

19 March 2019

Ryan Mincham  
Clearing Regulation  
Department of Water and Environmental Regulation

Dear Ryan,

**RE –Clearing Permit Application CPS 8317/1 – Response to Submissions**

I refer to your correspondence dated 22<sup>th</sup> February 2019 which includes two submissions that were received during the public comment period associated with clearing permit application (CPS 8317/1) for portion of Lot 1 on Diagram 43421, North Boyanup (herein referred to as the subject site). Accendo Australia (Accendo) is acting on behalf on the Applicant in providing environmental input associated with the abovementioned clearing permit application.

Please refer to the following information which has been provided in response to the submissions received.

Comment	Response
<i>Submission 1</i>	
<p>a.) The area comprises a high level of biodiversity as it is the habitat of Ring Tailed Possums, Black Cockatoos and Phascogales.</p>	<ul style="list-style-type: none"> <li>• The majority of the application area has been rated as being in a 'Degraded' to 'Completely Degraded' condition, with only 1.62 ha rated as 'Good'.</li> <li>• Only one Western Ringtail Possum (WRP) has been recorded within Lot 1 South Western Hwy. The quality of WRP habitat within the proposed extraction area was rated as being 'Very Poor to Poor'. This is a consequence of the extraction area consisting mainly of highly degraded (dieback infested) banksia woodland that lacks canopy connectivity and the favoured foraging species for WRP (Harewood 2013).</li> <li>• The proposed extraction area contains black cockatoo foraging and potential nesting habitat. Foraging habitat is mainly represented by the banksia woodland which also contains scattered jarrah trees. The majority of the banksia woodland is in a 'Degraded' condition and is expected to continue to decline due to dieback infestation.</li> <li>• The probability of any one jarrah tree ever being used for nesting by black cockatoos can be considered to be low given previous survey work in other areas indicating they are rarely used for this purpose.</li> <li>• It should be noted that the best quality WRP and black cockatoo habitat is located in the south west corner of the site, outside of the proposed extraction area.</li> <li>• The results of the survey would suggest that criteria relating to fauna used by the DWER when assessing clearing permits are not likely to be compromised by the required vegetation removal given the degraded nature of the site and the presence of extensive areas of potential habitat in adjoining areas.</li> </ul>
<p>b.) The proposed clearing site is covered in endangered Banksia Woodland, significant habitat of much Fauna in this area including Ring Tailed Possums and Black Cockatoos. There are also Jarrah trees with hollows in the woodland, this is ideal habitat for Ring Tailed Possums and Black Cockatoos and can never be replaced once destroyed.</p>	<ul style="list-style-type: none"> <li>• During the field survey (GHD 2017) the banksia woodland vegetation type was assessed as not meeting the key diagnostic characteristics for the Banksia Woodlands of the Swan Coastal Plain TEC. This can be attributed to the predominately 'Degraded' condition of the extraction area.</li> <li>• No suitable hollows for black cockatoos were identified in any of the 'potential habitat trees'. Jarrah trees rarely produce hollows suitable for black cockatoos to use for nesting based on the results of surveys in other areas (Kirkby 2009), so the probability of breeding ever taking place can be considered to be low (Harewood 2013).</li> </ul>
<p>c.) The area is necessary for the continued existence of Flora such as Drakea elastic and Drakea micrantha. Although these were</p>	<p>A targeted survey was undertaken by a qualified botanist within the extraction area in accordance with the Environmental Protection Authority (EPA) <i>Technical Guidance – Flora</i></p>

Comment	Response
<p>not found in the Flora survey it is highly possible that they exist in this woodland area. These species are not always obvious as they are not visible annually.</p>	<p><i>and Vegetation Surveys for Environmental Impact Assessment</i> (EPA 2016). No evidence of <i>Drakaea elastica</i> or <i>D. micrantha</i>, or suitable habitat that would support these species was recorded within the extraction area during the survey.</p>
<p>d.) The area is necessary as it is the habitat of endangered species such as Ring Tailed Possums, Black Cockatoos.</p>	<p>Please refer to Response for Point a.).</p>
<p>e.) The area is covered in Banksia Woodland and is significant in size (5.37 ha), removing this amount of woodland can only have a detrimental impact on our local Flora and Fauna.</p>	<p>Please refer to Response for Point b.). Most of the banksia woodland vegetation unit was mapped as being in a 'Degraded' condition. Given the presence of dieback, vegetation condition is expected to further decline.</p>
<p>f.) The area proposed for clearing is adjacent to Wetlands, there is a lot of concern as the effect the clearing will have on these wetlands.</p>	<p>An ephemeral sumpland is situated on the south-western corner of the site, and does not appear to be connected to any surface water courses. No site activities such as sand extraction or clearing will occur within 50 m of this sumpland. This complies with DWER and EPA guidance relating to wetland buffers.</p> <p>Furthermore, a comprehensive Stormwater Management Plan (GHD 2017) has been developed to ensure that no impacts to the sumpland will occur as a result of the proposed activity.</p>
<p>g.) The revegetation program proposed can never rejuvenate the area back to natural habitat if in fact it is even successful. Clearing any dieback from the area can only cause the die back to be spread further.</p>	<p>A detailed revegetation program is proposed which provides specific completion criteria in relation to revegetation. The completion criteria values have been developed against values in control monitoring plots within the surrounding banksia woodland. The revegetation program will provide a net environmental benefit, with the future vegetation condition required to be better than the status quo (predominately Degraded). As a condition of the Extractive Industry Licence, the Applicant is required to submit a bond associated with the completion of the revegetation program.</p>
<p>h.) There are considerable concerns that this clearing and excavation could impact the ground water in the area. The real concern is that some of our local community use this ground water as drinking water.</p>	<p>The Applicant will maintain a two metre separation distance between the groundwater and the pit floor. No chemicals will be used during the sand extraction operation. Furthermore, it should be noted that sand extraction is the only land use considered compatible within a Priority Drinking Water Source Area (DoW 2003), which is directly related to the generally benign nature of sand extraction activities (i.e. chemical usage is</p>

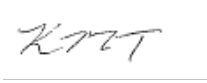
Comment	Response
	<p>not required onsite and all stormwater runoff is retained within excavated cells for infiltration).</p> <p>The locality is surrounded by rural activities (dairies, horse training centres, intensive livestock grazing etc.) all of which generate nutrient inputs into the environment. None of these activities are regulated or are required to maintain a separation to groundwater.</p>
Additional comments (not pertaining to environmental matters).	<p>The following should be noted:</p> <ul style="list-style-type: none"> <li>• Pursuant to the Town Planning Scheme No. 7 (the Scheme) the subject Lot is zoned 'Rural'. The use class 'Industry Extractive' is a AA use in the 'Rural Zone'. The 'AA' designation denotes that the use is permitted subject to Council approval.</li> <li>• Shire of Capel Engineering and Planning officers recommended approval for the Extractive Industry Licence in July 2017 and June 2018.</li> <li>• In accordance with the Environmental Protection Authority (EPA) (2005) <i>Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses</i>, the recommended separation distance between an extractive industry and a residential dwelling is 300-500m.</li> <li>• Dust, noise and silica are issues currently being addressed under State Administrative Tribunal proceedings.</li> <li>• Surrounding the proposed extraction area, vegetated buffers will be maintained to reduce dust and maintain visual amenity: <ul style="list-style-type: none"> <li>○ 150m vegetated buffer to the South Western Hwy,</li> <li>○ 40m vegetated buffer to the northern property boundary;</li> <li>○ 120m vegetated buffer to the western property boundary; and</li> <li>○ 110m vegetated buffer to the southern property boundary.</li> </ul> </li> </ul>
<i>Submission 2</i>	
<p>However, the clearing of 7.52 hectares is primarily banksia woodland and still a significant habitat area. The result will still be the same, as there will be a reduction of habitat area for three black cockatoo species and associated native fauna and birds. In addition, the</p>	<p>During the field survey (GHD 2017) the banksia woodland vegetation type was assessed as not meeting the key diagnostic characteristics for the Banksia Woodlands of the Swan Coastal Plain TEC. This can be attributed to the predominately 'Degraded' condition of the extraction area.</p>

Comment	Response
<p>scattered jarrah trees, if removed, would reduce the breeding and nest sites for the cockatoos and western ringtail possums.</p>	<p>No suitable hollows for black cockatoos were identified in any of the 'potential habitat trees'. Jarrah trees rarely produce hollows suitable for black cockatoos to use for nesting based on the results of surveys in other areas (Kirkby 2009), so the probability of breeding ever taking place can be considered to be low (Harewood 2013).</p>
<p>The two <i>Drakaea</i> species were not seen, however from previous experience orchid species do not show every year and there may be various factors whilst this is the case, including excessive and continuous grazing by kangaroos and rabbits etc.</p>	<p>A targeted survey was undertaken by a qualified botanist within the extraction area in accordance with the Environmental Protection Authority (EPA) <i>Technical Guidance – Flora and Vegetation Surveys for Environmental Impact Assessment</i> (EPA 2016). No evidence of <i>Drakaea elastica</i> or <i>D. micrantha</i>, or suitable habitat that would support these species was recorded within the extraction area during the survey. Most importantly, the extraction area was not considered to provide suitable habitat for these species.</p>
<p>In previous correspondence, one of the problems with this proposal was that there were no suitable banksia woodland properties available to use as offsets to compensate for the clearing of this property. XX is not aware of any change to that situation.</p>	<p>An offset shortfall was not identified by the DWER at the completion of the assessment for CPS 6554/1 (noting that banksia woodlands does not constitute a TEC).</p> <p>In order to offset the environmental impacts associated with the proposed action the following is proposed:</p> <ul style="list-style-type: none"> <li>• Offset A - Onsite rehabilitation of the extraction area (7.52 ha) to create a self-sustaining vegetation community which will, in time, structurally resemble the previously existing, and surrounding vegetation;</li> <li>• Offset B - Onsite protection of the Resource Enhancement wetland located within the site (2.97 ha) in perpetuity for conservation purposes;</li> <li>• Offset C - Offsite rehabilitation of 19 ha located at the intersection of Brookdale Road and Southwest Highway, Boyanup;</li> <li>• Offset D - Offsite protection of 7.32 ha of native vegetation in perpetuity for conservation purposes, located at the western extremity of Kilpatrick Road, North Boyanup.</li> </ul>
<p>The other major problem with the clearing of this property is that it is basically very infertile sand and it will be very difficult to rehabilitate without a lot of expense by the applicant. Some species referred to in previous correspondence as to what the applicant would revegetate with in my view would be totally unsatisfactory and a failure. The only</p>	<p>The revegetation program was developed by experienced botanists and considers the extraction area post removal of the sand resource. The species proposed for revegetation are provided on the basis of the botanists' extensive experience within the locality.</p>

Comment	Response
<p>significant species that could be relied on to grow would be the <i>Kunzea ericifolia</i> or <i>Kunzea glabrescens</i>, commonly known as Spearwood.</p>	<p>In excess of 100 species have been identified within the extraction area, some of which are included within the revegetation program.</p>
<p>The clearing of banksia woodland and sand extraction of the 7.52 hectares will further spread the dieback infection and result in the uncleared parts of the block ultimately being infected, causing a total loss of the banksia woodlands on this site.</p>	<p>The Applicant will implement a Dieback Management Plan as a component of the Extractive Industry Licence to minimise the spread of the pathogen outside of the extraction area.</p> <p>The current activities on the property are not required to be managed in accordance with a Dieback Management Plan.</p>
<p>In addition, if dieback infected sand is permitted to be removed and distributed to various sites within the South West, this will further contaminate other sites, potentially spreading dieback into previously unaffected areas. As Lot 1 is a known dieback area, this is another reason why the land should remain intact as much as possible and activity in the dieback areas on the property restricted.</p>	<p>Please refer to above comment. All purchasers of the sand resource will be advised that the material is dieback infested.</p>
<p>XX would not like to see 7.52 hectares of banksia woodland on this property permitted to be cleared as it would end up totally degraded. I have lived in this area all my life and have seen other similar banksia woodland areas cleared in earlier years, and due to this very infertile nature of the ground, it is very hard to encourage any regrowth on it at all.</p> <p>Having had extensive experience in rehabilitation of extractive industry areas, I know that Lot 1 would be an extremely difficult project to rehabilitate if a clearing permit and subsequent Extractive Industries Licence (EIL) were to be granted.</p>	<p>The majority of the extraction area is already in a 'Degraded' condition.</p> <p>A detailed revegetation program is proposed which provides specific completion criteria in relation to revegetation. The completion criteria values have been developed against values in control monitoring plots within the surrounding banksia woodland. The revegetation program will provide a net environmental benefit, with the future vegetation condition required to be better than the status quo (predominately Degraded). As a condition of the Extractive Industry Licence the Applicant is required to submit a bond associated with the completion of the revegetation program.</p>

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

Yours sincerely,

A rectangular box containing a handwritten signature in black ink, which appears to be 'KMT'.

Kirsten Muir-Thompson

Mobile 0418 950 852