



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 4241/1
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: **DBNGP (WA) Nominees Pty Ltd (as trustee for the DBNGP WA Pipeline Trust)**

1.3. Property details

Property: Pipeline Licences 40, 41, 47 and 69
Local Government Area: Shires of Ashburton, Carnamah, Carnarvon, Chapman Valley, Chittering, Collie, Coorow, Dandaragan, Ginigin, Harvey, Irwin, Kalamunda, Mullewa, Murray, Northampton, Karratha, Mundijong, Denham, Three Springs, Gascoyne Junction, Waroona
Cities of Swan, Belmont, Gosnells, Armadale, Cockburn, Rockingham, Wanneroo
Town of Kwinana
Colloquial name: Dampier to Bunbury Natural Gas Pipeline

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
4956		Mechanical Removal	Pipeline operation and maintenance

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 26 May 2011

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Condition Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994);
To
Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).

Comment DBNGP (WA) Nominees Pty Ltd are responsible for the maintenance of the Dampier to Bunbury Natural Gas Pipeline (DBNGP) and its laterals. In accordance with the Pipeline Licences PL 40, 41, 47 and 69 issued pursuant to the *Petroleum Pipelines Act 1969*, it is a requirement that the pipeline is maintained in compliance with Australian Standard 2885: Pipelines - Gas and Liquid Petroleum (DBNGP (WA) Nominees Pty Ltd, 2011).

DBNGP (WA) Nominees Pty Ltd have applied for a statewide purpose permit that spans the length of the pipeline, including its laterals and infrastructure. The pipeline corridor extends for 1,805.5 kilometres and covers a maximum area of 4,956 hectares, although much of the corridor does not comprise of native vegetation given it has been routinely cleared since the pipeline's construction beginning in 1979.

Based on historical disturbance along the pipeline corridor, vegetation condition would be likely to range from 'good' to 'degraded'.

3. Assessment of application against clearing principles

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

Comments

The application area extends for the length of the Dampier to Bunbury Natural Gas pipeline (DBNGP) corridor and its associated laterals (approximately 1,805.5 kilometres) and passes through six Interim Biogeographic Regionalisation of Australia (IBRA) bioregions (GIS Database).

Clearing along the length of the pipeline is necessary to ensure that the pipeline is maintained in compliance with Australian Standard 2885: Pipelines - Gas and Liquid Petroleum. It is proposed that native vegetation be cleared for purposes including;
- maintaining line of sight between pipeline signposts;

- maintaining access to and along the pipeline route;
- clearing for maintenance of test points;
- clearing for repairs to the pipeline and/or pipeline coating;
- clearing for firebreaks and airstrips; and
- clearing incidental to emergency response and repairs.

The maximum width of clearing will not exceed 30 metres at any point along the length of the pipeline corridor and low impact methods of clearing will be used where practicable.

It should be noted that the application area has been previously cleared during construction of the pipeline and more recently as part of the looping expansion project which was subject to an approval under Part IV of the *Environmental Protection Act 1986*. Additionally, sections within the pipeline corridor have been routinely cleared since construction as part of normal maintenance activities (DBNGP (WA) Nominees Pty Limited, 2011), and these areas are not likely to have high biological diversity.

Methodology DBNGP (WA) Nominees Pty Limited (2011)
GIS Database:
- IBRA WA (Regions - subregions)

(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

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Methodology DBNGP (WA) Nominees Pty Limited (2011)
GIS Database:
- IBRA WA (Regions - subregions)

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

Comments

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It should be noted that the application area has been previously cleared during construction of the pipeline and more recently as part of the looping expansion project which was subject to an approval under Part IV of the *Environmental Protection Act 1986*. Additionally, sections within the pipeline corridor have been routinely cleared since construction as part of normal maintenance activities (DBNGP (WA) Nominees Pty Limited, 2011), and these are not likely to be necessary for the survival of Declared Rare Flora (DRF). DRF will remain protected under the *Wildlife Conservation Act 1950*.

Methodology DBNGP (WA) Nominees Pty Limited (2011)
GIS Database:
- IBRA WA (Regions - subregions)

(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

The application area extends for the length of the Dampier to Bunbury Natural Gas pipeline (DBNGP) corridor and its associated laterals (approximately 1,805.5 kilometres) and passes through six Interim Biogeographic Regionalisation of Australia (IBRA) bioregions (GIS Database).

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Methodology DBNGP (WA) Nominees Pty Limited (2011)
GIS Database:
- IBRA WA (Regions - subregions)

(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

The application area extends for the length of the Dampier to Bunbury Natural Gas pipeline (DBNGP) corridor and its associated laterals (approximately 1,805.5 kilometres) and passes through six Interim Biogeographic Regionalisation of Australia (IBRA) bioregions (GIS Database).

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cleared.

Methodology DBNGP (WA) Nominees Pty Limited (2011)
GIS Database:
- IBRA WA (Regions - subregions)

(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

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Methodology DBNGP (WA) Nominees Pty Limited (2011)
GIS Database:
- IBRA WA (Regions - subregions)

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

Comments

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- clearing incidental to emergency response and repairs.

The maximum width of clearing will not exceed 30 metres at any point along the length of the pipeline corridor and low impact methods of clearing will be used where practicable. In the event that the pipeline needs to be accessed for repair or upgrading, then small areas of clearing may be required to excavate the pipeline. As part of the regular maintenance program, a number of dig ups may be carried out each year for the purpose of pipeline repairs.

It should be noted that the application area has been previously cleared during construction of the pipeline and more recently as part of the looping expansion project which was subject to an approval under Part IV of the *Environmental Protection Act 1986*. Additionally, sections within the pipeline corridor have been routinely cleared since construction as part of normal maintenance activities (DBNGP (WA) Nominees Pty Limited, 2011), and are not likely to have a significant impact on land degradation. Where the clearing is judged by an environmental specialist as being likely to cause appreciable land degradation, a condition requiring management of the impact has been imposed.

Methodology DBNGP (WA) Nominees Pty Limited (2011)
GIS Database:
- IBRA WA (Regions - subregions)

(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

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The pipeline passes through several Department of Environment and Conservation (DEC) managed conservation areas between Dampier and Bunbury (GIS Database). According to information provided by DBNGP (WA) Nominees Pty Limited (2011), where the pipeline crosses a national park or reserve, the corridor has been excised from the reserve following a cabinet decision that was made in October 2001. The cabinet decision granted approval to excise the following reserves:

- Coomaloo Nature Reserve;
- Hill River Nature Reserve;
- Twyata Nature Reserve;
- Minyulo Nature Reserve;
- Badgingarra National Park; and
- Cane River Conservation Park.

For the National Parks and 'A' Class Nature Reserves i.e. Badgingarra National Park, Cane River and Minyulo Reserves, the *Reserves (Dampier to Bunbury Natural Gas Pipeline Corridor) Act 2003* was passed to formalise this decision. Where the pipeline passes through one of these parks or reserves, the area is managed under a Memorandum of Understanding between the DEC and the Department of Regional Development and Lands (DBNGP (WA) Nominees Pty Limited, 2011).

The pipeline corridor passes through several Bush Forever sites (GIS Database) which are managed in accordance with the Bushland Policy for the Perth Metropolitan Region - Statement of Planning Policy 2.8 (WAPC, 2005). Bush Forever sites are also deemed to be critical assets in accordance with the Environmental Protection Authority's Position Statement No. 9 Environmental Offsets (EPA, 2006). The Department of Planning (2009) advise that "in terms of clearing activities as they relate to SPP 2.8, decision making needs to take into due regard a number of issues. As the Dampier to Bunbury gas pipeline is considered essential infrastructure, has already been constructed, and has a requirement to maintain a 'line of sight', clearing within the designated 30 metre corridor would be fine. Any clearing outside this would require appropriate offsets to provide a net environmental gain for the clearing. Property owners, pipeline operators and third parties must seek the Minister's approval under section 41 of the *Dampier to Bunbury Pipeline Act 1997* to carry out land use activities and works within the DBNGP corridor."

It should be noted that the application area has been previously cleared during construction of the pipeline and more recently as part of the looping expansion project which was subject to an approval under Part IV of the *Environmental Protection Act 1986*. Additionally, sections within the pipeline corridor have been routinely cleared since construction as part of normal maintenance activities (DBNGP (WA) Nominees Pty Limited, 2011), and are not likely to have an impact on the environmental values of a conservation area.

Methodology DBNGP (WA) Nominees Pty Limited (2011)
Department of Planning (2009)
EPA (2006)
WAPC (2005)
GIS Database:
- Bushforever
- DEC Tenure

- IBRA WA (Regions - subregions)

(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

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Methodology DBNGP (WA) Nominees Pty Limited (2011)
GIS Database:
- IBRA WA (Regions - subregions)

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

Comments

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Methodology DBNGP (WA) Nominees Pty Limited (2011)
GIS Database:
- IBRA WA (Regions - subregions)

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

Comments

The clearing permit application was advertised on 14 March 2011 by the Department of Mines and Petroleum

inviting submissions from the public. Five submissions were received stating no objection to the proposed clearing. One submission was received in relation to this application regarding aboriginal heritage issues. A written response was provided on the matters raised.

The Dampier to Bunbury Natural Gas Pipeline (DBNGP) is located within the DBNGP corridor which was established in the early 1980's and formally gazetted under the *Dampier to Bunbury Pipeline Act 1997*. The control of land use within the DBNGP corridor is the responsibility of the DBNGP Land Access Minister. In March 1998, the DBNGP Land Access Minister conferred certain access rights to the Licensee of the DBNGP, issued as an Access Right under Section 34 of the *Dampier to Bunbury Pipeline Act 1997*. The Access Right is administered by the Department of Regional Development and Lands (RDL) on behalf of the DBNGP Land Access Minister. The Access Right allows the DBNGP operators to access 30 metres of the 100 metre corridor from Dampier to Bullsbrook and the entire width of the corridor south of Bullsbrook and all associated laterals to operate and maintain its assets (DBNGP (WA) Nominees Pty Ltd, 2011).

The original construction of the pipeline was undertaken prior to the commencement of the *Environmental Protection Act 1986*. However, pipeline construction was subject to a formal Environmental and Review Management Programme which considered six alternative corridors and selected the current corridor as being the one which would have the least environmental impact subject to the environmental considerations and legislation at the time (DBNGP (WA) Nominees Pty Ltd, 2011).

There are 12 Native Title Claims (WC96/89, WC99/12, WC04/5, WC97/28, WC98/17, WC00/13, WC96/93, WC04/10, WC97/73, WC04/2, WC97/71 and WC98/58) over the area under application (GIS Database). These claims have been registered with the National Native Title Tribunal on behalf of the claimant groups. However, the petroleum tenure has been granted in accordance with the future act regime of the *Native Title Act 1993* and the nature of the act (i.e. the proposed clearing activity) has been provided for in that process, therefore the granting of a clearing permit is not a future act under the *Native Title Act 1993*.

It is the proponent's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no sites of Aboriginal significance are damaged through the clearing process.

Methodology DBNGP (WA) Nominees Pty Ltd (2011)
GIS Database:
- Aboriginal Sites of Significance
- Native Title Claims - Registered with the NNTT

4. References

DBNGP (WA) Nominees Pty Limited (2011) Application for Clearing Permit for the DBNGP. Received 1 March 2011.
Department of Planning (2009) Bushforever advice for clearing permit application CPS 1265/1. Received 22 July 2009. State Strategic Policy, Department of Planning.
EPA (2006) Environmental Offsets. Position Statement No. 9. January 2006. Environmental Protection Authority, Western Australia.
Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
WAPC (2005) State Planning Policy 2.8: Bushland Policy for the Perth Metropolitan Region. Western Australian Planning Commission.

5. Glossary

Acronyms:

BoM	Bureau of Meteorology, Australian Government
CALM	Department of Conservation and Land Management (now DEC), Western Australia
DAFWA	Department of Agriculture and Food, Western Australia
DEC	Department of Environment and Conservation, Western Australia
DEH	Department of Environment and Heritage (federal based in Canberra) previously Environment Australia
DEP	Department of Environment Protection (now DEC), Western Australia
DIA	Department of Indigenous Affairs
DLI	Department of Land Information, Western Australia
DMP	Department of Mines and Petroleum, Western Australia
DoE	Department of Environment (now DEC), Western Australia
DoIR	Department of Industry and Resources (now DMP), Western Australia
DOLA	Department of Land Administration, Western Australia
DoW	Department of Water
EP Act	Environmental Protection Act 1986, Western Australia
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999 (Federal Act)
GIS	Geographical Information System
ha	Hectare (10,000 square metres)
IBRA	Interim Biogeographic Regionalisation for Australia

IUCN	International Union for the Conservation of Nature and Natural Resources – commonly known as the World Conservation Union
RIWI Act	Rights in Water and Irrigation Act 1914, Western Australia
s.17	Section 17 of the Environment Protection Act 1986, Western Australia
TEC	Threatened Ecological Community

Definitions:

{Atkins, K (2005). *Declared rare and priority flora list for Western Australia, 22 February 2005. Department of Conservation and Land Management, Como, Western Australia*} :-

- P1** **Priority One - Poorly Known taxa:** taxa which are known from one or a few (generally <5) populations which are under threat, either due to small population size, or being on lands under immediate threat, e.g. road verges, urban areas, farmland, active mineral leases, etc., or the plants are under threat, e.g. from disease, grazing by feral animals, etc. May include taxa with threatened populations on protected lands. Such taxa are under consideration for declaration as 'rare flora', but are in urgent need of further survey.
- P2** **Priority Two - Poorly Known taxa:** taxa which are known from one or a few (generally <5) populations, at least some of which are not believed to be under immediate threat (i.e. not currently endangered). Such taxa are under consideration for declaration as 'rare flora', but are in urgent need of further survey.
- P3** **Priority Three - Poorly Known taxa:** taxa which are known from several populations, at least some of which are not believed to be under immediate threat (i.e. not currently endangered). Such taxa are under consideration for declaration as 'rare flora', but are in need of further survey.
- P4** **Priority Four – Rare taxa:** taxa which are considered to have been adequately surveyed and which, whilst being rare (in Australia), are not currently threatened by any identifiable factors. These taxa require monitoring every 5–10 years.
- R** **Declared Rare Flora – Extant taxa (= Threatened Flora = Endangered + Vulnerable):** taxa which have been adequately searched for, and are deemed to be in the wild either rare, in danger of extinction, or otherwise in need of special protection, and have been gazetted as such, following approval by the Minister for the Environment, after recommendation by the State's Endangered Flora Consultative Committee.
- X** **Declared Rare Flora - Presumed Extinct taxa:** taxa which have not been collected, or otherwise verified, over the past 50 years despite thorough searching, or of which all known wild populations have been destroyed more recently, and have been gazetted as such, following approval by the Minister for the Environment, after recommendation by the State's Endangered Flora Consultative Committee.

{Wildlife Conservation (Specially Protected Fauna) Notice 2005} [Wildlife Conservation Act 1950] :-

- Schedule 1** **Schedule 1 – Fauna that is rare or likely to become extinct:** being fauna that is rare or likely to become extinct, are declared to be fauna that is need of special protection.
- Schedule 2** **Schedule 2 – Fauna that is presumed to be extinct:** being fauna that is presumed to be extinct, are declared to be fauna that is need of special protection.
- Schedule 3** **Schedule 3 – Birds protected under an international agreement:** being birds that are subject to an agreement between the governments of Australia and Japan relating to the protection of migratory birds and birds in danger of extinction, are declared to be fauna that is need of special protection.
- Schedule 4** **Schedule 4 – Other specially protected fauna:** being fauna that is declared to be fauna that is in need of special protection, otherwise than for the reasons mentioned in Schedules 1, 2 or 3.

{CALM (2005). *Priority Codes for Fauna. Department of Conservation and Land Management, Como, Western Australia*} :-

- P1** **Priority One: Taxa with few, poorly known populations on threatened lands:** Taxa which are known from few specimens or sight records from one or a few localities on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, active mineral leases. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P2** **Priority Two: Taxa with few, poorly known populations on conservation lands:** Taxa which are known from few specimens or sight records from one or a few localities on lands not under immediate threat of habitat destruction or degradation, e.g. national parks, conservation parks, nature reserves, State forest, vacant Crown land, water reserves, etc. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P3** **Priority Three: Taxa with several, poorly known populations, some on conservation lands:** Taxa which are known from few specimens or sight records from several localities, some of which are on lands not under immediate threat of habitat destruction or degradation. The taxon needs urgent survey and evaluation of conservation status before consideration can be given to declaration as threatened fauna.
- P4** **Priority Four: Taxa in need of monitoring:** Taxa which are considered to have been adequately surveyed, or for which sufficient knowledge is available, and which are considered not currently threatened or in need of special protection, but could be if present circumstances change. These taxa are usually represented on conservation lands.
- P5** **Priority Five: Taxa in need of monitoring:** Taxa which are not considered threatened but are subject to a specific conservation program, the cessation of which would result in the species becoming threatened within five years.

Categories of threatened species (*Environment Protection and Biodiversity Conservation Act 1999*)

- EX** **Extinct:** A native species for which there is no reasonable doubt that the last member of the species has died.
- EX(W)** **Extinct in the wild:** A native species which:
(a) is known only to survive in cultivation, in captivity or as a naturalised population well outside its past range; or
(b) has not been recorded in its known and/or expected habitat, at appropriate seasons, anywhere in its past range, despite exhaustive surveys over a time frame appropriate to its life cycle and form.
- CR** **Critically Endangered:** A native species which is facing an extremely high risk of extinction in the wild in the immediate future, as determined in accordance with the prescribed criteria.
- EN** **Endangered:** A native species which:
(a) is not critically endangered; and
(b) is facing a very high risk of extinction in the wild in the near future, as determined in accordance with the prescribed criteria.
- VU** **Vulnerable:** A native species which:
(a) is not critically endangered or endangered; and
(b) is facing a high risk of extinction in the wild in the medium-term future, as determined in accordance with the prescribed criteria.
- CD** **Conservation Dependent:** A native species which is the focus of a specific conservation program, the cessation of which would result in the species becoming vulnerable, endangered or critically endangered within a period of 5 years.