



Form for the referral of a proposal to the Environmental Protection Authority under Section 38 of the *Environmental Protection Act 1986*

Referrer information			
Who is referring this proposal?		ENVIRONMENTAL CONSULTANT FOR PROPONENT	
Name Martin Bowman		Signature 	
Position	DIRECTOR	Organisation	BOWMAN AND PARTNERS ENVIRONMENTAL PTY LTD
Email	bpe@westnet.com.au		
Address	Suite 25/27 1st Chambers Avenue Perth WA 6001		
Date	13 TH February 2017 and 17 th April 2017 with Further Information Provided		
Does the referrer request that the EPA treat any part of the proposal information in the referral as confidential? <i>Provide confidential information in a separate attachment.</i>		No	
Referral declaration for organisations, proponents and decision-making authorities: I, Martin Paul Bowman declare that I am authorised to refer this proposal on behalf of Graeme Robertson and further declare that the information contained in this form is true and not misleading. Signature 			
Part A: Proponent and proposal description			
Proponent information			
Name of the proponent/s (including Trading Name if relevant)		Graeme Robertson	
Australian Company Number(s) <input type="checkbox"/>		N/A	
OR Australian Business Number(s) <input type="checkbox"/>			
Contact for the proposal (if different from the referrer) <i>Please include: name; physical address; phone; and email.</i>		Martin Bowman, Bowman and Partners Environmental Pty Ltd, 0408 942 909, bpe@westnet.com.au	
Does the proponent have the legal access required for the implementation of all aspects of the proposal? <i>If yes, provide details of legal access authorisations / agreements / tenure.</i> <i>If no, what authorisations / agreements / tenure is required</i>		<input type="checkbox"/> Yes. Land owned in fee simple, copy of Title at Attachment 1.	

and from whom?	
Proposal type	
What type of proposal is being referred? For a change to an approved proposal please state the Ministerial Statement number/s (MS No./s) of the approved proposal For a derived proposal please state the Ministerial Statement number (MS No.) of the associated strategic proposal	New Proposal
For a significant proposal: <ul style="list-style-type: none"> Why do you consider the proposal may have a significant effect on the environment and warrant referral to the EPA? 	The proposal will require the clearing of vegetation within a 2 ha excavation area, progressing to 7.5 ha in ha increments over up to 20 years, and 2 ha of crushing, stockpiling and truck turning road areas at a separate location to the excavation area. A connecting road through Crown Allotment Lot 7334 and Reserve 17464 in the City of Albany will require an unmade road reserve to be brought into service by clearing 1.4 ha of vegetation over a 500m distance between the eastern boundary of Lot 9005 connecting to the existing constructed portion of Lee Road. Whilst the proposed pit clearing area is very small in the context of the local vegetated landscape and will not be visible within this landscape except within the direct working areas, the approving authority – the City of Albany, will require the advice of the EPA in regard to the environmental acceptability of the proposal and relevant environmental management requirements.
For a proposal under an assessed planning scheme, provide the following details: <ul style="list-style-type: none"> Scheme name and number For the Responsible Authority: <ul style="list-style-type: none"> What new environmental issues are raised by the proposal that were not assessed during the assessment of the planning scheme? How does the proposal not comply with the assessed scheme and/or the environmental conditions in the assessed planning scheme? 	The Proposal is located within land which is the subject of City of Albany Local Planning Scheme No1. The objectives of the Zone do not mention extraction of basic raw materials, but do not prohibit development which is conducted in an environmentally sensitive manner. The proponent has submitted an application for Development Approval and for an Extractive Industry License to the City of Albany. The documents submitted to the City of Albany comply with the information and description of procedures required to be submitted under the City of Albany Extractive Industries and Mining Policy. Attached documents including the Excavation and Rehabilitation Management Plan and the Development Approval application documents show how the proposal is consistent with relevant State Planning Policies. See Attachments 2 and 3.
Proposal description	
Title of the proposal	Nullaki Lime Pit

Name of the Local Government Authority in which the proposal is located.	City of Albany
<p>Location:</p> <p>a) street address, lot number, suburb, and nearest road intersection; or</p> <p>b) if remote the nearest town and distance and direction from that town to the proposal site.</p>	<p>The lime pit is located within a localised area on Lot 9005, Rock Cliff Circle, Nullaki Peninsula Denmark. Coordinates of the effected land areas are provided at Attachment 4 to this referral.</p> <p>Maps and aerial photographs with overlain information showing the location of the proposal area within the local and district geographic and social setting are also provided. (Attachment 5).</p> <p>The nearest town is the Town of Denmark, however the land lies within the municipal administrative boundaries of the City of Albany.</p>
<p>Proposal description – including the key characteristics of the proposal</p> <p><i>Provide as an attachment to the form</i></p>	<p>Attachment 3, comprising the Excavation and Rehabilitation Management Plan for the proposal presents a complete description of the proposal and its context within environmental and planning laws, policies, strategies, and guidelines at State and Local government levels.</p>
<p>Have you provided electronic spatial data, maps and figure in the appropriate format?</p> <p><i>Refer to instructions at the front of the form</i></p>	<p><input type="checkbox"/> Yes – see Attachments 4 and 5.</p>
<p>What is the current land use on the property, and the extent (area in hectares) of the property?</p>	<p>Lot 9005 has an area of approximately 432 ha. Whilst it is presently undeveloped, the City of Albany Town Planning Scheme anticipates and allows for its development by subdivision into approximately 11 new rural conservation lots of approximately 40 ha each, and each with an allowance to construct residences and associated supporting infrastructure. The area comprising the Lee Road extension is Crown Allotment 7334 and Reserve 17464 within the City of Albany and is a road reserve within the Town Planning Scheme.</p>
<p>Have you had pre-referral discussions with the OEPA? If so, quote the reference number and/or the OEPA contact.</p>	<p>Yes – pre-referral discussions: Liesl Rohl, Richard Sutherland, Emily Stewart.</p>

Part B: Environmental impacts

Environmental factor

What are the likely significant environmental factors for this proposal?	<p>1. Flora and Vegetation</p> <p>2. Landforms</p> <p>3. Terrestrial Environmental Quality</p>
Potential environmental impacts	

1	<i>EPA Factor</i>	<ol style="list-style-type: none">1. Flora and Vegetation2. Landforms3. Terrestrial Environmental Quality
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EPA policy and guidance - What have you considered and how have you applied them in relation to this factor?

CONTINUATION of RESPONSE 2 and 3

The final landform will be generally consistent with the existing local landforms and topography and will not cause the loss of any landform types which are not extensively well represented in the surrounding landscape.

3. The location and boundaries of the clearing areas have been selected so that neither site will be visible in the surrounding landscape due to blocking of sight lines by adjacent high ridge lines around the pit and concealment of the crushing/stockpiling area behind screening vegetation in a low lying swale location. The Lee Road extension will require 1.4 ha of clearing, to create a new road which will remain in service for the foreseeable future. A flora and vegetation survey of the clearing area in March 2017 showed that the vegetation comprises mostly Open Heath and Bullich-Agonis woodland, with a small area of sedge in the western extent of the clearing area, all of which is in excellent condition. Whilst these vegetation types are common and widespread in the area, and no declared rare flora were identified, the area contains potential suitable habitat for the Declared Rare orchid *Drakea micranthra*, which was not found but cannot be identified outside of its Sept/Oct flowering period. Prior to any clearing for the road construction works, the proponent will conduct a targeted survey for this plant during flowering time, and will institute appropriate management measures in the event a population is identified.

A copy of the Flora and Vegetation Survey Report is included with this referral as Attachment 8.

1. The floristic composition and structural elements of the vegetation on the proposed clearing areas has been assessed within its site specific, local and district contexts. The Open Heath vegetation at the excavation area is part of approximately 400 ha of site representation within Lot 9005. The Bullich/Yate vegetation at the crushing/stockpiling area is also locally very common. There are no known flora with special conservation significance within the proposed clearing areas within Lot 9005. Therefore there will be no risk to biological diversity and ecological integrity of the vegetation and flora at local, district and regional scales. There will be a site specific loss of vegetation comprising initially 2 ha, then incrementing in stages up to 7.5 ha, with the mined out pit areas put under rehabilitation management following the move to each sequential pit enlargement. There will be a further 2h cleared at the crushing and stockpiling area.
2. The distinctive landforms of the site, locality and district may be described as steeply undulating coastal dune and swale terrain with ridges and intervening swales of various dimensions and scales. The lime pit, by virtue of the excavation process will create a new larger scale swale in an area which presently consists of two smaller scale ridges and side slopes. (PLEASE GO TO OPPOSITE COLUMN FOR CONTINUATION OF TEXT).

	<p>Consultation – Outline the outcomes of consultation in relation to the potential environmental impacts</p>	<p>The City of Albany has advised its has the view that local landscapes are not placed at risk of degradation subject to appropriate management. Preliminary liaison with OEPA including presentation of maps and aerial photographs of the proposed sites in the site specific, local and district context, has not lead to the identification of any fatal flaws in the context of EPA Principals, Factors and Objectives. A summary of consultations undertaken by the proponent is provided at Attachment 6.</p>
4	<p>Receiving environment - Describe the current condition of the receiving environment in relation to this factor.</p>	<p>1. Flora and Vegetation</p> <p>The lime pit and crushing/stockpile areas comprise flora and vegetation in natural condition. The connecting road between the pit and the stockpiling area will be located on the existing firebreak along the eastern boundary of lot 9005. The Lee Road extension area comprises flora and vegetation in natural condition.</p> <p>2.Landforms</p> <p>The pit is located on elevated coastal dune and swale terrain which is part of a continuum in this district which extends for 10's of thousands of hectares. The crushing and stockpiling area is located in low elevation swale terrain which is the further typical landform element of this coastal dune terrain. The Lee Road extension area is located in dune and swale terrain of the same general nature as the crushing and stockpiling area and is typical for this landform setting in the locality and district.</p>
5	<p>Proposal activities – Describe the proposal activities that have the potential to impact the environment</p>	<p>Clearing of flora and vegetation in natural condition, modification of a natural landform by its transformation from dunal ridges to a swale basin landform, which is a typical element of the existing surrounding landforms. The attached Excavation and Rehabilitation Management Plan and the Development Application provide all details of proposed works.</p>

6	<p>Mitigation - Describe the measures proposed to manage and mitigate the potential environmental impacts.</p>	<p>The potential environmental impacts are inherently minor at the site specific, local and district scales. Due to the observed strong natural ability of the indigenous vegetation to regrow after disturbances to the soil profile and micro scale topography it is reasonable to conclude that the effect of two separate 2 ha areas with the excavation area increasing in increments up to a maximum of 7.5 ha and immediate rehabilitation of completed areas can be viewed as having only transient impacts on flora and vegetation. Selection of appropriate sites and revegetation are the principal mitigation measures, which is what the incremental pit expansion area proposal provides for.</p>
7	<p>Impacts - Assess the impacts of the proposal and review the residual impacts against the EPA objective.</p>	<p>No facet of the proposal creates any initial or residual impacts to the identified environmental factor which would be inconsistent with the EPA objective for the factor.</p>
8	<p>Assumptions - Describe any assumptions critical to your assessment <i>e.g. particular mitigation measures or regulatory conditions.</i></p>	<p>The key assumption is that the existing vegetation will successfully regrow. This assumption has a high degree of reliability based on previous re-vegetation success observed within the site at road cuttings created to construct the eastern boundary firebreak and at the specific site proposed for excavation, where limestone was previously removed 10 years ago to create internal roads in the adjacent Nullaki peninsula area and has regrowth strongly and successfully and relatively quickly. Attachment 7 presents photographs which demonstrate re-vegetation success. A map marking clearly where the historical limestone extraction took place is included within this referral information.</p>

Part C: Other approvals and regulation

State and Local Government approvals

Is rezoning of any land required before the proposal can be implemented? If yes, please provide details.		No	
If this proposal has been referred by a decision-making authority, what approval(s) are required from you?		The referral is made by the proponent directly. The Development Application has been submitted to the City of Albany, who could also refer the proposal but this is not anticipated because the proponent has advised the City of this referral and provided a copy to them.	
Proposal activities e.g. clearing, dewatering, mining, processing, dredging,	Land tenure/access e.g. Crown land – LA Act, Min Act, CALM Act specify type	Type of approval e.g. Native Vegetation Clearing Permit, licence, mining proposal,	Legislation regulating the activity e.g. <i>EP Act 1986 – Part V, RiWI Act 1914, Mining Act 1979</i>
Clearing of native vegetation	Private Land and Crown Reserve.	The issue by the City of Albany of an Excavation Industries License will create an Exemption for the requirement to obtain a Native Vegetation Clearing Permit within Lot 9008. The clearing of vegetation within Crown Reserve 17464 to create the Lee Road extension will need to be approved as a DA by the City of Albany. Approval by the EPA for this present proposal including the proposal to construct the Lee Road Extension will create an Exemption for the requirement to obtain a Clearing Permit for this clearing.	Environmental Protection Act 1986
Excavation	Private land	Development Approval and an Excavation Industries License applications have been submitted to the City of Albany.	Local Government Act

Part C: Other approvals and regulation

State and Local Government approvals

Limestone Crushing and Stockpiling	Private Land	Possible requirement for relevant approvals under Part V of the EP Act 1986.	Environmental Protection Act 1986
Potential for Water Abstraction License	Private Land	Abstraction License	Rights in Water and Irrigation Act (1914)
Clearing of native vegetation and construction of Lee Road extension	Crown Allotment 7334 and Reserve 17464 within the City of Albany	Development Approval	Local Government Act.

Commonwealth Government approvals

Does the proposal involve an action that may be or is a controlled action under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)?	No
Has the proposed action been referred? If yes, when was it referred and what is the reference number (EPBC No.)?	Not Applicable
If referred, has a decision been made on whether the proposed action is a controlled action? If 'yes', check the appropriate box and provide the decision in an attachment.	Not Applicable
Do you request that this proposal be assessed under the bilateral agreement or as an accredited assessment?	Not applicable
Is approval required from other Commonwealth Government/s for any part of the proposal? <i>If yes, describe.</i>	NO