

16 July 2024

Department of Water and Environmental Regulation
Locked Bag 10, Joondalup DC WA 6919
info@dwer.wa.gov.au

To Whom it May Concern,

RE – Lot 4 (HSE 2774) Caves Road, Yallingup - Clearing Permit Application

Please find herein information pertaining to a clearing permit (area) application on behalf of Cape Sand Supplies Pty Ltd.

Background

Cape Sand Supplies Pty Ltd (the applicant) is proposing to extract sand from a 9.14 hectare (ha) area (herein referred to as the subject site) located within Lot 4 (HSE 2774) Caves Road, Yallingup (refer to **Figure 1** and **Figure 2**). The subject site is located within the municipality of the City of Busselton, approximately 10 km south-west of the Dunsborough town centre and approximately 200 km south of Perth.

The subject site is located within Lot 4 Caves Road, Yallingup and is wholly owned by Ian Bell (refer to **Appendix A** for Certificate of Title). Authorisation for Cape Sand Supplies to act on the landowner's behalf for this proposal has been provided (refer to **Appendix B**).

The available volume of sand (*insitu* volume of approximately 545,000 m³) is to be extracted in five stages, four of 2.0 ha and one approximately 1.14 ha in size. An Extractive Industry Licence and Development Approval application has been prepared and submitted to the City of Busselton in June 2024.

The subject site is zoned "Rural" under the City of Busselton *Local Planning Scheme No.21*. The proposed extractive industry is a permitted land use within this zone subject to development approval from the City of Busselton.

Flora and Vegetation

The vegetation within the subject site is in a 'completely degraded' condition due to prolonged land degradation processes including land clearing and livestock grazing. This has resulted in the complete absence of mid and understorey species, with native vegetation being limited to occasional paddock trees including *Eucalyptus marginata* (Jarrah), *Corymbia calophylla* (Marri) and *Agonis flexuosa* (Peppermint).

Given the condition of the subject site and the current land use (i.e. livestock grazing) no flora or vegetation of conservation significance is likely to occur. A search of DBCA's and EPBC databases found one Threatened Ecological Community (TEC) recorded within proximity to the subject site. This was the *Empodisma* peatlands of southwestern Australia ecological community. None of the vegetation within the subject site is representative of this TEC due to the 'completely degraded' condition of the vegetation and the absence of suitable soil types associated with this TEC.

The *South West Regional Ecological Linkages (SWREL) Technical Report* (Molloy *et al.* 2009) identifies ecological linkages at distances greater than 1 km to the west and south of the subject site. Vegetation within the subject site is not associated with any identified ecological linkages.

Section 51B of the *Environmental Protection Act 1986* (EP Act) allows the Minister to declare an Environmentally Sensitive Area (ESA). Once declared, the exemptions to clear native vegetation under the regulations do not apply in these areas. TEC's areas within 50 m of any Declared Rare flora (DRF) and defined wetland areas constitute ESAs. However, a number of other areas of environmental significance are also listed. Current declared ESAs are listed in the *Environmental Protection (Environmentally Sensitive Areas) Notice 2005*.

The subject site is not mapped within an ESA. Furthermore, there are no mapped ESA within 1 km of the subject site.

Fauna

Fauna habitat within the subject site is largely absent, attributed to a history of anthropogenic disturbances which has results in an altered land use and the removal of the majority of native vegetation.

A targeted fauna survey was undertaken by SW Environmental (2024) (refer to **Appendix C**) which included a desktop review and field survey in line with relevant State and Commonwealth guidelines. The field survey consisted of a diurnal site visit on the 6th February 2024.

Evidence of foraging from all three black cockatoos was found throughout the subject site, with three Forest Red-tailed Black Cockatoo individuals observed during the survey (SW Environmental 2024). No night roosts were observed.

The black cockatoo habitat tree assessment identified 25 trees within the subject site with a diameter at breast height (DBH) > 50cm. Twenty of these appeared to not contain observable hollows. Of the 5 trees containing hollows, only one tree contained a hollow which could potentially be suitable for black cockatoo breeding. This tree contains a knot hollow with signs of use, including heavy chewing around the rim, consistent with galahs. Close inspection of this hollow determined that the hollow is not a good candidate for black cockatoo breeding and as such black cockatoos are unlikely to be breeding within the subject site (SW Environmental, 2024).

While breeding, black cockatoos will generally forage within a 6-12 km radius of their nesting site. There is approximately 8,185 ha of native vegetation, much of which is potential black cockatoo foraging and potential breeding habitat within a 6 km radius of the subject site. Accordingly, the removal of 25 trees or 0.25 ha which equates to approximately 0.0030% of the available habitat for black cockatoos locally, is unlikely to significantly reduce their foraging resources. Furthermore, to replace this potential habitat, revegetation of approximately 0.93 ha with preferable foraging species will be undertaken post extraction.

No evidence of Western Ringtail Possums (WRP) utilising any of the isolated paddock trees within the subject site was recorded. Low densities of WRP scats were detected in the fringe of the drainage line vegetation outside of the extraction footprint. The extraction footprint has been designed to avoid this vegetation and therefore there are no anticipated impacts to WRP habitat. The paddock trees within the subject site were found to be low habitat quality for WRP due to the possible presence of predators and lack of connectivity of vegetation (SW Environmental, 2024).

A South-Western Brush-tailed Phascogale (*Phascogale tapoatafa wambenger*) was observed in a Jarrah tree within the subject site.

Groundwater

The subject site is located within the Cape to Cape North subarea of the *Rights in Irrigation and Water Act 1914* (RiWI Act) proclaimed Busselton-Capel Groundwater Area.

To determine onsite maximum groundwater levels, three test pits were excavated to a maximum depth of 3.5 m below ground level (BGL) on the 24th August 2023 (refer to **Figure 2** for test pit locations). The test pits were located in proximity to the lowest elevation of the proposed extraction footprint (approximately 71 m AHD) to determine groundwater levels.

Soils were comprised of yellow/orange sands (refer to **Plates 1 – 3**). No groundwater was observed in any of the test pits. Accordingly, at an approximate elevation of 71 m AHD, no groundwater was encountered to a depth of 3.5m BGL, denoting that the maximum groundwater level is below 67.5 m AHD. Furthermore, no clay or impermeable layers were identified in the sandy substrate.



Plate 1. Test pit 1, sandy soils.

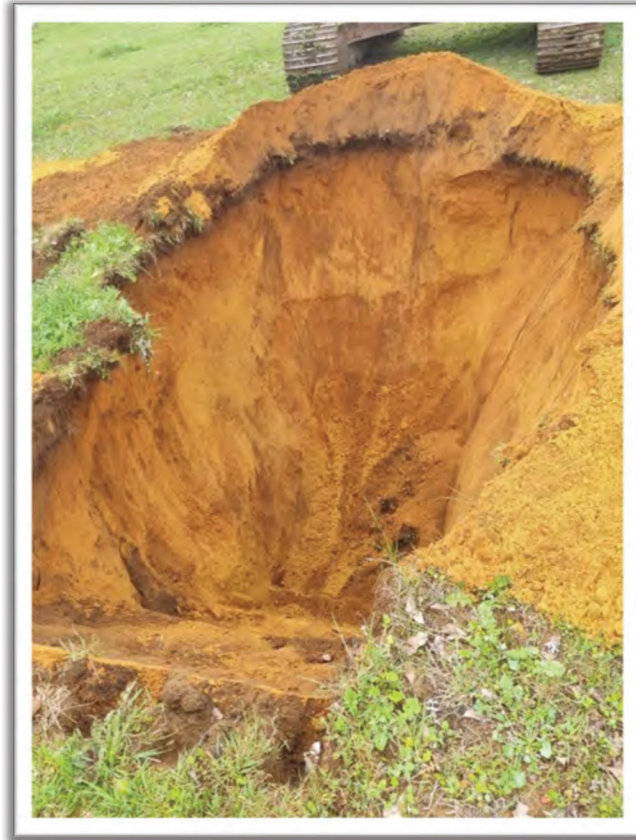


Plate 2. Test pit 2, sandy soils.



Plate 3: Test pit 3, sandy soils.

Surface Water

The subject site is located in the Gunyulgup subarea of the RiWI Act proclaimed Cape to Cape North surface water area. The subject site is not proclaimed under the *Country Areas Water Supply Act 1947* as a public drinking water source area.

There are no surface water features present within the subject site. A drainage channel is located to the north of the subject site. A buffer of at least 50 m will be maintained from this channel at all times. Lot 4 also contains four farm dams all located at a distance greater than 400 m from the subject site boundaries.

The current water cycle within the subject site consists of inputs from rainwater flowing downhill in a north easterly direction into the wider drainage system. The development is not proposing to alter this process, as there are no drainage lines within the proposed extraction area.

Wetlands

Areas of wetlands in Western Australia have been mapped and this mapping has been converted into a digital dataset that is maintained by the DBCA and is referred to as the '*Geomorphic Wetlands Leeuwin Naturaliste Ridge and Donnybrook to Nannup*' dataset. Pursuant to this dataset, there are no mapped wetlands within the subject site.

Avoidance and Mitigation Measures

The Applicant undertook an assessment of the property prior to determining a suitable location for the proposal. This included a visual assessment of vegetation and drainage areas. Upon completion of the assessment, it was determined that suitable setbacks to watercourses would be required. Accordingly, a 50 m buffer to all drainage lines and dams has been provided. The clearing footprint has also been designed to exclude vegetation located adjacent to the drainage line to the north and the peppermint trees to the east. It is considered that no other reasonable and practicable avoidance measures can be implemented within the clearing footprint.

The clearing footprint will be cleared progressively over approximately five years in accordance with the requirements for extraction of the sand resource. Consequently, it is not proposed to clear the entire clearing footprint as a single exercise.

Specifically, to avoid any direct impact to native fauna during vegetation clearing, the following management measures will be implemented:

- During clearing, a qualified fauna expert will be present to direct clearing operators, particularly when clearing trees are occupied by fauna, to ensure that these are cleared in a way that allows the animals to safely mobilise to adjacent areas. In addition, they will supervise any animal handling and the rescue of injured animals should this be required;
- No stockpiling of topsoil or other material is to occur outside of the clearing boundary;
- If clearing during black cockatoo breeding season (i.e. August to May), potential habitat trees (i.e. DBH in excess of 50 cm) for nesting hollows will be checked; and
- If active black cockatoo nests are located in the clearing footprint, no clearing will occur until fledglings have left the nest.

To replace the potential habitat proposed for clearing, revegetation of approximately 0.93 ha with preferable foraging species will be undertaken. Upon receipt of the relevant approvals and prior to commencement of extraction activities (excluding the months December to March), a row of vegetation (*Agonis flexuosa* and *Corymbia calophylla*) will be planted at 5 m spacings between the noise bund and fence line along Wyadup Road.

On completion of works, vegetation corridors comprised of two rows will also be planted with *Agonis flexuosa* (Peppermint) and *Corymbia calophylla* (Marri) at 5 m spacings within the subject site (refer to **Figure 3**).

Summary

Given the 'completely degraded' condition of the vegetation within the subject site and the limited amount of clearing, it is anticipated that there will be some residual impacts that will require mitigation. Accordingly, it is proposed to revegetate a 0.93 ha area with preferable foraging species.

In consideration of the avoidance, mitigation and management measures, it is anticipated that there will be no residual impacts that will require the implementation of any further offsets.

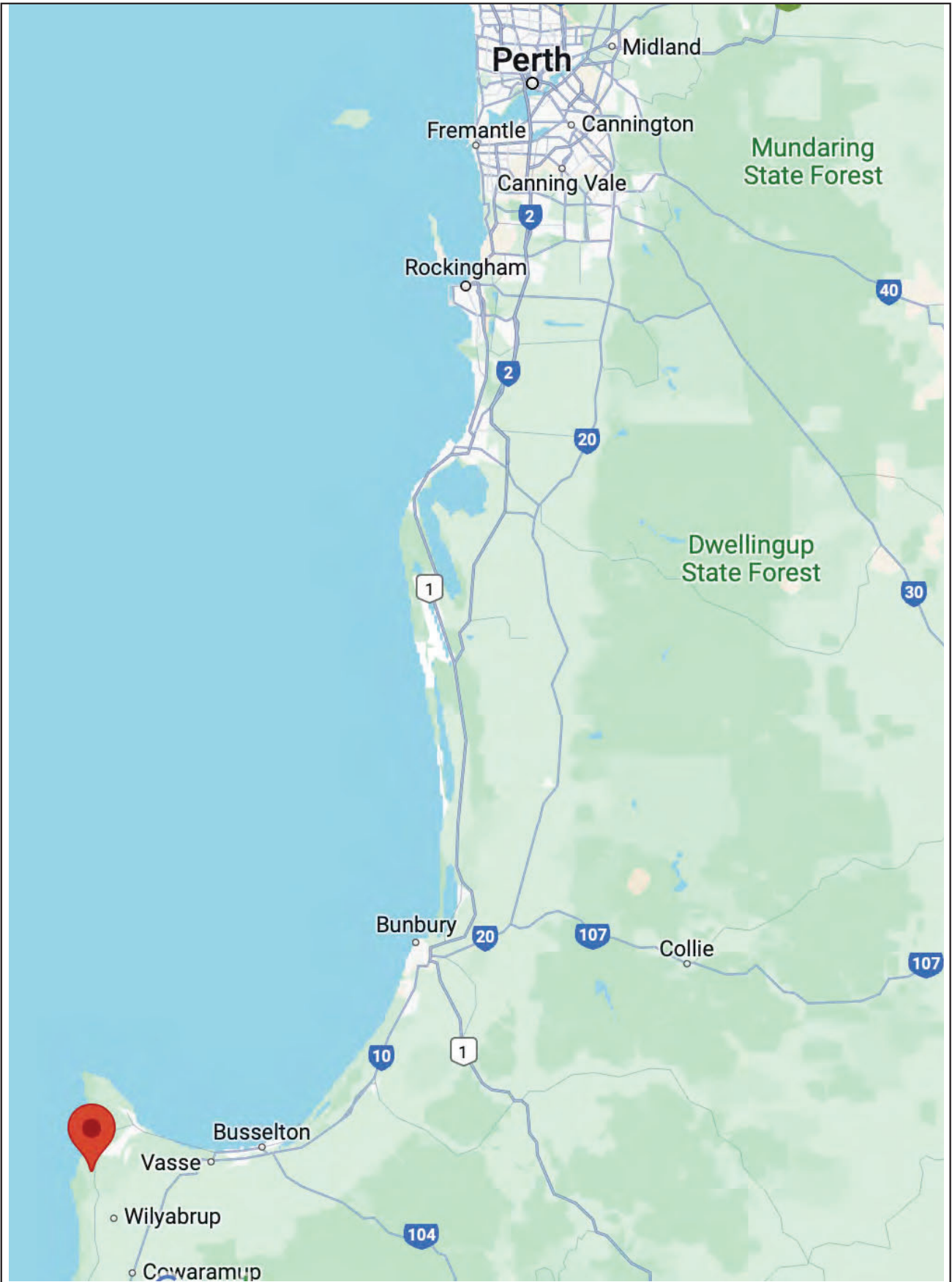
I trust this information is sufficient for your purposes. Should you have any further queries or require further information, please do not hesitate to contact the undersigned.

Yours sincerely,



Phoebe Norman
Environmental Consultant
Mobile 0406 490 537

FIGURES



PROJECT 2774 Caves Road, Yallingup

Project Number 2473 Drawing Number Figure 1 Revision A

DRAWING TITLE Figure 1 - Site Locality



Designed PN Checked Approved
Drawn PN

CLIENT Cape Sand Supplies Pty Ltd

Date 10/3/2024
Local Authority City of Busselton
Sheet 1 of 1

PO Box 5178
West Busselton
Western Australia 6280
Mobile 0418 950 852

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Legend

-  Lot boundary
-  Stage boundaries
-  Test Pits

PROJECT 2774 Caves Road, Yallingup

DRAWING TITLE Figure 2 - Site extent

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PO Box 5178
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Project Number	2473	Designed	PN
Drawing Number	Figure 2	Drawn	PN
Revision	A	Checked	
Date	12/03/2024	Approved	Local Authority
Sheet 1 of 1			City of Busselton



Legend

 Lot boundary

 Stage boundaries

 Vegetation Corridors

PROJECT 2774 Caves Road, Yallingup

DRAWING TITLE Figure 3 - Vegetation corridors

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Project Number 2473
Drawing Number Figure 3
Revision A
Date 12/03/2024
Sheet 1 of 1

Designed PN
Drawn PN
Checked PN
Approved Local Authority
City of Busseton