit holder has developed a *management strategy*, the permit holder must provide that *management strategy* to the *CEO* prior to undertaking any *clearing* of an area to which the *management strategy* is related, and prior to implementing the *management strategy*.

13. Revegetation and Rehabilitation

- (a) The permit holder must *revegetate* and *rehabilitate* the following areas once those areas are no longer required for the following purpose for which they were cleared under this Permit:
 - (i) *temporary works*;
 - (ii) *extraction sites*;
 - (iii) *camps*;
 - (iv) *project surveys*; or
 - (v) *pre-construction activities*.
- (b) The permit holder need not *revegetate* and *rehabilitate* an area specified in condition 13(a) if the permit holder intends to use that cleared area for another *project activity* within 12 months of that area no longer being required for the purpose for which it was originally cleared under this Permit.
- (c) The *revegetation* and *rehabilitation* of an area pursuant to this condition 13:
 - (i) must be carried out as soon as possible once the permit holder no longer requires that area for a *project activity*, in accordance with conditions 13(a) and 13(b); and
 - (ii) must be undertaken according to a *Revegetation Plan* that the permit holder must provide to the *CEO* prior to *clearing native vegetation* from the area that is to be *revegetated* and *rehabilitated*.
- (d) The permit holder need not comply with condition 13(c)(ii) if the area to be *revegetated* and *rehabilitated* is:
 - (i) less than 0.5 hectares;
 - (ii) not located in an *ESA*; and
 - (iii) an area where the proposed *clearing* that triggers the obligation to *revegetate* and *rehabilitate* is not at variance with one or more of the *clearing principles*.
- (e) A *Revegetation Plan* must be developed having regard to the *Environmental Guideline: Revegetation Planning and Techniques* and must involve the following steps:
 - (i) *site preparation*;
 - (ii) *weed control*;
 - (iii) *regeneration, direct seeding or planting, at an optimal time*;

- (iv) a *vegetation establishment period*; and
 - (v) ongoing maintenance and monitoring.
- (f) Any area of *native vegetation* that does not form part of the area to be cleared for the *project activity* and that has been damaged as a result of the *clearing* by the permit holder must be *revegetated* and *rehabilitated* in accordance with conditions 13(c) and 13(d).

14. 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 26th parallel of latitude, the permit holder must take the following steps to minimise the risk of introduction and spread of *dieback*:
- (i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
 - (ii) avoid the movement of soil in wet conditions;
 - (iii) if movement of soil in wet conditions is necessary, the permit holder must prepare, implement and adhere to a *dieback* management plan developed in consultation with the *Department* for minimising the spread of *dieback*;
 - (iv) ensure that no *dieback*-affected *road building materials, mulches* or *fill* are brought into an area that is not affected by *dieback*; and
 - (v) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.
- (b) Where the permit holder considers, having regard to the advice of an *environmental specialist*, that the area to be cleared may be susceptible to a pathogen other than *dieback*, the permit holder must take appropriate steps to minimise the risk of the introduction and spread of that pathogen.
- (c) When undertaking any *clearing, 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 *road building materials, mulch, fill* or other material is brought into the area to be cleared; and
 - (iii) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.
- (d) At least once in each 12 month period for the *term* of this Permit, the permit holder must remove or kill any *weeds* growing within areas *cleared, revegetated* and *rehabilitated*, or the subject of an *offset* implemented by the permit holder under this Permit where those *weeds* are likely, having regard to the advice of an *environmental specialist*, to spread to and result in *environmental harm* to adjacent areas of *native vegetation* that are in *good or better condition*.

PART V – OFFSETS

15. Determination of offsets

- (a) 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 have regard to the offset principles contained in condition 16 of this Permit.

- (b) 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 in accordance with condition 5(a)(ii), prior to undertaking any *clearing* to which the *offset* related, and prior to implementing the *offset*.

16. Offset principles

For the purpose of this Part, the offset principles are as follows:

- (a) *direct offsets* should directly counterbalance the loss of the *native vegetation*;
- (b) *contributing offsets* should complement and enhance the *direct offset*;
- (c) *offsets* are implemented only once all avenues to avoid, minimise, rectify or reduce environmental impacts have been exhausted;
- (d) the *environmental values*, habitat, species, ecological community, physical area, ecosystem, landscape, and hydrology of the *offset* should be the same as, or better than, that of the area of *native vegetation* being *offset*;
- (e) a ratio greater than 1:1 should be applied to the size of the area of *native vegetation* that is offset to compensate for the risk that the *offset* may fail;
- (f) *offsets* must entail a robust and consistent assessment process;
- (g) in determining an appropriate *offset*, consideration should be given to ecosystem function, rarity and type of *ecological community*, *vegetation condition*, habitat quality and area of *native vegetation* cleared;
- (h) the *offset* should either result in no net loss of *native vegetation*, or lead to a net gain in *native vegetation* and improve the condition of the natural environment;
- (i) *offsets* must satisfy all statutory requirements;
- (j) *offsets* must be clearly defined, documented and audited;
- (k) *offsets* must ensure a long-term (10-30 year) benefit; and
- (l) an *environmental specialist* must be involved in the design, assessment and monitoring of *offsets*.

17. Duration of offsets

- (a) The permit holder must ensure that an *offset* implemented under this Permit continues to be implemented for the *term* of this Permit.
- (b) If for any reason an *offset* is not continually implemented for the *term* of this Permit, the permit holder must:
 - (i) implement the *offset* again within 12 months of becoming aware that the *offset* is not being maintained; and
 - (ii) if necessary, modify the *offset* in a manner that increases the likelihood that the *offset* will be implemented for the *term* of this Permit.

PART VI – MONITORING, REPORTING & AUDITING

18. Monitoring

- (a) The permit holder must monitor:
 - (i) areas *revegetated* and *rehabilitated* under this Permit to determine compliance with the relevant *Revegetation Plan* and the conditions of this Permit; and
 - (ii) areas the subject of an *offset* implemented under this Permit to determine compliance with the relevant *offset proposal* and the conditions of this Permit.
- (b) Monitoring pursuant to this condition 18 must be done having regard to section C.9 of the *Environmental Guideline: Revegetation Planning and Techniques*.

19. 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*:
 - (i) a copy of any *PEIA Report*, *EIA Report* and *Assessment Report* produced in accordance with condition 7;
 - (ii) a copy of the *EMP* produced in accordance with conditions 7 and 11;
 - (iii) for a cleared area greater than 0.5 hectares, a map showing the location where the *clearing* occurred, recorded in an *ESRI Shapefile*;
 - (iv) for a cleared area of 0.5 hectares or less, a co-ordinate of the location where the *clearing* occurred;
 - (v) the size of the area cleared (in hectares); and
 - (vi) the dates on which the *clearing* was done;
- (b) in relation to the *revegetation* and *rehabilitation* of areas:
 - (i) a copy of each *Revegetation Plan* provided to the *CEO* in accordance with condition 13(c);
 - (ii) a map showing the location of any area *revegetated* and *rehabilitated* in accordance with condition 13, recorded in an *ESRI Shapefile*;
 - (iii) a description of the *revegetation* and *rehabilitation* activities undertaken pursuant to condition 13; and
 - (iv) the size of the area *revegetated* and *rehabilitated* (in hectares);
- (c) in relation to each *offset* implemented:
 - (i) a copy of each *offset proposal* approved by the *CEO* in accordance with condition 15(b);
 - (ii) a map showing the location of any *offset* implemented pursuant to condition 15, recorded in an *ESRI Shapefile*;
 - (iii) a description of the *offset* implemented pursuant to condition 15; and
 - (iv) the size of the area of the *offset* (in hectares);
- (d) in relation to each *management strategy* implemented:
 - (i) a map showing the location of any area to which a *management strategy* has been applied in accordance with condition 12, recorded in an *ESRI Shapefile*;
 - (ii) a description of the *management strategy* implemented under condition 12; and
 - (iii) the size of the area to which the *management strategy* was applied (in hectares);
- (e) in relation to the control of *weeds*, *dieback* and other pathogens:
 - (i) a copy of any management plan prepared in accordance with condition 14(a)(iii); and
 - (ii) for any pathogen other than *dieback*, the appropriate steps taken in accordance with condition 14(b).

20. 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 19 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 not at variance with one or more of the *clearing principles*.

21. Internal auditing

- (a) The permit holder must conduct *internal environmental audits* for areas specified in condition 21(c) 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 *management strategies* implemented; and
 - (iv) the implementation status of any *revegetation* or *rehabilitation* undertaken.
- (b) The permit holder must conduct its first *internal environmental audit* within 6 months of the date of this Permit. Subsequent *internal environmental audits* must be conducted annually.
- (c) The areas to be audited under condition 21(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 provide written reports of the *internal environmental audits* conducted pursuant to this condition 21 to the *CEO* on or before 30 December of each year for the *term* of this Permit, which reports must include details of steps taken by the permit holder to address any non-compliance with conditions of this Permit.

22. 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 30 November 2007 and 30 November 2009 and/or as otherwise required by the *CEO*.
- (c) 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 and/or as otherwise required by the *CEO*.

PART VII – INTERPRETATION & DEFINITIONS

23. 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;
- (b) if a word or phrase is defined, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.

24. 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.

25. 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 25(a), this Permit prevails to the extent of any inconsistency between its conditions (including its Schedules), and the provisions of any other document referred to in this Permit.

26. Definitions

The following meanings are given to terms used in this Permit and the attached Advice:

<i>Assessment Principles</i>	means the assessment principles set out in Part III of this Permit;
<i>Assessment Procedure</i>	means the assessment procedure set out in Part II of this Permit;
<i>Assessment Report</i>	has the meaning given to that term in condition 7(l) of this Permit;
<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) delineate key flora, fauna, soil, and groundwater and surface water values and potential sensitivity to impact; (c) undertake <i>vegetation condition mapping</i> ; and (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;
<i>bioregion</i>	has the meaning given to it in regulation 3 of the <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i> ;
<i>Bush Forever site</i>	means a site listed in “Bush Forever” Volumes 1 and 2 (2000), published by the Western Australia Planning Commission, except to the extent to which the site is approved to be developed by the Western Australia Planning Commission, as described in clause 4(3) of the <i>Environmental Protection (Environmentally Sensitive Areas) Notice 2005</i> ;
<i>camp</i>	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;
<i>CEO</i>	means the Chief Executive Officer of the <i>Department</i> ;
<i>clearing</i>	has the meaning given to it in section 51A of the <i>Environmental Protection Act 1986</i> ;
<i>clearing permit</i>	has the meaning given to it in section 3 of the <i>Environmental Protection Act 1986</i> ;

<i>clearing principles</i>	means the principles for <i>clearing native vegetation</i> set out in Schedule 5 of the <i>Environmental Protection Act 1986</i> ;
<i>condition</i>	means the rating given to <i>native vegetation</i> 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;
<i>contributing offset</i>	has the same meaning as is given to that term in the Environmental Protection Authority's <i>Preliminary Position Statement No.9 (Version 2): Environmental Offsets</i> , June 2005;
<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 and Conservation;
<i>desktop study</i>	means a literature review, including a map-based information search of all current and relevant literature sources and databases;
<i>deterioration</i>	in relation to water quality, includes sedimentation, turbidity, eutrophication, salinity, or any alteration of pH affecting surface water or groundwater;
<i>dieback</i>	means the effect of <i>Phytophthora</i> species on <i>native vegetation</i> ;
<i>dieback survey</i>	means a site visit undertaken by an <i>environmental specialist</i> to: <ul style="list-style-type: none"> (a) verify <i>desktop study</i> information; (b) identify indicator species; and (c) carry out soil sampling in areas significantly affected by <i>dieback</i>;
<i>direct offset</i>	has the same meaning as is given to that term in the Environmental Protection Authority's <i>Preliminary Position Statement No.9 (Version 2): Environmental Offsets</i> , June 2005;
<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>EIA</i>	means environmental impact assessment, as described in conditions 7(h)-(k) of this Permit;
<i>EIA Report</i>	means the document produced as an outcome of conducting an <i>EIA</i> in accordance with conditions 7(h)-(k) of this Permit;
<i>EMP</i>	means environmental management plan, as described in condition 11 of this Permit;
<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 Guideline: Revegetation Planning and Techniques</i>	means the permit holder's corporate procedure for providing guidance on undertaking revegetation, Document No. 6707/031 Rev 0, dated 22 April 2004, contained in Annexure 4 to this Permit;
<i>Environmental Guideline: Supplementary Guidance on Environmental Impact Assessment</i>	means the permit holder's corporate procedure for providing guidance on undertaking environmental impact assessment, Document No. 6707/003 Rev 1, dated 3 November 2005, contained in Annexure 3 to this Permit;
<i>environmental harm</i>	has the same meaning as it is given in section 3A of the <i>Environmental Protection Act 1986</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>environmental value</i>	has the same meaning as it is given in section 3 of the <i>Environmental Protection Act 1986</i> ;
<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 "Guidance for the Assessment of Environmental Factors: Terrestrial flora and vegetation surveys for environmental impact assessment in Western Australia", No.51, (2004), Environmental Protection Authority;
<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>ESRI Shapefile</i>	means an ESRI Shapefile with the following properties: (a) Geometry type: polygon; (b) Geographic Coordinate System: Geocentric Datum of Australia 1994; (c) Datum: Geocentric Datum of Australia 1994;
<i>external environmental audit</i>	means an audit conducted by a <i>lead environmental auditor</i> in accordance with condition 22 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 hollow;
<i>firebreak</i>	means a firebreak established in accordance with the <i>Bush Fires</i>

Act 1954;

<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 <i>Keighery scale</i> ;
<i>impacts</i>	means any impact of <i>clearing</i> on <i>environmental values</i> ;
<i>internal environmental audit</i>	means an audit conducted by the permit holder in accordance with condition 21 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>	includes salinity, 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> ;
<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>management strategy</i>	means any activity, method or approach implemented pursuant to condition 12 of this Permit;
<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 vegetation</i>	has the meaning given to it in sections 3 and 51A of the <i>Environmental Protection Act 1986</i> and regulation 4 of the <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i> ;
<i>offset</i>	means an offset required to be implemented under Part V of this Permit;
<i>offset proposal</i>	means an offset determined by the permit holder in accordance with condition 15(a);
<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>PEIA Report</i>	means the document produced as an outcome of conducting a

	preliminary environmental impact assessment in accordance with conditions 7(a) and (c) 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 activities</i>	means those activities described in condition 1(a) of this Permit;
<i>project surveys</i>	means <i>authorised surveys, engineering surveys and geological surveys</i> ;
<i>proposal</i>	has the meaning given to it in section 3 of the <i>Environmental Protection Act 1986</i> ;
<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 WA at the date of issue of this Permit and depicted in the maps that form part of this Permit in Schedule 3: <ul style="list-style-type: none"> (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;
<i>regional clearing limits</i>	means the maximum amount of clearing, carried out pursuant to this Permit and CPS 817/1, allowed per region per financial year as set out in the table in Schedule 1 of this Permit;
<i>rehabilitation</i>	means actively managing an area containing <i>native vegetation</i> in order to improve the ecological function of that area;
<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 <i>native vegetation</i> 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> ;

<i>Revegetation Plan</i>	means a plan developed by the permit holder for the revegetation and <i>rehabilitation</i> of a site in accordance with condition 13;
<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 drainage system;
<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</i> formation;
<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>site preparation</i>	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;
<i>Standard Brief for Preliminary Environmental Impact Assessment</i>	means the permit holder's corporate procedure for undertaking preliminary environmental impact assessment, Document No.6707/012 Rev 1, dated 3 November 2005, contained in Annexure 1 to this Permit;
<i>Standard Brief for Environmental Impact Assessment and Environmental Management Plan (Internal)</i>	means the permit holder's corporate procedure for undertaking environmental impact assessment and preparing an environmental management plan, Document No.6707/013 Rev 2, dated 3 November 2005, contained in Annexure 2 to this Permit;
<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 and similar works associated with a project activity that are temporary in nature;
<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 establishment period</i>	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 revegetation has been unsuccessful, and involves regular inspections of <i>revegetation</i> sites to monitor the success of <i>revegetation</i> ;
<i>water quality</i>	includes sedimentation, turbidity, eutrophication, salinity, or

<i>deterioration</i>	alteration of pH affecting surface water or groundwater;
<i>weed</i>	means a species listed in Appendix 3 of the "Environmental Weed Strategy" published by the Department of Conservation and Land Management (1999), and plants declared under section 37 of the <i>Agricultural and Related Resources Protection Act 1976</i> ;
<i>wetland</i>	has the same meaning as it is given in Schedule 5 of the <i>Environmental Protection Act 1986</i> ;
<i>wetland field assessment</i>	means a site visit by an <i>environmental specialist</i> to: (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, in accordance with the permit holder's <i>Environmental Guideline: Supplementary Guidance on Environmental Impact Assessment</i> ;
<i>World Heritage Property</i>	means a declared World Heritage property as defined in section 13 of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> ;
<i>written law</i>	has the same meaning as it is given in section 5 of the <i>Interpretation Act 1984</i> .

Roxane Shadbolt

Roxane Shadbolt
A/MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

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

9 November 2012