

Administrative Agreement

between

Department of Environment and Conservation

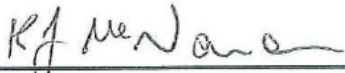
and

Department of Mines and Petroleum

Delegation of provisions for clearing of native vegetation under the *Environmental Protection Act 1986* for mineral and petroleum activities regulated under the *Mining Act 1978*, the *Petroleum and Geothermal Energy Act 1967*, the *Petroleum Pipelines Act 1969* or the *Petroleum (Submerged Lands) Act 1982* and clearing subject to a Government agreement administered by the Department of State Development as defined in section 2 of the *Government Agreements Act 1979*.

SIGNATORIES TO THIS AGREEMENT

Signed for and on behalf of
Department of Environment and
Conservation.

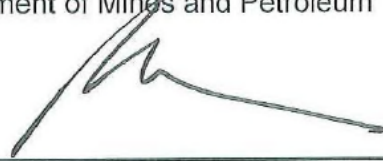


Director General

On the day of

25/4/11

Signed for and on behalf of
Department of Mines and Petroleum



Director General

On the day of

22/3/11

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Administrative Agreement

Delegation of provisions for clearing of native vegetation under the *Environmental Protection Act 1986* for mineral and petroleum activities regulated under the *Mining Act 1978*, the *Petroleum and Geothermal Energy Act 1967*, the *Petroleum Pipelines Act 1969* or the *Petroleum (Submerged Lands) Act 1982* and clearing subject to a Government agreement administered by the Department of State Development as defined in section 2 of the *Government Agreements Act 1979*.

Acronyms and abbreviations

CEO	Chief Executive Officer of the Department responsible for the administration of <i>Environmental Protection Act 1986</i>
CSLC	Commissioner of Soil and Land Conservation
DEC	Department of Environment and Conservation
DMP	Department of Mines and Petroleum
DoW	Department of Water
EPA	Environmental Protection Authority

Definitions

(Based on Section 3 and Section 51A of the *Environmental Protection Act 1986*)

Clearing

Clearing means -

- (a) Killing or destruction of;
- (b) The removal of;
- (c) The severing or ringbarking of trunks or stems of;
- (d) Or the doing of any other substantial damage to, some or all of the native vegetation in an
- (e) Area, and includes the drabbing or flooding of land, the burning of vegetation, the grazing of stock, or any other act or activity that causes the killing or destruction of;
- (f) The severing of trunks or stems of; or
- (g) Any other substantial damage to some or all of the native vegetation ha the area.

Native Vegetation

Native vegetation means indigenous aquatic or terrestrial vegetation but does not include vegetation that was intentionally sown, planted or propagated unless –

- (a) that vegetation was sown, planted or propagated as required under this Act or another written law; or
- (b) that vegetation is of a class declared by regulation to be included in this definition, and includes dead vegetation unless that dead vegetation is of a class declared by regulation to be excluded from this definition but does not include vegetation in a plantation.

Proponent

In relation to a proposal, means the person who or which is responsible for the proposal, or the public authority on which the responsibility for the proposal is purposed under another written law.

Other definitions

Mineral and petroleum activities

For the purposes of this administrative agreement, mineral and petroleum activities are those that are regulated under the *Mining Act 1978*, the *Petroleum and Geothermal Energy Resources Act 1967*, the *Petroleum Pipelines Act 1969* or the *Petroleum (Submerged Lands) Act 1982* and clearing subject to a Government agreement administered by the Department of State Development as defined in section 2 of the *Government Agreements Act 1979*.

Low impact mineral and petroleum activities

For the purposes of this administrative agreement, low impact mineral and petroleum activities are as defined in Schedule 1 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 or as amended by the Governor through regulations under s.51C(c) from time to time.

Exempt clearing activities

For the purposes of this administrative agreement⁶, exempt clearing activities are defined as those that are prescribed under regulation 5(20), 5(24) or 5(25) of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

Application date

The date that an application is received by the Department responsible for administering that application.

Decision

Decision means an application was either granted, given an undertaking, declined, refused, or withdrawn.

1. Introduction

This document outlines administrative arrangements between the Department of Environment and Conservation (DEC) and the Department of Mines and Petroleum (DMP) to support the delegation under s.20 of the *Environmental Protection Act 1986* (EP Act) of certain provisions for clearing of native vegetation under that Act.

The agreement applies to clearing of native vegetation under s.51C of the EP Act associated with mineral and petroleum activities regulated under the *Mining Act 1978*, the *Petroleum and Geothermal Energy Resources Act 1967*, the *Petroleum Pipelines Act 1969* and the *Petroleum (Submerged Lands) Act 1982* and clearing subject to a Government agreement administered by the Department of State Development as defined in section 2 of the *Government Agreements Act 1979*.

This Agreement does not apply to proposals on Commonwealth lands or in Commonwealth waters.

The two Departments commit to work cooperatively to ensure the applications in relation to mineral and petroleum activities which involve clearing of native vegetation under the *EP Act* are assessed efficiently and effectively, and that biodiversity, land and water resources are not adversely affected.

These administrative procedures establish a process for the management of clearing permit applications and for appropriate standards and record keeping to apply to exempt clearing activities that is agreed to by both DEC and the DMP.

Operations of the clearing provisions of the *EP Act* in relation to mineral and petroleum activities will be structured to ensure that the native vegetation clearing assessment process is based on:

- Timeliness (that is, assessment needs to be completed within a reasonable period);
- Clarity and consistency of process;
- Openness and transparency;
- Cooperation between agencies;
- Clear and scientifically based criteria (which include a local and bioregional context);
- Accurate and adequate information;
- Clear steps of application, assessment, decision, appeal and audit, as well as effective sanctions for acting outside the process (unlawful clearing);
- Capable of covering the broad range of issues involved in clearing; and
- The shortest possible route between the statutory authority and the proponent (i.e. the overall process and its procedures must be clear and readily followed and avoid cumbersome transfers of authority between agencies).

2. Administrative Procedures

2.1 Application to mineral and petroleum activities

These procedures apply to clearing of native vegetation for mineral and petroleum activities administered under delegation by the DMP.

2.2 Enquiries

The DMP will undertake the following in relation to enquiries for applications for clearing permits for mineral and petroleum activities:

- Be point of contact for industry proponents;
- Advise requirements for studies to be carried out by the proponent relating to native vegetation consistent with the *A guide to the assessment of applications to clear native vegetation*;
- Provide advice to proponents based on policy prepared by DEC;
- Direct complex enquiries outside written guidelines to DEC's Native Vegetation Conservation Branch.

DEC will:

- Prepare standard advice to assist proponents to understand the requirements of the clearing provisions of the EP Act and their obligations under the process. This standard advice will be made available to the DMP environmental staff.
- Provide advice to proponents and the DMP for complex issues or matters of legal interpretation.
- Provide a web-based GIS viewer to assist proponents to identify environmentally sensitive areas under a s.51B declaration, and non-permitted areas under Schedule 1 of the regulations.

2.3 Permit application (s.51E and s.51Q of the EP Act)

For applications to clear native vegetation under the delegation, the DMP will:

- Advise proponents to lodge applications in the form prescribed by the CEO of DEC under s.51E(1)(a). The ultimate responsibility for the application rests with the proponent.
- Advise proponents of the scope of work for an application for a clearing permit required to address the clearing principles in the EP Act, based on the *A guide to the assessment of applications to clear native vegetation*.
- Continue to refer any proposals which trigger the requirements of the current Memorandum of Understanding with the EPA under s.38 of Part IV of the EP Act.
- Determine whether an application is valid under s.51E(1) and (2). If the application is not a valid application, the delegate must decline to deal with the application and advise the applicant under s.51E(3).
- Decline to grant a clearing permit on a pending tenement, or a tenement for a purpose

which is inconsistent with the purpose of the clearing, or where the applicant does not have a right of access under another written law.

- Determine whether any exemption under regulation 5 (not in an environmentally sensitive area) or Schedule 6 applies based on the *A guide to the exemptions and regulations for clearing native vegetation* published by DEC.
- Following receipt of an application, where an exemption appears to exist, advise the applicant in writing that a clearing permit under s.51C may not be required.
- Determine whether the application is related to a proposal for which notification has been given under section 41 by the EPA in accordance with the requirements of the fact sheet entitled "Section 51F and the meaning of 'related'" and therefore whether the delegate is prevented from making a decision on the application.
- If the application is related for the purposes of section 51F, advise the proponent in writing.
- Determine whether any instrument under s.51D affects the application.
- Decline to grant a clearing permit for any application which is the subject of an agreement to reserve, unless there is written advice from the Commissioner of Soil and Land Conservation agreeing to the clearing.
- Decline to grant a clearing permit for any application which is the subject of a conservation covenant issued under s.30B(2) of the *Soil and Land Conservation Act 1945*.
- Decline to grant a clearing permit for any application which is the subject of a soil conservation notice unless there is written advice from the Commissioner of Soil and Land Conservation stating that the clearing would not be in contravention of the soil conservation notice.
- If the application is a valid application under s.51E, advise the applicant in writing that the application has been received as required under s.51E(4)(a).
- Advertise the applications in a weekly notice appearing in the West Australian (s.51Q of the EP Act and Regulation 8(2)(a) of the Environment Protection (Clearing of Native Vegetation) Regulations 2004). The advertisement will be consistent with that of DEC and will contain an invitation to interested persons or organizations to make submissions on any of the clearing permit applications within a prescribed period as required under s.51E(4)(c).
- On behalf of the delegate, invite persons or organizations with direct interest in the clearing permit application to make a submission within a specified time period as required under s.51E(4)(b)
- Ensure that applications are entered and stored in the Clearing Permit System Database to comply public records requirements outlined in regulation 8(1) and (2).
- The date of application in the Clearing Permit System Database shall be the date that the application is initially received and date stamped by the DMP.

Where an application is received by the DMP and does not fit within the scope of the delegation, the DMP shall transfer the application and fee to DEC as soon as possible (and in any case no longer than seven days), and advise the proponent in writing of the transfer and the date this occurred.

DEC will:

- Develop and maintain prescribed application forms for use by the DMP and proponents. Before any amendment to a prescribed application form, the CEO will consult with the DMP.
- Provide the DMP with access to the Clearing Permit System Database.
- Publish and maintain the document entitled *A guide to the exemptions and regulations for clearing regulations*.
- Publish and maintain the document entitled *A guide to the assessment of applications to clear native vegetation*.
- Publish records of applications stored in the Clearing Permit System Database, as required under s.51Q under regulation 8(1) on a website maintained by DEC.
- Provide information in the document entitled *A guide to the assessment of applications to clear native vegetation* or other policy on the information required.
- Provide and maintain procedural policy on the administration of clearing permit applications through the Clearing Permit System Handbook.

2.4 Amendments under s.51K

Section 51K of the EP Act deals with situations where the CEO may amend a clearing permit and section 51M outlines the legal process to be undertaken when making an amendment.

DEC has prepared a policy guideline for the amendment of clearing permits which is contained in the Clearing Permit System Handbook. DEC undertakes to consult with the DMP when revising this policy guideline.

The DMP shall apply this guideline when considering when and how to make amendments to clearing permits.

2.5 Assessment

Assessment Process

The DMP will:

- Refer applications to the CSLC, DoW or DEC for advice consistent with the scope, timing and manner of the agency's involvement under this agreement as outlined in Section 2.14.
- Take into account any submissions made under the s.51E(4)(b) or (c). The decision reports shall show how any received submission was addressed and to what extent the issues it raised were considered relevant.
- Assess permit applications in accordance with s.51D, s.51O and s.51P of the EP Act and as outlined in the document *A guide to the assessment of application to clear native vegetation*.
- Prepare reports consistent with the decision report and assessment report prepared by the DEC's Clearing Permit System Database.

The proponent shall liaise with the CSLC, DoW, DEC and other relevant agencies where appropriate

in preparing documentation to support their application.

Assessment Criteria

The DMP shall be consistent with the document entitled *A guide to the assessment of applications to clear native vegetation* when deciding whether to grant or refuse a clearing permit application. This document contains guidelines for interpretation of the clearing principles, which the DMP must consider in making a decision, consideration of planning instrument, and other relevant considerations, such as those under s.51O and 51P.

DEC undertakes to develop and maintain the document *A guide to the assessment of applications to clear native vegetation* in consultation with the DMP, DoW and CSLC.

Duration of Permit

The DMP may vary the standard period of validity for a permit where there is good reason, noting that the standard period for an area permit is two years and five years for a purpose permit under s.51G.

2.6 Decision on Clearing Permit

The DMP will:

- Have regard to the clearing principles, planning instruments and other relevant matters in making a decision to the extent that they are relevant to the application.
- The delegate may not make a decision to grant a permit that:
 - Is inconsistent with an approved environmental protection policy under s.31(d); or
 - Is seriously at variance with the principles.
- Refer any decision where the DMP recommends granting of a clearing permit application that is seriously at variance with the clearing principles to the CEO, together with a statement of the good reason why the permit should be granted in accordance with S.51O(3)¹.
- Give written notice to the application of a decision to refuse or grant a clearing permit as required under S.51E(5) and (6).
- Advertise and clearing permits granted or refused in a weekly advertisement in *The West Australian* newspaper. The advertisement will be consistent with that of DEC.
- Ensure that details of the clearing permit as required under regulation 8(1)(b) are maintained in the Clearing Permit System Database and DEC's FTP site, available through DEC's website.

¹ Reasons for any decision of the CEO that is seriously at variance with the clearing principles will be published in these media as required under s.51O(3) and 51Q.

2.7 Clearing Conditions

Subject to s.5I, the DMP may grant a clearing permit subject to conditions including, but not limited to, any of the following:

- The minimization of environmental harm;
- To offset the loss of native vegetation;
- To give binding conservation covenant or agreement to reserve; and
- To monitor operations and provide reports to the CEO (or delegate).

The DMP shall use standard conditions provided by DEC through the Clearing Permit System Database. Where the DMP wishes to impose a condition that is not a standard condition, the DMP shall refer the condition to the DEC for advice. DEC will ensure that the condition is enforceable, and if so, add it to the set of standard conditions in the Clearing Permit System Database.

2.8 Appeals

Decisions relating to clearing permits are subject to appeal rights in accordance with the EP Act.

The Office of the Appeal's Convenor will manage any appeals lodged in respect of decisions on applications made under the delegation. The Appeals Convenor's office has prepared guidelines for dealing with appeals on clearing permits, a copy of which is available at the [Appeals Convenor website](#).

The DMP will:

- Support the Appeals Convenor by providing any relevant information it holds in respect of such an appeal.
- Prepare a report using DEC's appeal report template as amended from time to time to the Minister for Environment under s.107 in the manner and within such a period as required by the Appeals Convenor's office.
- Support an appeal committees set up under s.108 when consulted under s.109.
- Cause to implemented each and any decision to the Minister under s.107(2) or s.109(3) on an appeal as soon as practicable. Implementation of appeals shall be under s.51K and shall be required under s.51M. DEC's policy on amendments can be consulted for further information.
- Ensure that Clearing Permit System Database is updated to reflect the outcomes of appeal decisions (including completing the "Appeals" tab).

2.9 Timeframes

There are no specifications within the EP Act or regulations for timeframes for process for clearing of native vegetation. Timeframes exist in respect of appeal periods, but not for the Minister's decision on any appeal.

DEC has committed to target timeframes for decisions of 80% within 60 calendar days and 100% within 90 calendar days. To achieve this, indicative timeframe for each stage of the assessment

process is outline in Attachment 2 (Timeframe Table for clearing permit application decisions).

It is noted that the time taken to assess an application to clear will vary from case to case and will largely depend on the complexity of the environmental issues associated with the application, and whether further information has been provided or is required from the proponent. Where a preliminary assessment indicates that significant issues may arise that have not been adequately addressed by information provided with the application, the delegate will request this information in writing. Such a letter will “Stop the clock”² and the periods until this information is provided shall not be included in any calculation of the overall timeframe.

It is expected that the DMP will also comply with the 60 and 90 calendar day targets, which are publicly reported each quarter at the DEC website.

2.10 Reporting

DEC and the DMP will undertake to review the effectiveness of the administrative arrangements of this Agreement by keeping a public record on an annual basis of:

- The number of clearing permit applications received. This data should be reported by purpose, location and extent (in hectares)
- Number of applications for a clearing permit that are granted, amended, refused, withdrawn or declined
- Time taken for a decision on permit applications (excluding the period which satisfies the “stop the clock” criteria)
- Number of appeals (Appeals Convenor’s office)
- Number of surrendered, suspended, revoked or expired permits
- Number of complaints relating to alleged illegal clearing
- Number if incidents where enforcement action is taken

In addition, the DMP will provide DEC with annual data relating to exempt clearing activities, including:

- The number of occurrences of exempt clearing activities not subject to formal assessment by the EPA; and
- The area (in hectares) of ground disturbance and the location of these (decimal latitudes and longitudes or AMG coordinates).

2.11 Audit

DEC will undertake an annual audit of the DMP’s performance of the functions delegated to it by the CEO of DEC. The audit program will be in accordance with procedures outlined in the Auditor’s

² Stop the clock: When DEC/DMP has been notified by the EPA that a proposal has been referred and that it is constrained under section 41 of the EP Act.

When an initial assessment has been undertaken and the CEO requires further information under section 51E(1)(d) of the EP Act before making a decision. The required information is requested in writing from the CEO or his delegate.

When the applicant requests the process to be put on hold in writing.

Handbook and will consider the following principles:

- Compliance with the EP Act
- Compliance with the terms and conditions of the current delegation notice
- Conformance with the administrative agreement
- Performance of the DMP in administering the delegation, including:
 - Decision-making consistency
 - Minimization of liability and risk
 - Equivalence of service to public
 - Timeliness of service
- Level of compliance of clearing application decisions made under the delegation
- Exempt clearing activities

Depending on the outcome of the audit, DEC may recommend modifications to the CPS Handbook, to the administrative agreement or to the delegations itself.

The results of the audit will be shared cooperatively with the DMP to improve performance in the form of a report detailing issues and required actions to rectify these.

The DMP and DEC will cooperate in developing monitoring system of satellite imagery and aerial photography to ensure that up-to-date site-specific details of vegetation change can be accessed at regular intervals.

2.12 Enforcement

The CEO will appoint officers who are responsible for the enforcement of the clearing provisions delegated to the DMP as inspectors under s.87 of the EP Act as agreed between the CEO and the delegate.

DEC will ensure that before appointment, the DMP officers receive appropriate training to allow them to exercise power under Part VI of the EP Act.

The DMP will report any incidents of alleged unlawful clearing to DEC immediately it comes to its notice.

All incidents shall be recorded in the Incident Management and Complaint System (ICMS). DEC shall ensure that the DMP has appropriate access to ICMS. DEC notes that there have been ongoing issues in providing access.

The DMP will ensure that investigations of alleged unlawful clearing are carried out in accordance with the procedures outline in DEC's Investigations Manual and are reported to DEC's Native Vegetation Local Enforcement Group for advice and a decision. The DMP shall have at least one representative on the Native Vegetation Local Environment Group.

DEC will ensure the appropriate action consistent with its Enforcement and Prosecution Policy is undertaken and the outcomes are reported to the DMP.

Where DEC intends to prosecute unlawful clearing for an activity under the delegation administered by the DMP, it will notify the DMP prior to taking any action.

DEC and the DMP will work cooperatively in relation to any enforcement actions.

2.13 Policy

DEC may, from time to time, prepare policies and guidelines on matters relevant to clearing of native vegetation. In so doing, DEC will:

- Consult with the DMP and other relevant agencies in preparing such policies and guidelines as appropriate.
- Provide the DMP with an opportunity to comment on any relevant draft.
- Take comments received into account when preparing final versions.

The DMP may suggest any issues where a policy or guideline is believed to be required. The discretion on whether to prepare a policy or guideline is DEC's.

In addition, the DMP shall endeavor to:

- Give comments on drafts provided by DEC.
- Act consistently with any final policies or guidelines prepared by the DEC in dealing with native vegetation clearing matters.

Reference is made throughout this administrative agreement to the Clearing Permit System Handbook. The Clearing Permit System Handbook is an online manual of procedures and policy to guide officers in the administration of the clearing provisions (Part 5 Division 2) of the EP Act. The Handbook aims to centrally locate all relevant policy and procedural information and be updated on a daily basis as new procedures are documented or existing one reviewed.

2.14 Involvement of DEC, CSLC and DoW

Assessment

The DMP shall refer clearing proposals to the CSLC and DoW in accordance with the criteria contained in the Clearing Permit System Handbook.

In assessing a clearing permit application, it is expected that DEC will provide expert advice in cases where the clearing appears likely to be seriously at variance with the clearing principles, CSLC will provide expert advice in respect of principle (g) and DoW will provide expert advice in respect of principle (i).

In providing advice to the DMP, it is expected that the Commissioner and DoW will use their best endeavours to:

- Prepare a written response to applications for a clearing permit referred by the DMP.

- Respond in electronic format and within 28 days of referral by the DMP.
- Include maps, aerial photos and satellite imagery where appropriate in the report, as well as photographs of the area and its native vegetation taken as part of any field assessment.
- Outline the extent and limitations of analyses and surveys.

Inter-agency meetings

The DMP, CSLC, DoW and DEC will be expected to attend inter-agency meetings to discuss clearing proposals from time to time.

Meetings will be held as required.

Negotiations with clearing permit applicant

- The CSLC, DoW and DEC may not negotiate an agreement with the applicant on behalf of the DMP.
- The CSLC, DoW and DEC may not represent the DMP.
- The CSLC, DoW and DEC cannot suggest a decision on behalf of the DMP.

Advice may be disregarded

The DMP is not bound by advice except where DEC provides formal advice that the application is seriously at variance with any clearing principles.

Sharing of data and resources

DEC, the DMP, DoW and CSLC shall endeavor to act cooperatively at all times in the use of data and resources related to the protection of native vegetation. DEC agrees that the DMP may use the data supplied to it, in house, for any legitimate governmental use and purpose related to the regulation of native vegetation clearing.

Confidentiality

DEC may not disclose details of clearing permit applications administered by the DMP under delegation other than those publicly available to third parties.

The DMP may not disclose details of clearing permit applications not the subject of the delegation other than those publicly available to third parties.

2.15 Management of the Delegation and Administrative Agreement

Delegation

The delegations under s.20 of the EP Act may be varied or discontinued by the CEO after consultation with the DMP. The agreement shall be subject to ongoing review and may be varied, subject to such amendments as agreed by the parties from time to time.

Review of the Administrative Agreement

This agreement may be reviewed from time to time with the agreement of both DEC and the DMP. In any case, it must be reviewed no less than every three years.

Training

Specific training needs have been identified by DEC during the first audit of the DMP. DEC shall prepare and implement a training program to address needs identified during audits, or by the DMP and DEC from time to time.

Oversight of the delegation and administrative agreement

It is recognized that in order to achieve the anticipated outcomes and objectives of the delegation and administrative arrangements, ongoing oversight by DEC and the DMP is necessary. Mechanisms to achieve this include a regular audit (see section 2.11) and regular meetings between agencies.

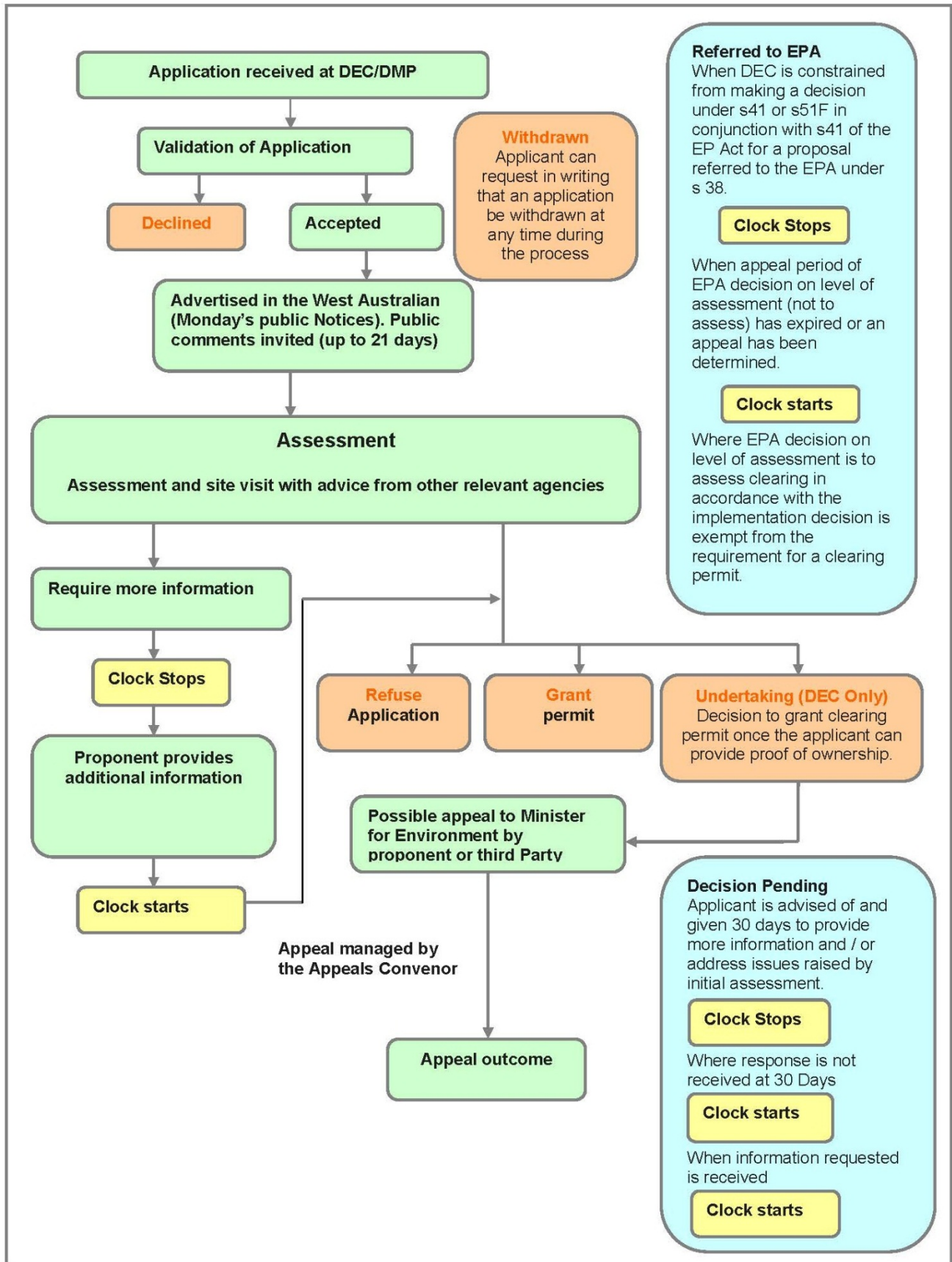
The meetings will generally be held every two months, follow a set agenda and be minuted so the outcomes and actions are clear to both DEC and the DMP.

**TIMELINE TABLE FOR CLEARING PERMIT APPLICATION
FOR CLEARING UNDER THE DELEGATION ADMINISTERED BY THE DEPARTMENT OF MINES
AND PETROLUEM**

No	Step	Who	Time (calendar days)	Description
1	Complete application for a clearing permit	Applicant	n/a	Outline proposal, provided prescribed data, documents
2	Validate application and publish advertisement seeking comment	DMP	14	Applicant will be advised the application has been received and accepted (or declined if not valid). Application posted on website, advertised in <i>The West Australian</i> with an invitation to comment and referred to interested parties and other agencies for comments.
3	Assessment	DMP	37	Assessment of application against clearing principles, planning instruments and other relevant matters. Desktop analysis, on-site inspection (if required) and discussions with applicant. 21-day comment period for public.
6	Decision	Delegate of the DMP	7	Issues identified by key agencies, the general public and applicant are considered. Decision to grant or refuse application made. Where granted, a clearing permit is prepared, together with a plan showing approved activities. Conditions, where required, to manage impacts are imposed.
7	Notice of decision sent to applicant and advertise permits issued	DMP	2	Alternatively, if refused, the applicant will be notified of the decision.
8	Appeals			See appeal convenor process
Typical frame for process completed in 60 days			60	

This table does not represent a comprehensive outline of process requirements. For further details on process, refer to the main text of the agreement. Timeframes are outlined in [section 2.9](#) of the agreement.

Process for clearing permit applications under the Environment Protection Act 1986



Process for clearing permit applications (text only version)

- Application received at DEC/DMP
- Validation of application
 - Declined
 - Accepted
 - Advertised in *The West Australian* (Monday's public notices). Public comments invited (up to 21 days)
 - Assessment: Assessment and site visit with advice from other relevant agencies
 - Require more information
 - Clock stops
 - Proponent provides additional information
 - Clock starts
 - Refuse application
 - Grant permit
 - Undertaking (DEC only): Decision to grant clearing permit once the applicant can provide proof of ownership
 - Possible appeal to Minister for Environment by proponent or third party
 - Appeal managed by the Appeals Convenor
 - Appeal outcome

Application Referred to EPA

- When DEC is constrained from making a decision under s41 or s51F in conjunction with s41 of the EP Act for a proposal under s38
- Clock Stops
- When appeal period of EPA decision on level of assessment (not to assess) has expired or an appeal has been determined
- Clock Starts
- Where EPA decision on level of assessment is to assess clearing in accordance with the implementation decision is exempt from the requirement for a clearing permit

Decision Pending

- Applicant is advised of and given 30 days to provide more information and/or address issues raised by initial assessment
- Clock Stops
- Where response is not received at 30 days
- Clock Starts
- When information requested is received
- Clock Starts

Application Withdrawn

- Applicant can request, in writing, that an application be withdrawn at any time during the process