



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 7511/1

Permit type: Purpose

1.2. Proponent details

Proponent's name: Australian Pipeline Limited

1.3. Property details

Property: Pipeline Licence 36

Local Government Area: Shire of Laverton, Shire of Leonora

Colloquial name: Murrin Murrin Lateral Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
36.847		Mechanical Removal	Pipeline Maintenance and associated activities

1.5. Decision on application

Decision on Permit Application: Granted

Decision Date: 27 April 2017

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description The application area has been mapped as the following four Beard vegetation associations (GIS Database):

- 18: Low woodland; mulga (*Acacia aneura*),
- 28: Open woodland; mulga,
- 39: Shrublands; mulga scrub; and
- 676: Succulent steppe, samphire.

Clearing Description Murrin Murrin Lateral Project.
Australian Pipeline Limited proposes to clear 36.847 hectares of native vegetation within a boundary of 36.847 hectares for the purpose of pipeline maintenance and associated activities. The project is located approximately 16 kilometres south of Kurradjong. The project spans a 83 kilometre long pipeline which is located within the Shire of Leonora and Shire of Laverton.

Vegetation Condition Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994);

to

Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994).

Comment The proposed clearing is for the operational maintenance of the Murrin Murrin Pipeline (MMP). This includes maintenance of line of sight between pipeline markers, maintenance of access tracks and undertaking small integrity digs. Clearing will be restricted to areas previously cleared during construction of the pipeline and will occur entirely within the pipeline licence area.

Clearing will be by rolling, mulching, slashing or pruning.

The vegetation condition of the application area was determined from information provided in the clearing permit supporting document and aerial imagery (APA Group, 2017; GIS Database).

3. Assessment of application against clearing principles

Comments The application area is located within the Eastern Murchison sub-region of the Murchison Interim Biogeographic Regionalisation of Australia (IBRA) bioregion (GIS Database). The Eastern Murchison subregion is characterised by its internal drainage, salt lake systems, broad plains of red-brown soils and breakaway complexes and red sandplains (CALM, 2002). The vegetation of the bioregion includes Mulga woodlands, hummock grasslands, saltbush shrublands and Halosarcia shrublands (CALM, 2002). The vegetation of the Murchison bioregion is well represented in Western Australia and is considered to be of least concern with regards to conservation status (Department of Natural Resources and Environment, 2002; Government of Western Australia, 2015).

The vegetation of the application area is broadly mapped as Beard vegetation associations 18; Low woodland, mulga (*Acacia aneura*), 28; open woodland, mulga, 39; shrublands, mulga scrub and 676; succulent steppe, samphire (GIS Database). No on-ground flora or vegetation surveys have been undertaken over the application area. However, interpretation of aerial imagery appears typical of vegetation in the Murchison bioregion (GIS Database). As the pipeline licence area has been previously cleared it does not contain a high level of biological diversity. The proposed clearing is relatively small and the vegetation to be cleared is well represented in the surrounding area. For these reasons it is unlikely to the proposal will result in the clearing of native vegetation that has higher biodiversity values than surrounding, undisturbed vegetation.

According to available databases, there are no Threatened Ecological Communities (TEC's) or Priority Ecological Communities (PEC's) occurring within or near the application area (GIS Database). There are also no records of Threatened or Priority flora recorded within the application area (GIS Database). The application area has been previously cleared of vegetation for construction of the pipeline. Clearing will be by rolling, mulching, slashing and pruning which will result in minimal ground disturbance. Impacts on flora habitat are not likely to be greater than those from the previous clearing for the original pipeline construction.

The quality of the fauna habitat within the application area is not likely to be high given it was previously cleared for the pipeline construction. The nearest Priority fauna species was recorded more than 600 metres south of the application area (GIS Database). The native vegetation in the application area is not considered to be a remnant nor does it form part of any remnants within the local area (APA Group, 2017; GIS Database). The application area is therefore unlikely to contain significant fauna habitat or be significant as an ecological linkage (GIS Database). The proposed clearing will be restricted to the area previously cleared during the construction of the pipeline and will occur entirely within the pipeline licence area which ranges in width from approximately four to six metres (APA Group, 2017).

Three introduced (weed) species are known to occur along the MMP. These species include; Bathurst Burr (*Xanthium spinosum*), Horehound (*Marrubium vulgare*), Saffron Thistle (*Carthamus lantanus*), Parkinsonia (*Parkinsonia aculeata*), Mexican Poppy (*Argemone mexicana*) and Thornapples (*Datura* sp.) (APA Group, 2017). Potential impacts from weeds may be minimised by the implementation of a weed management condition.

The application area crosses several minor, non-perennial watercourses along its length (GIS Database). The proposed clearing will involve minimal ground disturbance and is not expected to have a significant impact on the surface water quality in these watercourses. Based on the above, the proposed clearing is at variance to clearing Principle (f). However, the amount of riparian vegetation to be cleared is small and clearing activities are of low impact and unlikely to adversely impact these watercourses.

Given the proposed clearing covers previously cleared areas and involves minimal ground disturbance, it is unlikely to cause appreciable land degradation, impact groundwater quality or increase flooding in the local region.

The application has been assessed against the clearing principles, planning instruments and other matters in accordance with s.51O of the *Environmental Protection Act 1986*, and the proposed clearing is at variance to Principle (f), is not likely to be at variance to Principles (a), (b), (c), (d), (g), (h), (i), and (j) and is not at variance to Principle (e).

Methodology APA Group (2017)
CALM (2002)
Department of Natural Resources and Environment (2002)
Government of Western Australia (2015)

GIS Database:
- Threatened Fauna
- Threatened and Priority Flora
- TEC/PEC – Buffer
- TEC/PEC – Boundaries

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

Comments The clearing permit application was advertised on 27 March 2017 by the Department of Mines and Petroleum inviting submissions from the public. One submission was received in relation to Aboriginal Heritage. The applicant is undertaking liaison with the Aboriginal Land and Sea Council in this regard.

There are no registered native title claims over the application area (DAA, 2017). However, the 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*.

There are several registered Aboriginal sites of significance within the application area (DAA, 2017). It is the proponent's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no Aboriginal sites of significance are damaged through the clearing process.

It is the proponent's responsibility to liaise with the Department of Environment Regulation, Department of Parks and Wildlife and the Department of Water to determine whether a Works Approval, Water Licence, Bed and Banks Permit, or any other licences or approvals are required for the proposed works.

Methodology DAA (2017)

4. References

- APA Group (2017) Clearing Permit Application Supporting Documentation, Murrin Murrin Lateral (PL36), APA Group, Perth, Western Australia, March, 2017.
- CALM (2002) A Biodiversity Audit of Western Australia's 53 Biogeographical Subregions. Murchison (Eastern Murchison subregion) Department of Conservation and Land Management, Perth, Western Australia.
- DAA (2017) Aboriginal Heritage Inquiry System. Department of Aboriginal Affairs. <http://maps.dia.wa.gov.au/AHIS2> (Accessed 13 April 2017).
- Department of Natural Resources and Environment (2002) Biodiversity Action Planning. Action planning for native biodiversity at multiple scales; catchment bioregional, landscape, local. Department of Natural Resources and Environment, Victoria.
- Government of Western Australia (2015) 2015 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Western Australian Department of Parks and Wildlife, Perth, Western Australia.
- Keighery B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of Western Australia (Inc.). Nedlands, Western Australia.

5. Glossary

Acronyms:

BoM	Bureau of Meteorology, Australian Government
DAA	Department of Aboriginal Affairs, Western Australia
DAFWA	Department of Agriculture and Food, Western Australia
DEC	Department of Environment and Conservation, Western Australia (now DPaW and DER)
DER	Department of Environment Regulation, Western Australia
DMP	Department of Mines and Petroleum, Western Australia
DRF	Declared Rare Flora
DotEE	Department of the Environment and Energy, Australian Government
DoW	Department of Water, Western Australia
DPaW	Department of Parks and Wildlife, Western Australia
DSEWPaC	Department of Sustainability, Environment, Water, Population and Communities (now DotE)
EPA	Environmental Protection Authority, Western Australia
EP Act	<i>Environmental Protection Act 1986</i> , Western Australia
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (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
PEC	Priority Ecological Community, Western Australia
RIWI Act	<i>Rights in Water and Irrigation Act 1914</i> , Western Australia
TEC	Threatened Ecological Community

Definitions:

{DPaW (2015) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia}:-

T	Threatened species: Published as Specially Protected under the <i>Wildlife Conservation Act 1950</i> , listed under Schedules 1 to 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife
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Conservation (Rare Flora) Notice for Threatened Flora (which may also be referred to as Declared Rare Flora).

Threatened fauna is that subset of 'Specially Protected Fauna' declared to be 'likely to become extinct' pursuant to section 14(4) of the Wildlife Conservation Act.

Threatened flora is flora that has been declared to be 'likely to become extinct or is rare, or otherwise in need of special protection', pursuant to section 23F(2) of the Wildlife Conservation Act.

The assessment of the conservation status of these species is based on their national extent and ranked according to their level of threat using IUCN Red List categories and criteria as detailed below.

- CR Critically endangered species**
Threatened species considered to be facing an extremely high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.
- EN Endangered species**
Threatened species considered to be facing a very high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.
- VU Vulnerable species**
Threatened species considered to be facing a high risk of extinction in the wild. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 3 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna and Wildlife Conservation (Rare Flora) Notice for Threatened Flora.
- EX Presumed extinct species**
Species which have been adequately searched for and there is no reasonable doubt that the last individual has died. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 4 of the Wildlife Conservation (Specially Protected Fauna) Notice for Presumed Extinct Fauna and Wildlife Conservation (Rare Flora) Notice for Presumed Extinct Flora.
- IA Migratory birds protected under an international agreement**
Birds that are subject to an agreement between the government of Australia and the governments of Japan (JAMBA), China (CAMBA) and The Republic of Korea (ROKAMBA), and the Bonn Convention, relating to the protection of migratory birds. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 5 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- CD Conservation dependent fauna**
Fauna of special conservation need being species dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 6 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- OS Other specially protected fauna**
Fauna otherwise in need of special protection to ensure their conservation. Published as Specially Protected under the *Wildlife Conservation Act 1950*, in Schedule 7 of the Wildlife Conservation (Specially Protected Fauna) Notice.
- P Priority species**
Species which are poorly known; or
Species that are adequately known, are rare but not threatened, and require regular monitoring. Assessment of Priority codes is based on the Western Australian distribution of the species, unless the distribution in WA is part of a contiguous population extending into adjacent States, as defined by the known spread of locations.
- P1 Priority One - Poorly-known species:**
Species that are known from one or a few locations (generally five or less) which are potentially at risk. All occurrences are either: very small; or on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, road and rail reserves, gravel reserves and active mineral leases; or otherwise under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes. Such species are in urgent need of further survey.
- P2 Priority Two - Poorly-known species:**
Species that are known from one or a few locations (generally five or less), some of which are on lands managed primarily for nature conservation, e.g. national parks, conservation parks, nature reserves and other lands with secure tenure being managed for conservation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes. Such species are in urgent need of further survey.

P3

Priority Three - Poorly-known species:

Species that are known from several locations, and the species does not appear to be under imminent threat, or from few but widespread locations with either large population size or significant remaining areas of apparently suitable habitat, much of it not under imminent threat. Species may be included if they are comparatively well known from several locations but do not meet adequacy of survey requirements and known threatening processes exist that could affect them. Such species are in need of further survey.

P4

Priority Four - Rare, Near Threatened and other species in need of monitoring:

(a) Rare. Species that are considered to have been adequately surveyed, or for which sufficient knowledge is available, and that are considered not currently threatened or in need of special protection, but could be if present circumstances change. These species are usually represented on conservation lands.

(b) Near Threatened. Species that are considered to have been adequately surveyed and that are close to qualifying for Vulnerable, but are not listed as Conservation Dependent.

(c) Species that have been removed from the list of threatened species during the past five years for reasons other than taxonomy.

Principles for clearing native vegetation:

- (a) Native vegetation should not be cleared if it comprises a high level of biological diversity.
- (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.
- (c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.
- (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.
- (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.
- (f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.
- (g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.
- (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.
- (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.
- (j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.

