



# Clearing Permit Decision Report

## 1. Application details and outcome

### 1.1. Permit application details

<b>Permit number:</b>	7551/2
<b>Permit type:</b>	Purpose Permit
<b>Applicant name:</b>	Santos WA Northwest Pty Ltd
<b>Application received:</b>	28 April 2022
<b>Application area:</b>	24.93 hectares
<b>Purpose of clearing:</b>	Petroleum Production and Associated Activities
<b>Method of clearing:</b>	Mechanical Removal
<b>Tenure:</b>	Production Licence 6 (TL/6)
<b>Location (LGA area/s):</b>	Shire of Ashburton
<b>Colloquial name:</b>	Varanus Island

### 1.2. Description of clearing activities

Clearing permit CPS 7551/1 was granted by the Department of Mines and Petroleum (now the Department of Mines, Industry Regulation and Safety) on 8 June 2017 and was valid from 1 July 2017 to 31 July 2027. The permit authorised the clearing of up to 24.93 hectares of native vegetation within a boundary of approximately 29 hectares, for the purpose of petroleum production and associated activities.

On 28 April 2022, the Permit Holder applied to amend CPS 7551/1 to modify the permit boundary resulting in a total reduction of 0.559 hectares. The areas added to the permit boundary include a beach access track which was previously covered by clearing permit CPS 997/2 (surrendered) and a small area in the East Wharf. The amount of clearing allowed remains unchanged. The full boundary modification can be observed in Figure 1 of section 1.5. The proponent was given the opportunity to comment on a draft version of the permit. During this time, the proponent requested for the Permit Holder name to be changed from Quadrant Northwest Pty Ltd to Santos WA Northwest Pty Ltd.

### 1.3. Decision on application and key considerations

<b>Decision:</b>	Grant
<b>Decision date:</b>	1 September 2022
<b>Decision area:</b>	24.93 hectares of native vegetation

### 1.4. Reasons for decision

This clearing permit application was made in accordance with section 51KA(1) of the *Environmental Protection Act 1986* (EP Act) and was received by the Department of Mines, Industry Regulation and Safety (DMIRS) on 28 April 2022. DMIRS advertised the application for public comment for a period of 21 days, and no submissions were received.

In making this decision, the Delegated Officer had regard for the site characteristics, relevant datasets, supporting information provided by the applicant including the results of a flora and vegetation monitoring annual report, the clearing principles set out in Schedule 5 of the EP Act, and any other matters considered relevant to the assessment.

After consideration of the available information, the Delegated Officer determined that the proposed clearing is not likely to lead to an unacceptable risk to the environment. The Delegated Officer decided to grant a clearing permit with the same management conditions as clearing permit CPS 7551/1, with the exception of one addition: a condition to avoid/minimise the impacts of clearing will be placed on clearing permit 7551/2, in line with contemporary condition setting practices.

## 1.5 Site Map

A site map of proposed clearing is provided in Figure 1 below.



Figure 1. Map of the application area. The yellow area indicates the previous permit area (CPS 7551/1) and the blue area indicates the additional areas included as part of this application.

## 2. Assessment of application

### 2.1. Avoidance and mitigation measures

Since 1986, a portion of Varanus Island has been leased for the purposes of oil and gas production activities. Lease conditions require Santos WA Northwest Pty Ltd to have an Environmental Management Plan in place and

to undertake regular environmental monitoring and prepare annual reports to the Environmental Protection Authority (EPA) and the Department of Biodiversity, Conservation and Attractions (DBCA) (Astron, 2022). The Delegated Officer was satisfied that the applicant has made a reasonable effort to avoid and minimise potential impacts of the proposed clearing on environmental values.

## **2.2. Assessment of impacts on environmental values**

The permit holder has advised that as of 31 December 2021, 5.735 hectares of native vegetation have been cleared pursuant to clearing permits CPS 7551/1 and CPS 997/2 (DMIRS, 2021a; 2021b). The proposed amendment involves the addition of a small beach access track which has already been cleared but might require maintenance occasionally, as well as a small increase on the East Wharf area of the island. The amount of authorised clearing remains unchanged.

No new biological information has been provided in support of the amendment application. However, on request, the proponent provided the latest version of the Varanus Island Flora and Vegetation Monitoring Annual Report (Astron, 2022). The environmental values of the application area are well understood, and are described in a previous version of the Decision Report, based on a biological study by Quadrant (2017). Similarly, the environmental impacts of the proposed clearing have been previously assessed and conditionally approved via clearing permits CPS 7551/1, CPS 997/1, and CPS 997/2.

The amendment application has been assessed against the clearing principles, planning instruments and other matters in accordance with s.51O of the *Environmental Protection Act 1986*. Environmental information has been reviewed, and the assessment of the proposed clearing against the clearing principles remains consistent with the assessment contained in decision reports CPS 7551/1 and CPS 997/1. The monitoring results of the latest survey (Astron, 2022) indicate that there are no new impacts to flora and vegetation on Varanus Island as a result of petroleum operations. No significant change in the occurrence of weed species was observed either. Reducing the clearing footprint by 0.559 hectares is unlikely to change the environmental impacts of the proposed clearing. The conditions currently imposed on clearing permit CPS 7551/1 are considered adequate for amended permit 7551/2 to continue to minimise the introduction and spread of weeds. A condition to avoid/minimise the impacts of clearing will be placed on clearing permit 7551/2, in line with contemporary condition setting practices.

## **2.3. Relevant planning instruments and other matters**

The clearing permit amendment application was advertised on 13 May 2022 by the Department of Mines, Industry Regulation and Safety inviting submissions from the public. No submissions were received in relation to this application.

There are no native title claims over the area under application (DPLH, 2022). The Petroleum Production Licence 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 no registered Aboriginal Sites of Significance within the application area (DPLH, 2022). 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.

Other relevant authorisations required for the proposed land use include:

- An Environment Plan approved under the *Petroleum and Geothermal Energy Resources Act 1967* or the *Petroleum Pipelines Act 1969*.

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

## **Appendix A - References and databases**

### **1. GIS datasets**

Publicly available GIS Databases used (sourced from [www.data.wa.gov.au](http://www.data.wa.gov.au)):

- Aboriginal Heritage Places (DPLH-001)
- Cadastre Address (LGATE-002)
- DBCA – Lands of Interest (DBCA-012)
- DBCA Legislated Lands and Waters (DBCA-011)
- Directory of Important Wetlands in Australia – Western Australia (DBCA-045)

- Environmentally Sensitive Areas (DWER-046)
- IBRA Vegetation Statistics
- Regional Parks (DBCA-026)

Restricted GIS Databases used:

- ICMS (Incident Complaints Management System) – Points and Polygons
- Threatened Flora (TPFL)
- Threatened Flora (WAHerb)
- Threatened Fauna
- Threatened Ecological Communities and Priority Ecological Communities
- Threatened Ecological Communities and Priority Ecological Communities (Buffers)

## 2. References

- Astron (2022) Varanus Island Flora and Vegetation Monitoring Annual Report 2021. Prepared for Santos WA Energy Limited by Astron Environmental Services, Perth, WA. January 2022
- Department of Mines, Industry Regulation and Safety (DMIRS) (2021a) Annual Clearing Report Review for Clearing Permit 7551/1, June 2021.
- Department of Mines, Industry Regulation and Safety (DMIRS) (2021b) Annual Clearing Report Review for Clearing Permit 997/2, June 2021.
- Department of Planning, Lands and Heritage (DPLH) (2022) Aboriginal Heritage Inquiry System. Department of Planning, Lands and Heritage. <https://espatial.dplh.wa.gov.au/AHIS/index.html?viewer=AHIS> (Accessed 15 August 2022).
- Quadrant (2017) Varanus Island Supporting documentation for Native Vegetation Clearing Permit CPS 7551/1. Quadrant Energy Australia Ltd, April 2017.

## 3. Glossary

### Acronyms:

<b>BC Act</b>	<i>Biodiversity Conservation Act 2016, Western Australia</i>
<b>BoM</b>	Bureau of Meteorology, Australian Government
<b>DAA</b>	Department of Aboriginal Affairs, Western Australia (now DPLH)
<b>DAFWA</b>	Department of Agriculture and Food, Western Australia (now DPIRD)
<b>DAWE</b>	Department of Agriculture, Water and the Environment, Australian Government
<b>DBCA</b>	Department of Biodiversity, Conservation and Attractions, Western Australia
<b>DER</b>	Department of Environment Regulation, Western Australia (now DWER)
<b>DMIRS</b>	Department of Mines, Industry Regulation and Safety, Western Australia
<b>DMP</b>	Department of Mines and Petroleum, Western Australia (now DMIRS)
<b>DoEE</b>	Department of the Environment and Energy (now DAWE)
<b>DoW</b>	Department of Water, Western Australia (now DWER)
<b>DPaW</b>	Department of Parks and Wildlife, Western Australia (now DBCA)
<b>DPIRD</b>	Department of Primary Industries and Regional Development, Western Australia
<b>DPLH</b>	Department of Planning, Lands and Heritage, Western Australia
<b>DRF</b>	Declared Rare Flora (now known as Threatened Flora)
<b>DWER</b>	Department of Water and Environmental Regulation, Western Australia
<b>EP Act</b>	<i>Environmental Protection Act 1986, Western Australia</i>
<b>EPA</b>	Environmental Protection Authority, Western Australia
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999 (Federal Act)</i>
<b>GIS</b>	Geographical Information System
<b>ha</b>	Hectare (10,000 square metres)
<b>IBRA</b>	Interim Biogeographic Regionalisation for Australia
<b>IUCN</b>	International Union for the Conservation of Nature and Natural Resources – commonly known as the World Conservation Union
<b>PEC</b>	Priority Ecological Community, Western Australia
<b>RIWI Act</b>	<i>Rights in Water and Irrigation Act 1914, Western Australia</i>
<b>TEC</b>	Threatened Ecological Community

### Definitions:

**T** **Threatened species:**

Listed by order of the Minister as Threatened in the category of critically endangered, endangered or vulnerable under section 19(1), or is a rediscovered species to be regarded as threatened species under section 26(2) of the *Biodiversity Conservation Act 2016* (BC Act).

**Threatened fauna** is that subset of 'Specially Protected Fauna' listed under schedules 1 to 3 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for Threatened Fauna.

**Threatened flora** is that subset of 'Rare Flora' listed under schedules 1 to 3 of the *Wildlife Conservation (Rare Flora) Notice 2018* for Threatened Flora.

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 in the immediate future, as determined in accordance with criteria set out in the ministerial guidelines*".

Listed as critically endangered under section 19(1)(a) of the BC Act in accordance with the criteria set out in section 20 and the ministerial guidelines. Published under schedule 1 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for critically endangered fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for critically endangered flora.

**EN** **Endangered species**

Threatened species considered to be "*facing a very high risk of extinction in the wild in the near future, as determined in accordance with criteria set out in the ministerial guidelines*".

Listed as endangered under section 19(1)(b) of the BC Act in accordance with the criteria set out in section 21 and the ministerial guidelines. Published under schedule 2 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for endangered fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for endangered flora.

**VU** **Vulnerable species**

Threatened species considered to be "*facing a high risk of extinction in the wild in the medium-term future, as determined in accordance with criteria set out in the ministerial guidelines*".

Listed as vulnerable under section 19(1)(c) of the BC Act in accordance with the criteria set out in section 22 and the ministerial guidelines. Published under schedule 3 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for vulnerable fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for vulnerable flora.

**Extinct Species:**

**EX** **Extinct species**

Species where "*there is no reasonable doubt that the last member of the species has died*", and listing is otherwise in accordance with the ministerial guidelines (section 24 of the BC Act).

Published as presumed extinct under schedule 4 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for extinct fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for extinct flora.

**EW** **Extinct in the wild species**

Species that "*is known only to survive in cultivation, in captivity or as a naturalised population well outside its past range; and it has not been recorded in its known habitat or expected habitat, at appropriate seasons, anywhere in its past range, despite surveys over a time frame appropriate to its life cycle and form*", and listing is otherwise in accordance with the ministerial guidelines (section 25 of the BC Act).

Currently there are no threatened fauna or threatened flora species listed as extinct in the wild. If listing of a species as extinct in the wild occurs, then a schedule will be added to the applicable notice.

**Specially protected species:**

Listed by order of the Minister as specially protected under section 13(1) of the BC Act. Meeting one or more of the following categories: species of special conservation interest; migratory species; cetaceans; species subject to international agreement; or species otherwise in need of special protection.

Species that are listed as threatened species (critically endangered, endangered or vulnerable) or extinct species under the BC Act cannot also be listed as Specially Protected species.

**MI**

**Migratory species**

Fauna that periodically or occasionally visit Australia or an external Territory or the exclusive economic zone; or the species is subject of an international agreement that relates to the protection of migratory species and that binds the Commonwealth; and listing is otherwise in accordance with the ministerial guidelines (section 15 of the BC Act).

Includes 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 fauna subject to the *Convention on the Conservation of Migratory Species of Wild Animals* (Bonn Convention), an environmental treaty under the United Nations Environment Program. Migratory species listed under the BC Act are a subset of the migratory animals, that are known to visit Western Australia, protected under the international agreements or treaties, excluding species that are listed as Threatened species.

Published as migratory birds protected under an international agreement under schedule 5 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

**CD**

**Species of special conservation interest (conservation dependent fauna)**

Fauna of special conservation need being species dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened, and listing is otherwise in accordance with the ministerial guidelines (section 14 of the BC Act).

Published as conservation dependent fauna under schedule 6 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

**OS**

**Other specially protected species**

Fauna otherwise in need of special protection to ensure their conservation, and listing is otherwise in accordance with the ministerial guidelines (section 18 of the BC Act).

Published as other specially protected fauna under schedule 7 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

**P**

**Priority species:**

Possibly threatened species that do not meet survey criteria, or are otherwise data deficient, are added to the Priority Fauna or Priority Flora Lists under Priorities 1, 2 or 3. These three categories are ranked in order of priority for survey and evaluation of conservation status so that consideration can be given to their declaration as threatened fauna or flora.

Species that are adequately known, are rare but not threatened, or meet criteria for near threatened, or that have been recently removed from the threatened species or other specially protected fauna lists for other than taxonomic reasons, are placed in Priority 4. These species 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.
- (c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened 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 the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.