



1. Application details

1.1. Permit application details

Permit application No.: 1308/1
Permit type: Area Permit

1.2. Proponent details

Proponent's name: **Foxbay Pty Ltd**

1.3. Property details

Property: LOT 64 ON DIAGRAM 80539 (BANDY CREEK 6450)
Local Government Area: Shire Of Esperance
Colloquial name:

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
0.7		Mechanical Removal	Extractive Industry

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description	Clearing Description	Vegetation Condition	Comment
Beard vegetation Association 42: Shrublands; mallee & acacia scrub on south coastal dunes (Hopkins et al., 2001).	The vegetation on site is of a type consistent with coastal scrub in the local area with Acacia and spyridium spp (site visit TRIM ref AD309). The initial application covered 12.7ha but was later reduced to 0.7ha.	Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994).	Vegetation in excellent condition with some weed species encroaching at the edges (site visit TRIM ref AD309).

3. Assessment of application against clearing principles

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

Comments **Proposal is not likely to be at variance to this Principle**
The area under application consists of coastal scrub vegetation which exists throughout the local area. This vegetation type has a high level of biological diversity as does the area under application (DEC site visit). However, the area under application is small (0.7ha) and will be revegetated with local native species post sand extraction. Additionally, within the local area and on the property there is a large area of the same vegetation type present.

Methodology Site visit (DEC TRIM ref AD309)
GIS Database:
-Esperance 1.4m Orthomosaic - DOLA 02

(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 **Proposal is not likely to be at variance to this Principle**
During the site visit, conducted on 27 June 2006, officers observed that the vegetation under application was in excellent condition and likely to provide habitat to coastal fauna such as reptiles and birds (DEC site visit). However, the value of the 0.7ha under application as habitat is not likely to be significant when compared to the local area as it is fragmented and of a small area. Vegetation closer to the coast and along Bandy Creek, 700m east of the proposed clearing, is likely to provide greater connectivity and habitat values for fauna. Additionally, revegetation of the site will be conditional to the granting of this Permit such that habitat fauna values provided by the vegetation will be restored.

Methodology Site visit (DEC TRIM ref AD309)
GIS Database:
-Esperance 1.4m Orthomosaic - DOLA 02

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

Comments Proposal is not likely to be at variance to this Principle

A flora survey has not been carried out for the area under application. However, no Declared Rare Flora (DRF) or Priority flora species are listed as occurring within the area under application. One Priority 1 flora species is known to exist within the local area over 6km south west of the area under application. As such, it is not likely that this proposal is at variance with this Principle.

Methodology GIS Database:
-Declared Rare and Priority Flora List - CALM 01/07/05

(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 Proposal is not likely to be at variance to this Principle

A Threatened Ecological Community (TEC) is listed as occurring in Pink Lake over 10km west of the area under application. As this occurrence is within a very different environment to the area under assessment it is considered that the proposed clearing is not likely to impact upon the TEC in any way.

Methodology GIS Database:
-Threatened Ecological Communities - CALM 12/4/05

(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 Proposal is not likely to be at variance to this Principle

The State Government is committed to the National Objective and Targets for Biodiversity Conservation 2001-2005 (AGPS, 2001) which includes a target that prevents clearance of ecological communities with an extent below 30% of that pre-European settlement (Department of Natural Resources and Environment, 2002; EPA, 2000).

The area under application has above 30% representation for the Esperance Plains IBRA Bioregion and for Beard Vegetation Association 42 (Shepherd et al., 2001; Hopkins et al., 2001). However, the Shire of Esperance has only 27.4% of its pre-European vegetation remaining. This classifies it as vulnerable in reference to conservation status (Department of Natural Resources and Environment 2002).

Revegetation of the site will be conditional to the granting of this Permit resulting in no net loss of vegetation. As such it is considered that this application is not likely to be at variance to this Principle.

Methodology Department of Natural Resources and Environment (2002), EPA (2000), AGPS (2001), Shepherd et al. (2001), Hopkins et al. (2001)

(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 Proposal is not likely to be at variance to this Principle

The area under application is 1km north of the coastline and 700m east of Bandy Creek with a number of significant waterbodies north of the area under application. It is considered that the proposed clearing will not have a significant impact on any of the waterways as the area to be cleared is small and is a reasonable distance away from all waterbodies.

Methodology GIS Databases:
-Hydrography, linear - DOE 1/2/04
-ANCA, Wetlands - CALM 08/01
-RAMSAR, wetlands - CALM 14/02/03
-South Coast Significant wetlands - DOE 4/8/03

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

Comments Proposal is not likely to be at variance to this Principle

The Commissioner's advice indicated that clearing of 0.7ha unlikely to be at variance to this Principle as the area was of low relief and should not pose a serious land degradation hazard. He further added that the area should be rehabilitated post mining.

Revegetation of the site will be conditional of the granting of this Permit.

Methodology DAFWA (2006), Revised comments from the Commissioner (TRIM ref DOC 952)

(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 Proposal is not likely to be at variance to this Principle

The benchmark of 15% representation in conservation reserves (JANIS, 1997) has been met for Beard Association 42 (Hopkins et al., 2001) with 46.8% in reserve (Shepherd et al., 2001).

The proposed clearing is unlikely to significantly impact upon any conservation area even though a significant reserve, the Lake Warden System, exists just over 1km north of the site. This is due to the fact that the area under application is small (0.7ha), will not impact on significant vegetation linkage between the coast and the reserve and any loss will be offset by revegetation of the site.

Methodology JANIS (1997), Hopkins et al. (2001), Shepherd et al. (2001)
GIS Database:
-CALM Managed Lands and Water - CALM 1/07/05

(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 Proposal is not at variance to this Principle

The area under application is not within proclaimed, gazetted or declared area or catchment.

While the Department of Agriculture and Food, Western Australia (DAFWA) highlighted concerns with the Phosphorus export risk and erosion risks at this site (DAFWA, 2006), the distance to the nearest waterbody is considered to be significant such that eutrophication and sedimentation resulting from this proposal will not be increased.

Land Quality Salinity Risk Data indicate for the major land in the CPS area has a nil risk of salinity (DAFWA, 2006).

Methodology DAFWA (2006)
GIS Databases:
-Public Drinking Water Source Area's (PDWSA's) - DOE 07/02/06
-RIWI Act, Areas - WRC 05/04/02

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

Comments Proposal is not at variance to this Principle

The proposed clearing has nil to very low risk of flooding (DAFWA, 2006).

Methodology DAFWA (2006)

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

Comments

Aboriginal Sites of Significance cover some of the property covered by this application but do not fall within the area under application.

The Shire of Esperance has indicated that the proponent has applied for permission to conduct earthworks and remove clean fill from the site. The Shire will issue the approval once this Permit is granted and have confirmed this in writing (TRIM ref DOC1361). The Shire also provided comments in relation to revegetation of the site to local natives and clearing between May and September to reduce erosion (TRIM ref DOC522). These comments have been considered within the application.

Methodology Submission from the Shire of Esperance (TRIM ref DOC522)
Submission from the Department of Indigenous Affairs (TRIM ref AI1015)

4. Assessor's recommendations

Purpose	Method	Applied area (ha)/ trees	Decision	Comment / recommendation
Extractive Industry	Mechanical Removal	0.7		The assessment has found this proposal to be either not at variance or not likely to be at variance with the Clearing Principles. Therefore, the assessing officer recommends that this Permit be granted with attached conditions requiring revegetation of the site once the sand has been extracted.

5. References

- AGPS (2001) The national objective and targets for biodiversity conservation 2001-2005. Commonwealth of Australia, Canberra.
- DAFWA (2006) Land degradation assessment report. Office of the Commissioner of Soil and Land Conservation, Department of Agriculture and Food Western Australia. DEC TRIM ref CRN220110 and DOC952.
- 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.
- EPA (2000) Environmental protection of native vegetation in Western Australia. Clearing of native vegetation, with particular reference to the agricultural area. Position Statement No. 2. December 2000. Environmental Protection Authority.
- Hopkins, A.J.M., Beeston, G.R. and Harvey J.M. (2001) A database on the vegetation of Western Australia. Stage 1. CALMScience after J. S. Beard, late 1960's to early 1980's Vegetation Survey of Western Australia, UWA Press.
- JANIS Forests Criteria (1997) Nationally agreed criteria for the establishment of a comprehensive, Adequate and Representative reserve System for Forests in Australia. A report by the Joint ANZECC/MCFFA National Forest Policy Statement Implementation Sub-committee. Regional Forests Agreement process. Commonwealth of Australia, Canberra.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Shepherd, D.P., Beeston, G.R. and Hopkins, A.J.M. (2001) Native Vegetation in Western Australia, Extent, Type and Status. Resource Management Technical Report 249. Department of Agriculture, Western Australia.

6. Glossary

Term	Meaning
CALM	Department of Conservation and Land Management
DAWA	Department of Agriculture
DEP	Department of Environmental Protection (now DoE)
DoE	Department of Environment
DoIR	Department of Industry and Resources
DRF	Declared Rare Flora
EPP	Environmental Protection Policy
GIS	Geographical Information System
ha	Hectare (10,000 square metres)
TEC	Threatened Ecological Community
WRC	Water and Rivers Commission (now DoE)