



1. Application details

1.1. Permit application details

Permit application No.: 7137/1
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Peel Resources Recovery Pty Ltd

1.3. Property details

Property: LOT 43 ON PLAN 17161, WELLESLEY
Local Government: SHIRE OF HARVEY
Authority:
DER Region: Greater Swan
DPaW District: WELLINGTON
Localities: WELLESLEY

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Refused
Decision Date: 11 January 2017
Reasons for Decision: The clearing permit application is to clear 0.659 hectares of native vegetation for the purpose of sand extraction, and was received on 22 June 2016.

The clearing permit application has been assessed against the clearing principles, planning instruments and other matters in accordance with section 510 of the *Environmental Protection Act 1986*. The Delegated Officer determined that the proposed clearing is not likely to be at variance to any of the clearing principles and is not likely to have any significant environmental impacts.

In determining to refuse to grant a clearing permit, the Delegated Officer has had regard to the advice of the Shire of Harvey that planning approval and an extractive industry licence has not been obtained for the purpose of 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
Mapped Beard vegetation association 1000 is described as Mosaic: Medium forest; jarrah-marri / Low woodland; <i>Banksia</i> / Low forest; teatree (<i>Melaleuca</i> spp.) (Shepherd et al., 2001).	The clearing of 0.659 hectares of native vegetation within Lot 43 on Plan 17161, Wellesley, for the purpose of sand extraction.	Completely Degraded; No longer intact, completely/almost completely without native species (Keighery, 1994). To Degraded; Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).	The condition and description of the vegetation within the application area was determined from a site inspection conducted by officers of the Department of Environment Regulation (DER) (DER, 2016) and a flora and vegetation assessment undertaken by Strategen Environmental (Strategen Environmental, 2016).
Mapped Heddle vegetation Bassendean Complex-Central And\South: Vegetation ranges from woodland of <i>Eucalyptus marginata</i> (Jarrah) - <i>Allocasuarina fraseriana</i> (Sheoak) - <i>Banksia</i> species to low woodland of <i>Melaleuca</i> species, and sedgelands on the moister sites. This area includes the			

transition of *Eucalyptus marginata* (Jarrah) to *Eucalyptus tottiana* (Pricklybark) in the vicinity of Perth (Hedde et al., 1980).

3. Assessment of application against clearing principles

Comments

The application is to clear 0.659 hectares of native vegetation within Lot 43 on Plan 17161, Wellesley, for the purpose of sand extraction. The application area has been subject to previous and ongoing disturbances from agricultural activities and adjoining waste disposal land uses (DER, 2016; Strategen Environmental, 2016). As a result of this disturbance, the application area is in a degraded to completely degraded (Keighery, 1994) condition (DER, 2016).

The vegetation consists of open *Eucalyptus marginata*, *Xylomelum occidentale* and *Banksia attenuata* woodland, over a completely degraded (Keighery, 1994) condition understorey dominated by introduced species (DER, 2016).

A search of the Department of Parks and Wildlife's flora database revealed that a total of 15 priority flora and five rare flora species have been mapped within the local area (10 kilometre radius). The flora and vegetation assessment did not identify the occurrence of any rare or priority flora within the application area (Strategen Environmental, 2016). The relatively small application area has been subject to significant historical disturbance and the understorey is dominated by invasive exotic weeds (DER, 2016; Strategen Environmental, 2016). Therefore, the proposed clearing is unlikely to have an impact on the conservation status of these species.

A total of fourteen fauna species listed as rare or likely to become extinct under the Wildlife Conservation Act 1950 have been recorded within the local area (Department of Parks and Wildlife, 2007-). Noting the lack of understorey present, it is considered that the application area is unlikely to provide significant habitat for ground dwelling fauna. The application area may provide suitable foraging and breeding habitat for the threatened species forest red-tailed black-cockatoo (*Calyptorhynchus banksii* subsp. *naso*), Baudin's cockatoo (*Calyptorhynchus baudinii*) and Carnaby's cockatoo (*Calyptorhynchus latirostris*). However, given the condition of the vegetation, the limited amount of foraging habitat recorded, sparse canopy and the presence of suitable habitat of a better quality in the local area, the application area is not likely to provide significant foraging habitat for these species.

One mature tree was identified that may contain a hollow suitable for nesting by the black cockatoo species. It is likely the noise from the surrounding land uses will deter black cockatoos nesting within the application area (DER, 2016). Noting the noise disturbance, condition of the vegetation and large remnants of native vegetation surrounding the application area, it is considered that the application area is unlikely to provide significant breeding habitat for black cockatoos.

According to available databases, there are no threatened or priority ecological communities that occur within the local area. The closest threatened ecological community (TEC) is '*Corymbia calophylla* – *Xanthorrhoea preissii* woodlands and shrublands, Swan Coastal Plain' mapped 8.8 kilometres south east of the application area. The application area is not likely to be consistent with this TEC given the current condition, species identified within the application area (Strategen Environmental, 2016) and historical disturbance of the area.

The application area is mapped as Beard vegetation association 1000 which retains approximately 25 per cent of its pre-European extent (Government of Western Australia, 2015). Although the vegetation association is highly cleared, given the degraded (Keighery, 1994) condition of the vegetation, it is not considered to be consistent with the mapped vegetation association. Given this and the size of the application area, the proposed clearing is not likely to be considered a significant remnant.

The Brunswick River and conservation category floodplain are mapped 450 metres south of the application area. Based on the distance to nearby watercourses and that no riparian vegetation was identified during the site inspection, it is unlikely that the proposed clearing includes riparian vegetation (DER, 2016; Strategen Environmental, 2016).

Given the small size and condition of the application area it is unlikely that the proposed clearing will cause or exacerbate land degradation, flooding or impact upon water quality.

The assessment of the proposed clearing identified that it is not considered likely for the application area to comprise of a high level of biological diversity, contain significant fauna habitat, contain habitat suitable for rare or priority flora species, consist of a threatened ecological community and is not likely to lead to land degradation in the form of wind or water erosion or increase in the incidence or intensity of flooding.

The assessment of the proposed clearing identified that the clearing is not likely to be at variance to any of the clearing Principles.

Methodology References:
Department of Parks and Wildlife (2007-)
DER (2016)
Government of Western Australia (2015)
Keighery (1994)
Strategen Environmental (2016)

GIS Databases:
Parks and Wildlife tenure
Hydrography, linear DOW
NWLRA, Extent of Native Vegetation
Pre-European Vegetation
SAC Biodatasets - accessed January 2017

Planning instruments and other relevant matters.

Comments The application is located within the Bunbury Groundwater Area, proclaimed under the *Rights in Water and Irrigation Act 1914* (RIWI). The Department of Water (DoW) (DoW, 2016) has advised that the applicant has an existing RIWI licence to take groundwater for the purposes of dust suppression and rehabilitation at Lot 43. DoW (2016) expects that the current water licence will meet the need for dust suppression in the event that a clearing permit is obtained and sand extraction proceeds. The applicant will need to ensure that there is adequate water available from the existing licence for the purpose of dust suppression and should contact the DoW South West Region for licencing information as required (DoW, 2016).

There are no Aboriginal Sites of Significance mapped within the local area (10 kilometre radius).

The application was advertised in *The West Australian* newspaper on 8 August 2016 for a 21 day submission period. No submissions have been received in the relation to this application.

On 29 September 2016 a Delegated Officer of DER wrote to the applicant advising that the Department has not received a copy of the Shire of Harvey's extractive industry licence and planning approval for the purpose of extractive industry. The applicant was advised that under section 51O(4) of the EP Act, the Delegated Officer is required to have regard to any planning instrument or other matter considered relevant. The lack of planning approval is a relevant consideration. The applicant was provided three months from the date of the letter to provide a copy of the approvals outlined above. The letter advised that in the absence of receiving a copy of these approvals, it is likely that the application would be refused. At the date of this decision, a copy of the planning approval and extractive industry licence has not been provided.

Methodology References:
DoW (2016)

GIS Databases:
Aboriginal Sites of Significance

4. References

- Department of Environment Regulation (2016) Site Inspection Report for Clearing Permit Application CPS 7137/1. Site inspection undertaken 5 July 2016. Department of Environment Regulation, Western Australia (DER Ref: A1149239).
- Department of Parks and Wildlife (2007-) NatureMap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife. URL: <http://naturemap.dpaw.wa.gov.au/>. Accessed 25/07/2016.
- Department of Water (2016) Advice received in relation to Clearing Permit Application CPS 7137/1. Department of Water, Western Australia (DER Ref: A1165523).
- Government of Western Australia (2015). 2015 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of June 2015. WA Department of Parks and Wildlife, Perth.
- Hedde, E. M., Loneragan, O. W., and Havel, J. J. (1980) Vegetation Complexes of the Darling System, Western Australia. In Department of Conservation and Environment, Atlas of Natural Resources, Darling System, Western Australia.
- 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.
- Strategen Environmental (2016) Native Vegetation Clearing Permit Application– Supporting Documentation Lot 43 Stanley Road, Wellesley. Prepared for Peel Resource Recovery Pty Ltd by Strategen. Strategen Environmental. Western Australia (DER Ref: A1119219).