



## **CLEARING PERMIT**

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

### **PERMIT DETAILS**

Area Permit Number: CPS 7245/1

File Number: DER2015/002551-1

Duration of Permit: From 12 August 2017 to 12 August 2019

### **PERMIT HOLDER**

Mr Raymond Robert Attwell

### **LAND ON WHICH CLEARING IS TO BE DONE**

Lot 302 on Plan 30521, Torndirrup

### **AUTHORISED ACTIVITY**

The Permit Holder shall not clear more than 0.09 hectares of native vegetation within the area cross hatched yellow on attached Plan 7245/1.

### **CONDITIONS**

Nil.

A handwritten signature in black ink, appearing to read "Emma Bramwell", written over a horizontal line.

Emma Bramwell  
A/ MANAGER  
CLEARING REGULATION

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

13 July 2017

# Plan 7245/1



## Legend

-  Areas approved to clear
  -  Roads
  -  LGA
  -  Cadastre
- Virtual Mosaic (LGATE-V001)



1:1,500

MGA 94

Geocentric Datum of Australia 1994

*E. Bannock* Date 13/07/17

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



GOVERNMENT OF  
WESTERN AUSTRALIA





## 1. Application details

### 1.1. Permit application details

Permit application No.: 7245/1  
Permit type: Area Permit

### 1.2. Applicant details

Applicant's name: Mr Raymond Robert Attwell

### 1.3. Property details

Property: LOT 302 ON PLAN 30521, TORNDIRRUP  
Local Government Authority: ALBANY, CITY OF  
DER Region: South Coast  
DPaW District: ALBANY  
Localities: TORNDIRRUP

### 1.4. Application

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

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 13 July 2017  
Reasons for Decision: This application for a clearing permit was received on 25 August 2016. During assessment the application area was reduced to 0.09 hectares of vegetation in completely degraded condition on 29 June 2017.

The application has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986*, and it has been concluded that the proposed clearing is not likely to be at variance to the clearing Principles.

The Delegated Officer determined that the proposed clearing is unlikely to have any significant environmental impacts.

## 2. Site Information

### 2.1. Existing environment and information

#### 2.1.1. Description of the native vegetation under application

##### Vegetation Description

The application area is mapped as Beard vegetation association 423, which is described as shrublands, *Acacia* scrub-heath (Shepherd et al., 2001). This vegetation association retains approximately 80 per cent (12,165 hectares) of its pre-European extent within the Warren bioregion (Government of Western Australia, 2016).

The application area is mapped as vegetation unit 3 in the Albany Regional Vegetation Survey, which is described as coastal heath (Sandiford and Barrett, 2010).

A flora and vegetation survey undertaken by Landform Research described the vegetation within the application area as follows:

- the majority of the vegetation consists of Coastal Heathland – Scrubland, dominated by vegetation developed on the older dunes such as *Spyridium globulosum*, *Acacia cochlearis*, *Phyllanthus calycinus*, *Hibbertia pilosa*, *Hibbertia cuneiformis*, *Acacia pulchella*, *Acacia littorea*, *Nitraria billardiarei* and *Leucopogon parviflorus*;
- the more sheltered vegetation on the southern slopes of the eastern dune is more developed and includes a taller thicket of *Agonis flexuosa*, combined with *Phyllanthus calycinus*, *Leucopogon capitellatus*, and dominant *Spyridium globulosum*, that gives way to the other heathland – shrubland species on the more exposed northern flanks; and
- the north eastern corner and some other areas have been previously disturbed and partially to totally cleared but have been allowed to regrow. These areas contain similar species but with added exotics (Landform Research, 2017).

##### Clearing Description

The application is to clear 0.09 hectares of native vegetation within Lot 302 on Deposited Plan 30521, Torndirrup, for the purpose of lime sand extraction.

##### Vegetation Condition

Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994).

##### Comment

The condition and description of the vegetation under application was determined from a site inspection conducted by DER officers (DER, 2015), a flora and vegetation assessment undertaken by Landform Research (Landform Research, 2017) and digital aerial imagery.

### 3. Assessment of application against clearing principles

**Comments** The application to clear up to 0.09 hectares of native vegetation for the purpose of lime sand extraction is unlikely to have any significant environmental impacts. The vegetation within the application area is in a completely degraded (Keighery, 1994) condition. No wetlands or watercourses are mapped within the application area.

Given the completely degraded (Keighery, 1994) condition of the vegetation, absence of understorey species, absence of hollow bearing trees, and noting the size of the application area, the proposed clearing is not likely to impact on biodiversity, significant habitat for indigenous fauna, rare or priority flora, priority or threatened ecological communities or the environmental values of nearby conservation areas, and the application area is not likely to be significant as a remnant within an extensively cleared landscape.

Noting the size of the application area, the proposed clearing is not likely to impact on riparian vegetation, cause appreciable land degradation, cause deterioration in the quality of surface or ground water, and is not likely to cause or exacerbate the incidence or intensity of flooding.

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

**Methodology** References:  
Keighery (1994)

GIS Datasets:  
SAC Bio Datasets (accessed June 2017)  
Hydrography, linear  
NLWRA, Current Extent of Native Vegetation  
IBRA Australia  
Aerial Imagery  
DPaW Tenure

### Planning instruments and other relevant matters.

**Comments** On 29 October 2015, the applicant applied for a clearing permit over adjoining vegetation (CPS 6822/1). On 1 June 2016, application CPS 6822/1 was refused due to insufficient information on flora. The condition of the vegetation assessed for application CPS 6822/1 was better than that within the current application area.

The former Department of Water (DoW) advised that Lot 302 is located within a Priority 2 area of the South Coast Water Reserve. Provision of public water supply is a high priority in these defined areas. Acceptable land use and development is managed in accordance with DoW's guidelines for protection of drinking water quality to ensure no increased risk of pollution to the water source occurs (DoW, 2015). Mr Atwell has a groundwater licence for the property.

In its advice, DoW also made the following comments in accordance with Water and Rivers Commission (WRC) Statewide Policy No. 1 on sand mining within Public Drinking Water Source Areas (WRC, 1999; DoW, 2015; DoW, 2016):

- DoW recommended that clearing should be restricted from any areas where natural surface level is determined to be less than two metres from the highest historical groundwater level for the site, and that the applicant should engage an approved environmental professional to determine the likely historical maximum water table for the site in liaison with DoW, and advised that this buffer is necessary to minimise the risk of contamination and to restrict direct evaporation of groundwater.
- DoW advised that where depth to groundwater is small (typically less than 3 metres) vegetation generally draws water directly from the water table, and that a survey to identify the existence of this vegetation type will assist with determining areas where the water table is relatively close to the surface and areas where clearing needs to be avoided to meet the separation requirement.
- DoW recommended that (if a clearing permit is granted) land cleared should be restored, landscaped and rehabilitated following site closure.
- DoW advised that backfilling with fill material is not acceptable within Priority 2 areas and landform within these defined areas needs to be restored rather through re-contouring, and recommended that landscaping should be subject to a rehabilitation plan to be approved by the City of Albany.

The City of Albany advised that the proposed clearing is located within the area approved for the purpose of extractive industry (licence number PEX24B and PEX24C). As part of the licence conditions, the applicant is required to rehabilitate the extraction area on a per hectare basis (City of Albany, 2015; City of Albany, 2016).

No Aboriginal Sites of Significance have been recorded within a 10 kilometre radius of the application area.

The application was advertised in *The West Australian* newspaper on 3 October 2016 for a 21-day submission period. No public submissions were received.

**Methodology** References:  
City of Albany (2015)  
City of Albany (2016)  
DoW (2015)  
DoW (2016)

WRC (1999)

GIS Datasets:  
Aboriginal Sites Register System

#### 4. Applicants submission

**Comments** On 25 August 2016, the former Department of Environment Regulation (DER) received Clearing Permit Application CPS 7245/1 for four hectares of native vegetation adjoining the current application area. A flora survey was submitted in support of this application.

Advice was sought from the former Department of Parks and Wildlife (Parks and Wildlife) on the acceptability of the flora survey in determining the presence or absence of conservation significant flora on site. Parks and Wildlife advised that the flora survey contained a number of inaccuracies relating to the species identified and the timing of the survey for threatened flora, and does not establish the presence or absence of conservation significant flora on site.

On 11 January 2017, a DER delegated officer wrote to the applicant, outlining the environmental impacts identified during the assessment of the application and Parks and Wildlife's advice in relation to the flora survey, and advising that a review of the flora survey is required and that the survey methodology must be consistent with the Environmental Protection Authority's *Technical Guidance – Flora and Vegetation Surveys for Environmental Impact Assessment*. The letter invited the applicant to provide further information.

On 31 January 2017, the applicant provided a revised flora survey to DER.

Advice was sought from Parks and Wildlife on the adequacy of the revised flora survey. Parks and Wildlife advised that it has concerns regarding the revised flora survey and the capacity for the revised flora survey to have fully evaluated the risk to flora conservation values associated with the project (Parks and Wildlife, 2017).

On 28 June 2017, a DER delegated officer wrote to the applicant, outlining Parks and Wildlife's advice in relation to the revised flora survey, and reiterating the environmental impacts identified during the assessment of the application. The letter invited the applicant to provide further information.

On 29 June 2017, the applicant amended the application area to 0.09 hectares of vegetation in completely degraded (Keighery, 1994) condition adjacent to the original application area, to facilitate the continued operation of the site while an appropriately timed flora survey is undertaken.

The amended application area was advertised on 5 July 2017 for a seven-day submission period. No public submissions were received.

**Methodology** References:  
DER (2017)  
Keighery (1994)  
Parks and Wildlife (2017)

#### 5. References

- City of Albany (2015) Advice received in relation to Clearing Permit Application CPS 6822/1. Western Australia. (DER Ref: A1043333)
- City of Albany (2016) Advice received in relation to Clearing Permit Application CPS 7245/1. Western Australia. (DER Ref: A1327876)
- Department of Parks and Wildlife (Parks and Wildlife) (2017) Director level advice received in relation to Clearing Permit Application CPS 7245/1 and the acceptability of the amended flora survey, received 8 May 2017. Department of Parks and Wildlife (DER Ref: A1424400)
- Department of Environment Regulation (DER) (2015) Site Inspection Report for Clearing Permit Application CPS 6822/1. Site inspection undertaken 9 December 2015 Department of Environment Regulation, Western Australia. (DER Ref: A1043378)
- Department of Environment Regulation (DER) (2017) DER letter entitled 'Application to clear native vegetation under the Environmental Protection Act 1986', 11 January 2017, Department of Environment Regulation, Western Australia. (DER Ref: A1358345)
- Department of Water (DoW) (2015) Officer-level advice received in relation to Clearing Permit Application CPS 6822/1. Department of Water. Western Australia. (DER Ref: A1043308)
- Department of Water (DoW) (2016) Officer-level advice received in relation to Clearing Permit Application CPS 7245/1. Department of Water. Western Australia. (DER Ref: A1327869)
- Government of Western Australia (2016) 2016 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of October 2016. WA Department of Parks and Wildlife, Perth.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Landform Research (2017) Flora and Vegetation Assessment, Lot 302 Princess Avenue, Torndirrup. Prepared for R. Atwell. January 2017. Landform Research. DER Ref: A1392858.
- Sandiford, E.M. and Barrett, S. (2010) Albany Regional Vegetation Survey, Extent Type and Status, A project funded by the Western Australian Planning Commission (EnviroPlanning -Integrating NRM into Land Use Planning and State NRM CPS 7245/1, 13 July 2017

Program), South Coast Natural Resource Management Inc. and City of Albany for the Department of Environment and Conservation. Unpublished report. Department of Environment and Conservation, 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.

Water and Rivers Commission (1999) Policy and Guidelines for Construction and Silica Sand Mining in Public Drinking Water Source Areas (reviewed 2004). Water and Rivers Commission, Statewide Policy No. 1.