



## **CLEARING PERMIT**

*Granted under section 51E of the Environmental Protection Act 1986*

|                               |  |
|-------------------------------|--|
| <b>Purpose Permit number:</b> | CPS 7946/1                             |
| <b>Permit Holder:</b>         | Subsea 7 Australia Contracting Pty Ltd |
| <b>Duration of Permit:</b>    | 2 May 2018 to 2 May 2028               |

The Permit Holder is authorised to clear native vegetation subject to the following conditions of this Permit.

### **PART I – CLEARING AUTHORISED**

**1. Purpose for which clearing may be done**

Clearing for the purpose of subterranean fauna sampling, geotechnical investigations and associated works.

**2. Land on which clearing is to be done**

Lot 234 on Plan 193858, Learmonth  
Lot 233 on Plan 219618, Learmonth  
Lot 253 on Plan 219249, Exmouth Gulf  
Lot 1586 on Plan 72986, Exmouth Gulf

**3. Area of Clearing**

The Permit Holder must not clear more than 8 hectares of native vegetation within the area shaded yellow on attached Plan 7946/1.

**4. Application**

This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

**5. Period in which clearing is authorised**

The Permit Holder shall not clear any native vegetation after 2 May 2023.

**6. Type of clearing authorised**

This Permit authorises the Permit Holder to clear native vegetation for activities to the extent that the Permit Holder has the right to access land under the *Land Administration Act 1997* or any other written law.

### **PART II – MANAGEMENT CONDITIONS**

**7. Avoid, minimise etc clearing**

In determining the amount of native vegetation to be cleared authorised under this Permit, the Permit Holder must have regard to the following principles, set out in order of preference:

- avoid the clearing of native vegetation;
- minimise the amount of native vegetation to be cleared; and
- reduce the impact of clearing on any environmental value.

## 8. Weed control

When undertaking any clearing or other activity authorised under this Permit, the Permit Holder must take the following steps to minimise the risk of the introduction and spread of *weeds*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (b) ensure that no *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
- (c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

## 9. Retain vegetative material and topsoil, revegetation and rehabilitation

The Permit Holder shall:

- (a) retain the vegetative material and topsoil removed by clearing authorised under this Permit and stockpile the vegetative material and topsoil in an area that has already been cleared.
- (b) at an *optimal time* following clearing authorised under this Permit, *revegetate* and *rehabilitate* the area(s) that are not required to remain cleared by:
  - (i) re-shaping the surface of the land so that it is consistent with the surrounding 5 metres of uncleared land; and
  - (ii) ripping the ground on the contour to remove soil compaction; and
  - (iii) laying the vegetative material and topsoil retained under condition 9(a) on the cleared area(s).

## PART III – MONITORING, RECORD KEEPING AND REPORTING

### 10. Records to be kept

The Permit Holder must maintain the following records for activities done pursuant to the clearing of native vegetation authorised under this Permit:

- (a) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
- (b) the date that the area was cleared;
- (c) the size of the area cleared (in hectares);
- (d) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 7 of this Permit; and
- (e) actions taken to minimise the risk of the introduction and spread of *weeds* and *dieback* in accordance with condition 8 of this Permit.

### 11. Reporting

- (a) The Permit Holder must provide to the CEO on or before 30 June of each year, a written report:
  - (i) of records required under condition 10 of this Permit; and
  - (ii) concerning activities done by the Permit Holder under this Permit between 1 January to 31 December of the preceding calendar year.
- (b) If no clearing authorised under this Permit was undertaken between 1 January to 31 December of the preceding calendar year, a written report confirming that no clearing under this permit has been carried out, must be provided to the CEO on or before 30 June of each year.
- (c) Prior to 2 February 2018, the Permit Holder must provide to the CEO a written report of records required under condition 10 of this Permit where these records have not already been provided under condition 11(a) of this Permit.

## DEFINITIONS

The following meanings are given to terms used in this Permit:

***direct seeding*** means a method of re-establishing vegetation through the establishment of a seed bed and the introduction of seeds of the desired plant species;

***fill*** means material used to increase the ground level, or fill a hollow;

***mulch*** means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation;

**local provenance** means native vegetation seeds and propagating material from natural sources within 100 kilometres and the same Interim Biogeographic Regionalisation for Australia (IBRA) subregion of the area cleared.

**optimal time** means the period November to December for undertaking *planting*;

**planting** means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired species;

**regenerate/ed/ion** means re-establishment of vegetation from in situ seed banks and propagating material (such as lignotubers, bulbs, rhizomes) contained either within the topsoil or seed-bearing *mulch*;

**rehabilitate/ed/ion** means actively managing an area containing native vegetation in order to improve the ecological function of that area;

**revegetate/ed/ion** means the re-establishment of a cover of *local provenance* native vegetation in an area using methods such as natural *regeneration*, *direct seeding* and/or *planting*, so that the species composition, structure and density is similar to pre-clearing vegetation types in that area;

**weed/s** mean any plant -

- (a) that is a declared pest under section 22 of the *Biosecurity and Agriculture Management Act 2007*; or
- (b) published in a Department of Parks and Wildlife Regional Weed Rankings Summary, regardless of ranking; or
- (c) not indigenous to the area concerned.



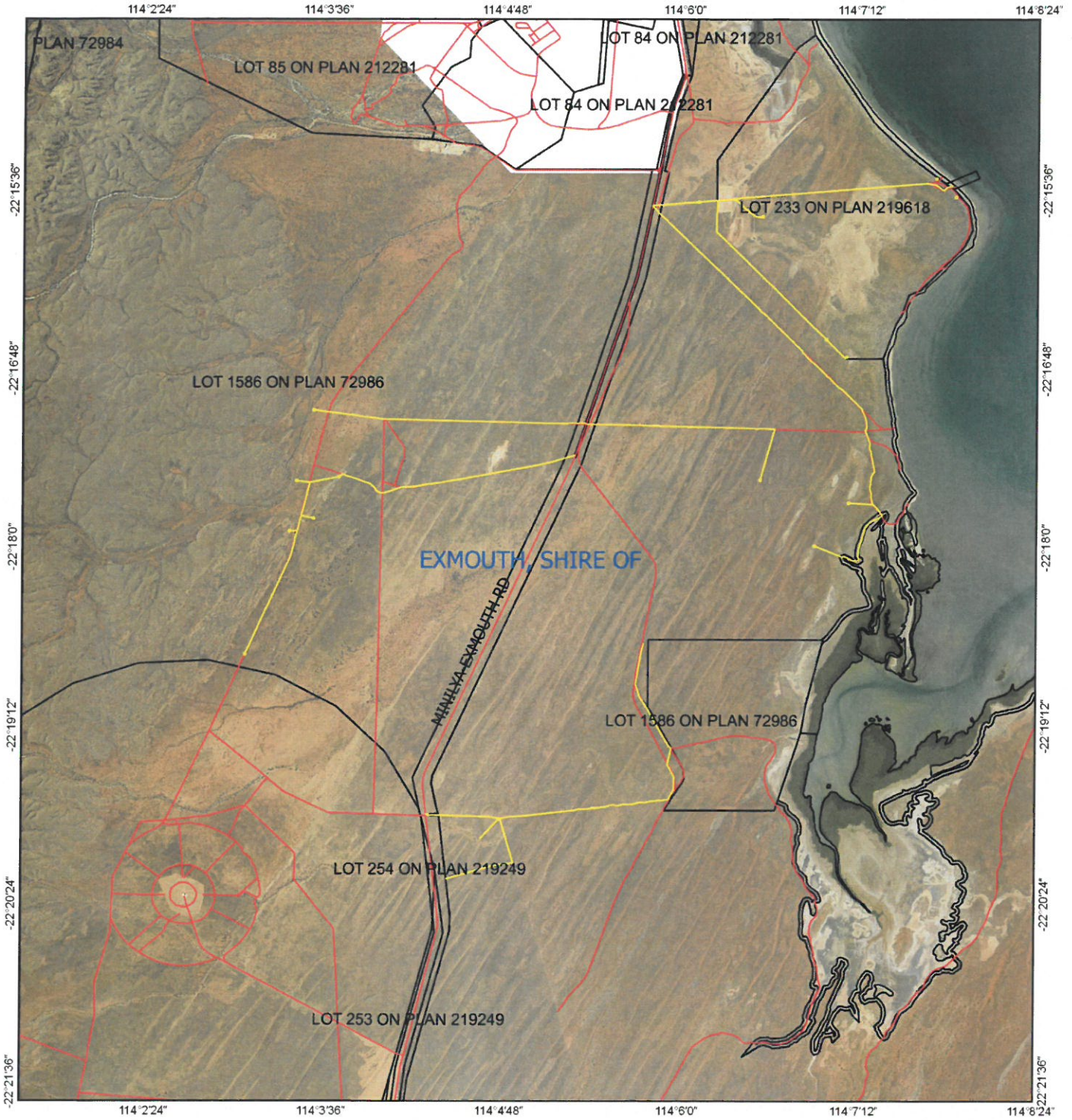
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Jane Clarkson  
MANAGER  
CLEARING REGULATION

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

10 April 2018

# Plan 7946/1



## Legend

- Areas approved to clear
- roads\_201501131816
- lga\_201501131742
- Cadastre
- WANow\_Imagery

3000



3000 m



MGA 94  
Geocentric Datum of Australia 1994

*J Clarkson* Date **10.4.18**  
J Clarkson

Officer with delegated authority under Section 20  
of the Environmental Protection Act 1986



**GOVERNMENT OF  
WESTERN AUSTRALIA**





# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 7946/1  
Permit type: Purpose Permit

### 1.2. Applicant details

Applicant's name: Subsea 7 Australia Contracting  
Application received date: 11 January 2018

### 1.3. Property details

Property: LOT 253 ON PLAN 219249, EXMOUTH GULF  
LOT 234 ON PLAN 193858, LEARMONTH  
LOT 233 ON PLAN 219618, LEARMONTH  
LOT 1586 ON PLAN 72986, EXMOUTH GULF  
Local Government Authority: EXMOUTH, SHIRE OF  
Localities: EXMOUTH GULF and LEARMONTH

### 1.4. Application

| Clearing Area (ha) | No. Trees | Method of Clearing | Purpose category:           |
|--------------------|-----------|--------------------|-----------------------------|
| 8                  |           | Mechanical Removal | Geotechnical investigations |

### Decision on application

Decision on Permit Application: Grant  
Decision Date: 10 April 2018

Reasons for Decision: The clearing permit application received on 11 January 2018 has been assessed against the clearing principles, planning instruments and other matters in accordance with s510 of the *Environmental Protection Act 1986*. It has concluded that the proposed clearing may be at variance to Principle (f), is not at variance to Principle (e) and is not likely to be at variance to any of the remaining clearing Principles.

The Delegated Officer determined that the proposed clearing may increase the spread of weeds into adjacent vegetation. To minimise this impact, a condition has been placed on the permit requiring the implementation of weed management measures.

The Delegated Officer also determined that given the investigative purpose of the clearing that areas that are not required to remain cleared for the development of the pipeline fabrication facility will be required to be revegetated.

The Delegated Officer determined as the proposed clearing consists of eight hectares of native vegetation, in narrow linear lines, within a larger footprint area of approximately 20 hectares that it is unlikely to have any significant environmental impacts.

## 2. Site Information

**Clearing Description** The application is to clear eight hectares of native vegetation (within a 19.86 hectare footprint) within Lot 233 on Deposited Plan 219618, Lot 234 on Deposited Plan 193858, Learmonth and Lot 253 on Deposited Plan 21949 and Lot 1586 on Deposited Plan 72986, Exmouth Gulf, for the purpose of undertaking a subterranean fauna sampling program and geotechnical investigations (Figure 1).

**Vegetation Description** The application area has been mapped as the following Beard vegetation associations:

- 117: Hummock grasslands, grass steppe; soft spinifex
- 662: Shrublands; Acacia sclerosperma & snakewood scrub (also with some waterwood)
- 663: Hummock grassland; shrub steppe; mixed acacia scrub & dwarf scrub with soft spinifex & *Triodia basedowii*

(Government of Western Australia, 2018)

**Vegetation Condition** Completely Degraded; No longer intact, completely/almost completely without native species (Keighery, 1994).  
To  
Very Good; Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).

**Soil type** The soils have been mapped by the Department of Primary Industries and Regional Development (DPIRD) as:

- Cardabia System: Undulating sandy plains with linear dunes, minor limestone plains and low rises, supporting mainly soft spinifex hummock grasslands with scattered acacias and other shrubs.
- Littoral System: Bare coastal mudflats (unvegetated), samphire flats, sandy islands, coastal dunes and beaches, supporting samphire low shrublands, sparse acacia shrublands and mangrove forests.
- Learmonth System: Sandy outwash plains marginal to the Cape Range, supporting mainly soft spinifex hummock grasslands with scattered acacia shrubs.
- Range System: Dissected limestone plateaux, hills and ridges with gorges and steep stony slopes supporting hard spinifex, sparse shrubs and eucalypts.

(DPIRD, 2018)



Figure 1 – Application Area

### 3. Minimisation and mitigation measures

360 Environmental (2018) has advised that the proposed clearing has been minimised by:

- Locating drill pads adjacent to existing tracks and fire breaks where possible; and
- Locating drill pads within existing cleared areas where possible.

Environmental management measures that will be put in place to minimise the risk of impact from the proposed clearing will include;

- Use of existing access tracks rather than the creation of new tracks where possible;
- The clearing footprint for all drill pads will be minimised as far as possible;
- A botanist will walk the proposed clearing footprint (track centrelines and drill pads) prior to any clearing to identify the presence of any conservation significant flora, including the Priority 3 species *Corchorus congener*, within the clearing footprint. In the event one or more individuals are identified within the clearing footprint the proposed location of the relevant track or drill pad will be amended to avoid the individual flora specimen(s), which will be marked;
- Suitable sumps will be constructed within each drill pad to manage the infiltration of pump test and/or bore 'development' water, to prevent any offsite loss of native vegetation;
- Speed restrictions will apply to minimise the risk of fauna collision;
- Suitable precautions will be taken to prevent the accidental ignition of any bush fires;
- Weed hygiene measures (cleaning and inspection of vehicles and plant prior to entry into Project Area will be in place to minimise the risk of spread or introduction of new weed species;
- Spill kits must be available on site while plant is onsite.

#### 4. Assessment of application against clearing principles

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

###### Proposed clearing is not likely to be at variance to this Principle

The applicant proposes to construct and operate a new pipeline fabrication facility at Learmonth. This project was referred to the Environmental Protection Authority (EPA) on 23 October 2017 and a Public Environmental Review level of assessment was set on 17 November 2017. The EPA determined that additional studies were required to support the assessment of the proposal, including a subterranean fauna sampling programme. This clearing permit application is for the proposed clearing of eight hectares of native vegetation (within a 19.86 hectare footprint) within Lot 233 on Deposited Plan 219618, Lot 234 on Deposited Plan 193858, Learmonth and Lot 253 on Deposited Plan 21949 and Lot 1586 on Deposited Plan 72986, Exmouth Gulf, for the purpose of undertaking the required subterranean fauna sampling program and geotechnical investigations (360 Environmental, 2018).

The proposed clearing consists of drill pads (25 metre x 25 metre) and access tracks (five metres wide). The clearing for the drill pads and access tracks totals seven hectares. An additional hectare has been applied for to allow for minor amendments to the access tracks if required (360 Environmental, 2018). The access tracks are predominately located on existing tracks so the majority of the vegetation is likely to be in a degraded (Keighery, 1994) condition.

360 Environmental was commissioned by the applicant to undertake a Flora and Vegetation Assessment of a 534 hectare footprint area, which encompasses a small portion of the application area, to determine the environmental values of the site. Initial surveys were undertaken in May 2017 and again in September 2017. This survey identified a total of 74 taxa from 56 genera and 25 families. One priority 3 flora species was identified within the survey area (36 Environmental, 2017). The applicant has not provided advice on whether this species will be disturbed by the proposed clearing.

Comments on the adequacy of the Flora and Vegetation Assessment were sought from the Department of Biodiversity, Conservation and Attractions (DBCA). DBCA noted a number of flaws with the survey including the assessment of the likelihood of species occurrence. It was advised that a number of priority species were determined to be 'unlikely' to occur within the application area whereas DBCA considers them 'likely' to occur. As a number of priority species were determined to be 'unlikely' to occur it is unclear whether these species were specifically targeted during the survey (DBCA, 2018a).

Despite the perceived inadequacies of this survey, the proposed clearing of linear tracks, which are predominately in a degraded condition, is unlikely to impact on the conservation status of priority flora.

As discussed in principle (b) nine fauna species listed as specially protected under the *Wildlife Conservation Act 1950* have been recorded within the local area (10 kilometre radius of that application area), including; curlew sandpiper (*Calidris ferruginea*), great knot (*Calidris tenuirostris*), eastern curlew (*Numenius madagascariensis*) and black-footed rock-wallaby (*Petrogale lateralis subsp. Lateralis*) (DBCA, 2007-). The application area is not likely to contain significant habitat for these species.

No priority ecological communities have been recorded within the local area.

The application area may contain priority flora, however given that the majority of the proposed clearing follows existing tracks in degraded (Keighery, 1994) condition, the application area is not likely to contain a high level of biodiversity in a regional context. Therefore, the proposed clearing is not likely to be at variance to this principle.

##### (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.

###### Proposed clearing is not likely to be at variance to this Principle

Nine fauna species listed as specially protected under the WC Act have been recorded within the local area, including; curlew sandpiper (*Calidris ferruginea*), great knot (*Calidris tenuirostris*), eastern curlew (*Numenius madagascariensis*) and black-footed rock-wallaby (*Petrogale lateralis subsp. Lateralis*) (DBCA, 2007-). The remaining five species are marine based or only found on islands and in the Northern Territory.

The curlew sandpiper, great knot and eastern curlew mainly occur within sheltered coastal habitats, such as intertidal mudflats in sheltered coastal areas, such as estuaries, bays, inlets and lagoons, and also around non-tidal swamps, lakes and lagoons near the coast. Suitable habitat for these species may occur within the wetland area located in the north of the application area, however it has been reported that the majority of this wetland area has been historically cleared and has a well-used existing track running through it (360 Environmental, 2017). Therefore, the application area is not likely to contain significant habitat for these species.

Black-flanked rock-wallabies occur where suitable shelter and food co-exist. During the daytime they shelter under deep shade in rocky areas such as caves, cliffs, screes and rockpiles, and emerge at dusk to feed on grasses, forbs, shrubs and occasionally seeds and fruits (TSSC, 2016). The application area may contain suitable foraging habitat for this species however as the majority of the application area follows existing tracks in a degraded (Keighery, 1994) condition, the application area is not likely to provide significant habitat.

360 Environmental has reported that during the field assessment within the survey area (534 hectare area, including a small portion of the application area), 40 fauna species from 29 families were recorded. This consisted of five reptile species from five families, 29 bird species from 20 families and six mammal species from four families. Six conservation significant species were recorded; the osprey, lesser sand plover, caspian tern, lesser crested tern, crested tern and rainbow bee-eater, however no 'critical habitat' for any of these species was recorded within the survey area (360 Environmental 2017).

Given the above the application area is not likely to comprise of significant habitat for indigenous fauna. Therefore the proposed clearing is not likely to be at variance to this Principle.

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

**Proposed clearing is not likely to be at variance to this Principle**

No rare flora has been recorded within the local area. Therefore, the application area is not likely to include or be necessary for the continued existence of rare flora.

The proposed clearing is not likely to be at variance to this Principle.

**(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.**

**Proposed clearing is not likely to be at variance to this Principle**

No threatened ecological communities have been recorded within the local area. Therefore, the application area is not likely to comprise of, or be necessary for the maintenance of a threatened ecological community.

Given the above, the proposed clearing is not likely to be at variance to this Principle.

**(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.**

**Proposed clearing is not at variance to this Principle**

The area under application is located within the Carnarvon Interim Biogeographic Regionalisation of Australia (IBRA) bioregion. This IBRA bioregion has approximately 99.7 per cent of its pre-European vegetation extent remaining (Government of Western Australia, 2018).

The vegetation under application is mapped as Beard vegetation associations 117, 662 and 663 of which there is approximately 88, 99.6 and 89 per cent of their pre-European extent remaining within the Carnarvon bioregion (Government of Western Australia, 2018).

The area under application is located within the Shire of Exmouth, within which there is approximately 98 per cent pre-European extent remaining (Government of Western Australia, 2018).

The local area (10 kilometre radius) retains approximately 95 per cent native vegetation.

The national objectives and targets for biodiversity conservation in Australia have a target to prevent clearance of ecological communities with an extent below 30 percent of that present pre-1750, below which species loss appears to accelerate exponentially at an ecosystem level (Commonwealth of Australia, 2001).

Given the vegetation extents remaining, the application area is not located within an area that has been extensively cleared. The application area does not contain a high level of biodiversity or significant fauna habitat and therefore it is not considered to be a significant remnant.

Given the above, the proposed clearing is not at variance to this Principle.

|   | Pre-European (ha) | Current Extent (ha) | Remaining (%) | Current percentage remaining within all DBCA managed land* (%) |
|---|-------------------|---------------------|---------------|--|
| <b>IBRA Bioregion*</b>                            |                   |                     |               |  |
| Carnarvon   | 8,382,890.40      | 8,360,801.50        | 99.7          | 12.2   |
| <b>Shire*</b>                                     |                   |                     |               |  |
| Shire of Exmouth                                  | 649,310.90        | 635,560.90          | 98            | 49.7   |
| <b>Beard Vegetation Association in Bioregion*</b> |                   |                     |               |  |
| 117   | 12,424.40         | 10,908              | 88            | 27.5   |
| 662   | 282,709.70        | 281,679             | 99.6          | 7.4  |
| 663   | 29,068.30         | 25,866.30           | 89            | 29   |



**(f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.**

**Proposed clearing may be at variance to this Principle**

The application area intersects numerous minor, non-perennial watercourses.

A portion of the application area falls within the Cape Range Subterranean Waterways wetland that is listed under the Australian Government Directory of Important Wetlands of Australia (DIWA), formally referred to as ANCA on the western side of Exmouth Gulf.

The clearing is entirely within a site described in DIWA as subterranean waterways, sinkholes, general groundwater and artificial wells (notably Billy, Five Mile, Javis, Kubara, Kudumurra, Milyering, Mowbowra, Pilgramunna, Tantabiddi and Tulki Wells, Tantabiddi and Wobiri Rockholes, Bundera Sinkhole, and caves C-23, C-215, C-452, C-495) of the coastal plain and foothills of Cape Range north of a line between Norwegian Bay, at the foot of the peninsula on the west coast, and the Bay of Rest in Exmouth Gulf (DBCA, 2018b).

This wetland is described as a good example of a subterranean karst wetland system and the only one (apart from Barrow Island) in arid north-western Australia. The site meets two Ramsar Criteria for listing as a Wetland of International Importance (Jaensch and Watkins 1999) and recommended as a World Heritage site (DBCA, 2018b).

The system contains a diverse, entirely endemic stygofauna and is mostly a relictual Tethys Sea fauna. The fauna includes the Blind Gudgeon *Milyeringa veritas*, the Blind Cave Eel *Ophisternon candidum*, and the only southern hemisphere representatives of entire classes, orders, families and genera of crustaceans. Plant structural formations: Overlying areas support tussock grassland (*Triodia* spp.) and low shrubland (DBCA, 2018b).

DBCA has advised that the drilling of investigative bores and sampling would be expected to incur some disturbance to local stratigraphy and loss of stygofauna, but as groundwater is not being abstracted for consumptive use, the disturbance is unlikely to result in significant alteration of groundwater chemistry or groundwater quality and the overall impact is therefore likely to be minimal (DBCA, 2018b).

The Flora and Vegetation Assessment notes that the majority of this wetland area has been historically cleared and has a well-used existing track running through it (360 Environmental, 2017).

The proposed clearing may include vegetation associated with watercourses and a wetland and therefore may be at variance to this Principle. Given the existence of existing tracks, the proposed clearing is not likely to have a significant impact on the identified watercourses or on the wetland.

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

**Proposed clearing is not likely to be at variance to this Principle**

The soils have been mapped by DPIRD as:

- Cardabia System: Undulating sandy plains with linear dunes, minor limestone plains and low rises, supporting mainly soft spinifex hummock grasslands with scattered acacias and other shrubs.
- Littoral System: Bare coastal mudflats (unvegetated), samphire flats, sandy islands, coastal dunes and beaches, supporting samphire low shrublands, sparse acacia shrublands and mangrove forests.
- Learmonth System: Sandy outwash plains marginal to the Cape Range, supporting mainly soft spinifex hummock grasslands with scattered acacia shrubs.
- Range System: Dissected limestone plateaux, hills and ridges with gorges and steep stony slopes supporting hard spinifex, sparse shrubs and eucalypts.

(DPIRD, 2018)

Given the permeable nature of the sandy soils mapped within the application area the proposed clearing is not likely to cause appreciable land degradation in the form of water erosion, water logging or flooding.

Sandy soils are prone to wind erosion, however as the proposed clearing is for long, linear tracks which are surrounded by vegetated buffers the proposed clearing is not likely to cause appreciable land degradation in the form of wind erosion.

Given the above, the proposed clearing is not likely to be at variance to this Principle.

**(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.**

**Proposed clearing is not likely to be at variance to this Principle**

Cape Range National Park is located approximately 15 kilometres west of the application area. An area excised from Exmouth Gulf Station, which is proposed for conservation is located approximately 5.5 kilometres west of the application area.

A portion of the application area falls within the Cape Range Subterranean Waterways wetland that is listed under the Australian Government Directory Of Important Wetlands of Australia (DIWA), formally referred to as ANCA on the western side

of Exmouth Gulf. This wetland is a subterranean karst wetland system. The clearing of native vegetation is not likely to impact on the karst system.

Although the application area intersects a conservation area, the proposed clearing is not likely to impact on the environmental values of this area. Therefore, the proposed clearing is not likely to be at variance to this Principle.

**(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.**

**Proposed clearing is not likely to be at variance to this Principle**

Multiple watercourses intersect the application area. The proposed clearing may temporarily deteriorate the quality of surface water through increase sedimentation however, impacts are likely to be minor and short term. The application area also intersects the Cape Range Subterranean Waterways wetland. The majority of the clearing within this area follows existing tracks so it is unlikely to impact on the quality of surface water.

Groundwater salinity within the application area is mapped at 500-1,000 total dissolved solids, milligrams per litre. This level of groundwater salinity is classified as 'marginal'. Given this level, the proposed clearing is not likely to increase groundwater salinity.

Given the above, the proposed clearing is not likely to be at variance to this Principle.

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

**Proposed clearing is not likely to be at variance to this Principle**

Given the sandy nature of the soils within the application area and that the clearing is for long linear tracks, the proposed clearing is not likely to be at variance to this Principle.

**Planning instruments and other relevant matters.**

A letter from the Premier has been obtained advising that Subsea 7's Pipeline Fabrication Facility Project fulfils the criteria under the Government's Lead Agency Framework.

The applicant is in the process of obtaining a Section 91 Licence from the Department of Planning, Lands and Heritage to access the land subject to this application.

The application area is located within the Gascoyne Groundwater Area and Pilbara Surface Water area which are proclaimed areas under the *Right in Water and Irrigation Act 1914* (RIWI Act). Advice received from Department of Water and Environmental Regulation's (DWER) water licensing considers 'that the intersections of proposed clearing with minor waterways drainage lines are along existing cleared tracks and are not of significance to require a bed and banks permit' (DWER, 2018). It is also advised that as the proposed drilling is solely for monitoring purposes, a Licence to Construct and Alter a Well under section 26D of the RIWI Act is not required (DWER, 2018).

To assist in mitigating the risks from the proposed clearing it is recommended that the following be adhered to whilst undertaking the activity:

- There should be no significant alteration of the natural hydrological regime and geomorphology of wetlands and their catchments.
- The activity should not result in the loss of wetland fringing vegetation to ensure maintenance of foreshore stability and protection of important riparian habitats.
- Minor drainage line crossings must be constructed so they do not impound water or alter the hydraulic regime of the watercourse. These works should include scour and erosion controls and utilisation of revegetation of a riparian corridor to support bank stability if required.
- No activity shall be undertaken that will unduly disrupt natural drainage or adversely affect the quality or quantity of water in any watercourse, waterhole, spring or subterranean source of supply.
- No activity shall be undertaken which prevents or restricts the access of authorised users to any existing production bore, well or surface water structures such as wetlands.
- No activity shall be undertaken which may affect leaseholders, landowners or managers rights in respect to water quality, quantity and access.

(DWER, 2018)

The application area is located within the Gnulli People's (Native Title Claimant) area of interest. On 2 February 2018 the Department of Water and Environmental Regulation wrote to the Gnulli Claimants and their representative body (Yamatji Marlpa Aboriginal Corporation) advising them of the proposed clearing and inviting their comment. In a letter dated 13 March 2018 the Yamatji Marlpa Aboriginal Corporation (YMAC) advised that, on behalf of Gnulli Native Title Claimants, they have executed a Heritage and Infrastructure Agreement with Subsea 7 and have continuing communications with them regarding the progression of the project (YMAC, 2018).

The application area (the northern most access track) intersects an Aboriginal site of significance. It is the applicant's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

The clearing permit application was advertised on the DWER website on 07 February 2018 with a 21 day submission period. No public submissions have been received in relation to this application.

## 5. References

- 360 Environmental (2017) Australian Bundle Site, Detailed Flora and Vegetation Assessment. Prepared for Subsea 7. October 2017 (DWER Ref: A1604455).
- 360 Environmental (2018) Learmonth Bundle Site: Geotechnical and Subterranean Fauna Investigations. Application for a Native Vegetation Clearing Permit – Purpose Permit. Prepared for Subsea 7. January 2018 (DWER Ref: A1594981).
- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- Department of Biodiversity, Conservation and Attractions (DCBA) (2018a) Species and Communities flora advice for clearing permit application CPS 7946/1 (DWER Ref: A1644322).
- Department of Biodiversity, Conservation and Attractions (DCBA) (2018b) Wetlands advice for clearing permit application CPS 7946/1 (DWER Ref: A1644327).
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