



## Council Procedure

# Environmental Impact Assessment

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## 1. Objective

City of Albany will ensure works are conducted in a manner that minimise the environmental impact on land vested in the care and control of the City of Albany.

## 2. Scope

This procedure aims to minimise the environmental impacts that could be caused by works carried out on City controlled land, and ensure compliance with legislative and statutory requirements (including International, Federal and State Government legislation and policies). State here the coverage of the procedure including for example, to whom it applies.

## 3. Definitions

Key terms and acronyms used in the procedure:

<b>ASS</b>	Acid Sulphate Soils
<b>DAFWA</b>	Department of Agriculture and Food Western Australia
<b>DPAW</b>	Department of Parks and Wildlife
<b>DER</b>	Department of Environment Regulation
<b>DOW</b>	Department of Water
<b>DRF</b>	Declared Rare Flora
<b>EIA</b>	Environmental Impact Assessment
<b>ESA</b>	Environmentally Sensitive Area
<b>PEC</b>	Priority Ecological Community
<b>PGA</b>	Proclaimed Groundwater Area
<b>PSA</b>	Proclaimed Surface water Area
<b>TEC</b>	Threatened Ecological Communities

Also see Glossary of Terms.

## PROCEDURES

### 4. Procedure for Environmental Impact Assessment (EIA)

- (1) This procedure sets out the process to:
  - a. minimise the environmental impacts that could be caused by works carried out on City controlled land.
  - b. ensure that works are conducted in compliance with legislative and statutory requirements (including International, Federal and State Government legislation and policies) and that any approvals required are in place prior to the commencement of works.
- (2) Figures:
  - c. Figure 1 - illustrates the EIA Process.
  - d. Figure 2 indicates each step of the EIA process, and who is responsible for implementing each step.
- (3) It is essential that works approved through the EIA process also acquire all other necessary City of Albany and external approvals, before works commence.

#### **4.1 Project Description (Step 1)**

- (1) The first step of the EIA process requires the Responsible Officer to provide the Reserves Officer with the below:
  - a. a brief written description of the proposed works;
  - b. a site map comprising of proposed works overlaid on an aerial photograph; and
  - c. a proposed starting date for the project, to determine the urgency for the results of the EIA.
  - d. Environmental Impact Assessment Checklist (Step 2)
  - e. The EIA Checklist (Appendix 1) is the second step of the EIA process. All proposed works will be screened using this checklist to identify those works that are “low impact” and those works that are potentially “medium to high impact”.
- (2) Low impact works are those that have “no” against all items in the checklist, and are considered to have a low impact on the environment. These works can be approved internally from an environmental perspective without completing an EIA Report (Section 4.3). Low impact works are considered to be adequately management through ordinary work area procedures.

*Note: Low impact works may still require a clearing permit from the Department of Environment Regulation (DER) before works can be undertaken, if not an exempt activity (Section 8.2).*

- (3) Medium to high impact works are those that have “yes” to one or more items in the checklist, and are considered to have the potential to have a medium to high impact on the environment. These works require further assessment and require an EIA Report (Section 4.3).
- (4) The EIA Checklist is to be undertaken by a City of Albany Reserves Officer or other suitably trained staff (Figure 2).

#### **4.2 Environmental Impact Assessment Report (Step 3)**

- (1) Following the completion of the EIA Checklist, an EIA Report (Appendix 2) must be completed for works that have been identified as having the potential to have medium to high impact on the environment.
- (2) These works may be approved internally from an environmental perspective only once further environmental assessment has been carried out, other relevant agencies are consulted, necessary approvals and permits acquired and specific work procedures have been developed and adopted where necessary.
- (3) The EIA Report is to be undertaken by a City of Albany Reserves Officer or other suitably trained staff (Figure 2).
- (4) Major projects and projects, where significant environmental values / issues have been identified, may require further environmental impact assessment through external consultants to ensure values / issues are adequately addressed.

### 4.3 Implement Works or Modify and Reassess (Step 4)

- (1) Once internal environmental approval is achieved, along with any other necessary approvals, the works can be implemented. Ordinary work procedures, as well as any specific work procedures must be implemented to ensure works minimise impacts on the environment.
- (2) In some cases, proposed works may need to be modified or relocated, if impacts on the environment are too high. Modified projects then need to be reassessed.

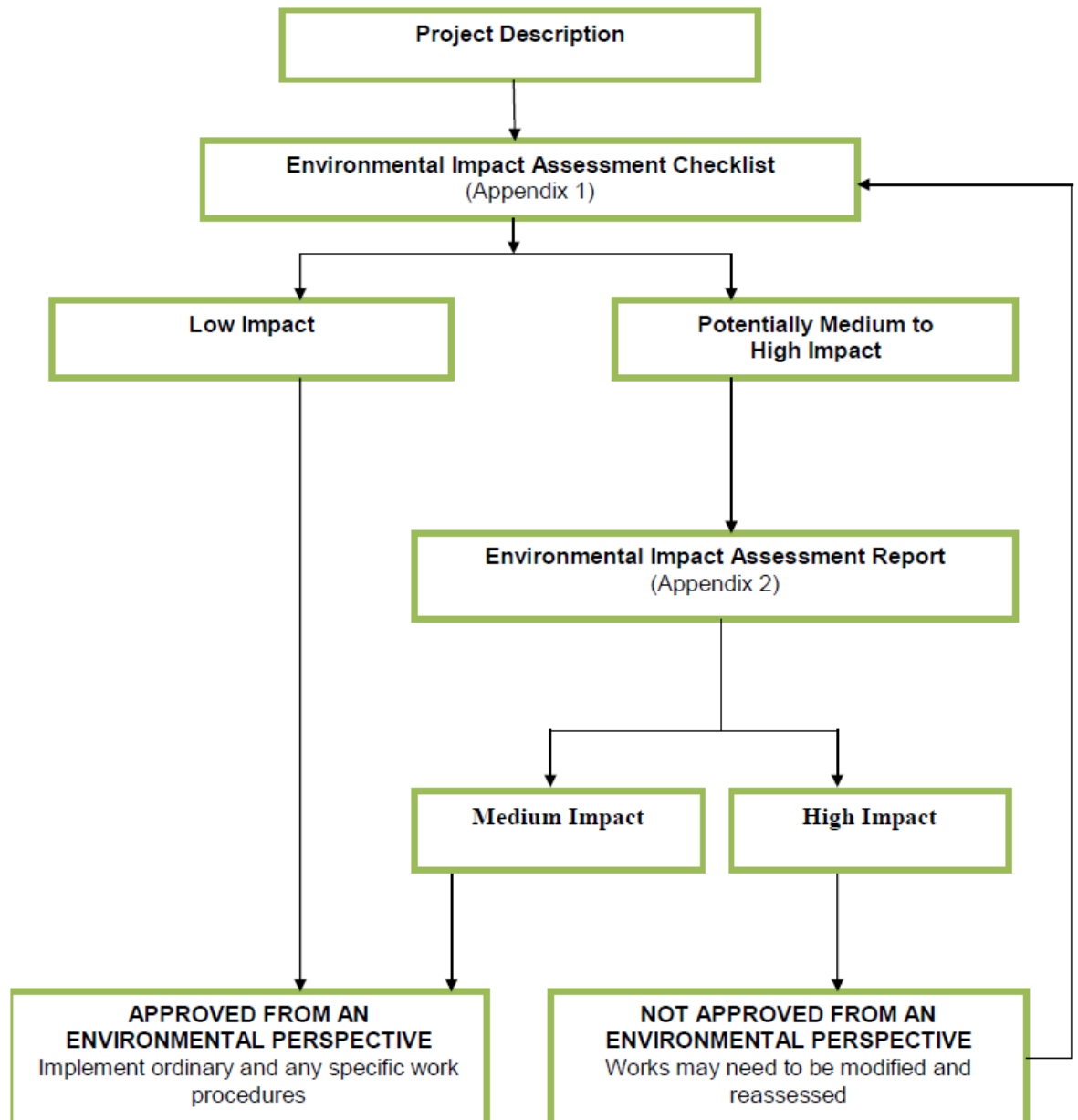






Figure 1 – Environmental Impact Assessment Process

Steps	Responsibilities	How	Evidence
1. Works Description 	Responsible Officer	Prepare works description, map and proposed start date Refer to Reserves Officer for Environmental Impact Assessment	Project description complete
2. Environmental Impact Assessment Checklist 	Reserves Officer	Complete Environmental Impact Assessment Checklist Reserves Officer to email or write to Responsible Officer with internal approval OR notify Responsible Officer of potential timelines for any necessary liaison and/or approvals	Checklist complete and correspondence with Responsible Officer
3. Environmental Impact Assessment Report 	Reserves Officer*	Liaise with relevant Government agencies to gain necessary approvals or support for works Engage consultants if necessary Prepare specific work procedures to address any special conditions or requests Reserves Officer to email or write to Responsible Officer with assessment outcome	Environmental Impact Assessment Report complete and correspondence with Responsible Officer
4. Implement works or modify and reassess 	Reserves Officer and Responsible Officer	Responsible Officer to note special conditions and specific works procedures Responsible Officer to consider and plan for implementation of special conditions and proposed specific work procedures If environmental approval is not achieved, consider modifying project and reassess	Works undertaken in accordance with any ordinary and specific work procedures

*\*The Responsible Officer can also assist at this stage to speed up the process.*

#### 4.4 Potential Timelines for Assessment and Approvals

- (1) Once the Project Description is received by the Reserves Officer, feedback to the Responsible Officer on the outcome on the EIA checklist can be expected within ten working days. This feedback will indicate if the proposed works have been approved from an environmental perspective, or if further investigations are required to complete the EIA. If further investigations are required, an expected timeline will also be provided, based on the figures listed in Table 1. Responsible Officers will also be advised on any associated costs.
- (2) If projects are urgent, the EIA checklist can be undertaken quicker. However, if further investigations are required, the process cannot be accelerated due to dependence on external factors.

- (3) Delays to the EIA process may occur due to the work load of the Reserves Officers, and if the assessment involves multiple works projects e.g the Capital Works Program for the coming financial year. In these situations; works will be prioritised based on urgency.

Approval/Liaison	Who	Timeline	Cost
EIA Checklist	Reserves Officer	Ten business days	\$0
Clearing Permit	DER	Up to three months	\$50 (<1ha) \$200 (>1ha)
Flora or fauna assessment and report	Consultant	Twenty business days, but depends on consultant	Depends on project, but could be approximately \$2,000.
Flora or fauna license	DPAW	Twenty business days	\$0
Acid Sulphate Soil assessment and management plan	Consultant	Twenty business days, but depends on consultant	Depends on project, but could be \$5,000 upwards
Large EIA assessment and report	Consultant	Up to three months, but depends on consultant	Depends on project, but could be approximately \$5,000
Referral to other State Government Departments	DPAW, DOW, DAFWA, DOF	Twenty business days	\$0
Referral to Commonwealth Minister	DSEWPC	Twenty business days	\$7,352 may apply at the time of referral
Commonwealth Minister assessment	DSEWPC	Max of 40 business days from provision of additional requested documents	Fees apply; amount is determined on a case by case basis

**Table 1 - Potential Timelines for Assessment and Approvals**

## 5. Environmentally Sensitive Areas and Other Significant Sites

- (1) Under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, and the Environmental Protection (Environmentally Sensitive Areas) Notice 2005, the following areas are declared to be Environmentally Sensitive Areas (ESA) within the City of Albany:
- a. declared World Heritage property as defined in section 13 of the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth;
  - b. an area that is registered on the Register of the National Estate, because of its natural values, under the Australian Heritage Commission Act 1975 of the Commonwealth.

*Note: Not applicable as of February 2012 when Register ceased to exist. It is expected that the sites on this list will be protected under other National, State and Local Government heritage lists.*

- c. a defined wetland and the area within 50 m of the wetland;



- d. the area covered by vegetation within 50 m of rare flora, to the extent to which the vegetation is continuous with the vegetation in which the rare flora is located;
- e. the area covered by a threatened ecological community;
- f. to j. not applicable to the City of Albany Local Government Area.

*Note: If proposed works are located within an ESA, many exemptions under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 do not apply. Also refer to A Guide to the exemptions and regulations for clearing native vegetation prepared by DER.*

- (2) Other significant environmental values / issues that need to be considered when planning works include:
  - a. State listed threatened fauna species;
  - b. National listed threatened flora;
  - c. National listed Threatened Ecological Communities;
  - d. National listed threatened fauna;
  - e. National listed migratory fauna;
  - f. Public Drinking Water Source Areas, Proclaimed Groundwater and Surfacewater Areas;
  - g. Phytophthora Dieback Protectable Areas and Phytophthora Dieback-free Areas;
  - h. conservation estate and other pristine areas;
  - i. acid sulphate soils;
  - j. other wetlands, waterways and harbours;
  - k. declared pest; and
  - l. environmental weeds.

*Note: Proposed works must also be assessed according to the City's Land and Heritage Assessment Procedure (2012) which covers European and Aboriginal heritage sites.*

## 5.1 Declared World Heritage Areas

- (1) World heritage sites are places that are important to and belong to everyone, irrespective of where they are located. They have universal value that transcends the value they hold for a particular nation. Australia currently has 18 properties on the World Heritage List, three of which occur within Western Australia. In Australia, these sites are protected under the Environmental Protection Biodiversity Conservation Act 1999 (EPBC Act).
- (2) At the time of preparing this report, there were no declared World Heritage Areas within the City of Albany.
- (3) The relevant web site needs to be checked annually to identify any relevant additions to the List.

**If proposed works are within a World Heritage Area, a clearing permit is required from DER.**

**If the proposed works will impact on a World Heritage Site, there is a requirement that the proposal be referred (Section 6.4) to the Commonwealth Environment Minister.**

## **5.2 Defined Wetlands**

A “defined wetland”, under the Environmental Protection (Environmentally Sensitive Areas) Notice 2005, means 50 m within:

- a. a wetland included in the List of Wetlands of International Importance kept under the Ramsar Convention;
- b. a nationally important wetland as defined in A Directory of Important Wetlands in Australia (2001), 3rd edition, published by the Commonwealth Department of the Environment and Heritage, Canberra;
- c. a wetland designated as a conservation category wetland in the geomorphic wetland maps held by, and available from, the Department of Water (DOW).
- d. & e. not applicable to the City of Albany area.

### **5.2.1 Ramsar Wetlands**

- (1) The Convention on Wetlands of International Importance, called the Ramsar Convention, is an intergovernmental treaty that provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources. Ramsar wetlands are recognised as a matter of national environmental significance under the EPBC Act.
- (2) At the time of preparing this report, there were no Ramsar listed wetlands within the City of Albany.
- (3) The relevant website needs to be checked annually to identify any relevant additions to these lists.

### **5.2.2 Important Wetlands**

- (1) There are three wetlands within the City of Albany listed in A Directory of Important Wetlands in Australia (2001), 3rd edition, including:
  - a. Lake Pleasant View System, within Lake Pleasant View and North Sister Nature Reserves;
  - b. Moates Lake System, comprising of Angove and Moates Lakes within Two Peoples Bay Nature Reserve; and
  - c. Oyster Harbour.
- (2) Although these wetlands are not located on Council controlled land, they all adjoin parcels of City land, and therefore are relevant when proposed works are within 50 m of these areas.
- (3) This list is static, and does not need to be checked for updates.

### **5.2.3 Conservation Category Wetlands**

- (1) The Conservation Category Wetlands database is maintained by the DOW, and has been developed using information from a number of relevant studies. The City has a copy of this database that needs to be checked as part of the EIA.
- (2) The City needs to check with DOW for updated versions of this database on an annual basis.

**If proposed works are within 50 m of a defined wetland, a clearing permit is required from DER.**

**If proposed works have the potential to impact on a defined wetland, DOW and DPAW in Albany will be consulted to determine their support and recommendations for the proposed works.**

### **5.3 State Listed Rare Flora**

- (1) Rare flora are plants which have been assessed as being at risk of extinction. In Western Australia, the term Declared Rare Flora (DRF) is applied to threatened flora due to the laws regarding threatened flora conservation. The Wildlife Conservation Act 1950 (WC Act) is the primary wildlife conservation legislation in the State and the Minister for the Environment can declare taxa (species, subspecies or variety) as “rare flora” if they are considered to be in danger of extinction, rare or otherwise in need of special protection.
- (2) A database search for locations of State listed rare flora in the vicinity of proposed works must be undertaken. In addition, any newly listed DRF, where the City has received notification from DPAW, must also be considered.
- (3) An up-to-date version of the DRF database is to be obtained from DPAW annually.
- (4) In some cases, a flora or vegetation survey may be required as part of the process to obtaining a clearing permit through DER.

**If proposed works are within 750 m of a DRF record, to the extent to which the vegetation is continuous with the vegetation in which the rare flora is located, DPAW in Albany is to be consulted to determine if any populations may be impacted by the proposed works.**

**If the proposed work will impact on a DRF population, then the City needs to:**

- **determine if works can be modified or relocated to avoid or minimise disturbance to the DRF;**
- **apply for a clearing permit (Section 6.2) if works are within 50 m of DRF; and**
- **apply for a license to take rare flora (Section 6.3) from DPAW, if necessary.**

### **5.4 National Listed Threatened Flora**

- (1) Flora can also be listed as “threatened” under the EPBC Act. At the time of preparing this document, approximately 80% of State listed rare flora, are also protected under the EPBC Act, with a few species on the EPBC Act list, but not on the State list (Sarah Barrett pers comm).
- (2) To determine what National listed flora species might occur in the vicinity of a site, it is necessary to generate an EPBC Act Protected Matters Report (see glossary). The State rare flora database can then be used to check for known records for those species that are on both lists. For species listed only under the EPBC Act, a Naturemap report for the site can be checked for any known records. FloraBase (see glossary) and online recovery plans can also be checked for records. Liaison with the Rare Flora Officer at DPAW may be required.

**If the proposed works may impact on a threatened flora species listed under the EPBC Act, there is a requirement that the proposal be referred (Section 6.4) to the Commonwealth Environment Minister.**

## 5.5 State Listed Threatened Ecological Communities

- (1) A Threatened Ecological Community (TEC) is a community that has been endorsed by Western Australia's Environment Minister as being subject to processes that threaten to destroy or significantly modify it across much of its range. There is currently no Western Australian legislation that deals specifically with TECs.
- (2) However, TECs are indirectly protected under Western Australian legislation through the Environmental Protection Act 1986 and Environmental Protection (Clearing of Native Vegetation) Regulations 2004, where it is identified as an Environmentally Sensitive Area (Section 5).
- (3) In Western Australia, Ecological communities with insufficient information available to be considered a TEC, or which are rare but not currently threatened, are placed on the Priority list and referred to as Priority Ecological Communities (PECs).
- (4) At the time of preparing this report, there were no State listed TEC within the City of Albany. However, there were a number of State listed PECs within the City boundary.
- (5) A database search for locations of TEC/PEC in the vicinity of proposed works must be undertaken. The shapefile for this database comprises a 500 m buffer zone around TEC/PECs. In addition, any newly listed TEC/PEC, where the City has received notification from DPAW, must also be considered.
- (6) An up-to-date version of the TEC/PEC database is to be obtained from DPAW annually.

**If any proposed works are located within the 500 m buffer zone of a TEC/PEC, the Rare Flora Officer at the DPAW office in Albany is to be consulted to determine if any communities may be impacted by the works.**

**If the proposed works will impact on a State listed TEC, then the City needs to: determine if works can be modified or relocated, to avoid disturbing the community; and/or apply for a clearing permit, as the works are within an ESA.**

**If the proposed works will impact on a State listed PEC, then the City needs to: determine if works can be modified or relocated, to avoid disturbing the community.**

**There is no permit system for taking PEC.**

## 5.6 National Listed Threatened Ecological Communities

- (1) TECs that occur in Western Australia may also be listed as nationally threatened under the Commonwealth Government's EPBC Act.
- (2) At the time of updating this report, there are two National listed TEC within the City of Albany. To determine if a National listed TEC might occur in the vicinity of a site, it is necessary to generate an EPBC Act Protected Matters Report (see glossary).

**If the proposed works could have significant impact on a TEC listed under the EPBC Act, there is a requirement that the proposal be referred (Section 6.4) to the Commonwealth Environment Minister.**

## 5.7 State Listed Threatened Fauna

- (1) Under the WC Act, there is a list of fauna regarded as being threatened in Western Australia. The City of Albany is required to determine if there is likely to be significant impact on any threatened fauna on a site that needs to be disturbed or cleared.
- (2) In order to determine this, a Level 1 fauna survey is required, which involves the following steps:
  - **Step 1** - undertake a search for threatened fauna on Naturemap (see glossary);
  - **Step 2** - review any known fauna surveys from or near by the site; and
  - **Step 3** - assess the habitat on the site, against the key habitat requirements of State listed threatened fauna species.
- (3) To assist in assessing the site for threatened fauna habitat, the City maintains a working checklist of key habitat requirements for State (and National listed) threatened fauna that occur within the City of Albany Local Government Area. This checklist has been developed by a qualified fauna consultant, and will be maintained to ensure that information is up-to-date and accurate.
- (4) If the Level 1 survey identifies potential habitat for threatened fauna, an assessment will then be undertaken to determine if the proposed works are likely to have a significant impact on the species. It is likely that this assessment will require the assistance of a suitably qualified fauna consultant to make a determination.
- (5) In some cases, a Level 2 fauna survey (i.e. to confirm use of an area by particular fauna) may be required as part of the process to obtaining a clearing permit through DER (or under the direction of the Commonwealth Environment Minister). The Level 2 survey needs to be undertaken by a suitably qualified consultant i.e. a zoologist with at least 3 years local fauna survey experience.
- (6) The relevant websites need to be checked annually to determine if there have been any additions to the threatened fauna lists.

**If it is determined that proposed works may have a significant impact on threatened fauna, then the City needs to:**

- **determine if works can be modified or moved to another location, to minimise or avoid disturbing threatened fauna; and**
- **develop specific procedures that will reduce the impact on threatened species.**

## 5.8 National Listed Threatened Fauna

- (1) Under the EPBC Act there is a list of nationally threatened fauna species. The City of Albany is required to determine if there is likely to be a significant impact on any National listed threatened fauna on a site that needs to be disturbed or cleared.
- (2) Assess as for State listed threatened fauna (Section 5.7). In addition, it is necessary to generate an EPBC Act Protected Matters Report (see glossary), to determine what Nationally listed species may occur within the vicinity of the subject site.

**If the proposed works may impact a fauna species listed under the EPBC Act, there is a requirement that the proposal be referred (Section 6.4) to the Commonwealth Environment Minister.**

## 5.9 National Listed Migratory Fauna Species

- (1) Migratory fauna species can be listed as Nationally significant on the EPBC Act. The national list of migratory species consists of species listed under the following International Conventions:
  - Japan-Australia Migratory Bird Agreement (JAMBA)
  - China-Australia Migratory Bird Agreement (CAMBA)
  - Convention on the Conservation of Migratory Species of Wild Animals - (Bonn Convention)
- (2) Assess as for National listed threatened fauna (Section 5.8).

**If the proposed works may impact on a migratory species listed under the EPBC Act, there is a requirement that the proposal be referred to the Commonwealth Environment Minister.**

## 5.10 Public Drinking Water Source Area, Proclaimed Groundwater and Surfacewater Areas

- (1) The Department of Water is responsible for managing and protecting Western Australian water resources. In order to protect drinking water reservoirs and bore fields, DOW defines and proclaims water reserves, catchment areas and underground water pollution control areas. These water reserves, catchment areas and underground water pollution control areas are collectively known as Public Drinking Water Source Areas (PDWSA). They are proclaimed under the Metropolitan Water Supply, Sewerage and Drainage Act 1909 or the Country Areas Water Supply Act 1947. By-laws created under these Acts enable the Department to control potentially polluting activities, to regulate land use, inspect premises and to take the necessary steps to prevent or clean up pollution.
- (2) Within the City of Albany, there are four gazetted PDWSAs, including:
  - Angove Creek Catchment Area;
  - Limeburners Creek Catchment Area;
  - Marbellup Water Reserve; and
  - South Coast Water Reserve.
- (3) In order to protect surfacewater and groundwater, particular areas can be declared as Proclaimed Groundwater Areas (PGA) or Proclaimed Surfacewater Areas (PSA) under the Rights of Water and Irrigation Act 1914. In proclaimed areas, it is illegal to take water from a watercourse or groundwater aquifer without a license. Permit application forms are available from the DOW website.
- (4) Within the City of Albany, there is no PSA, and one PGA.
- (5) The City has shapefiles of PDWSAs and PGAs, which will be checked as part of the EIA Process.
- (6) Reference should also be made to the relevant Water Quality Protection Notes produced by DOW, which are located on the DOW website. These notes discuss what activities and land-uses are acceptable within PDWSAs, and suggest work procedures that will reduce the impact of activities on water in these areas.

**If proposed works are within a PDWSA, the DOW office in Albany will be consulted to determine their support and/or recommendations for the proposed works.**

**If the City of Albany proposes to draw water from a PGA, it will apply for a licence from DOW to take water from that area.**

### **5.11 Phytophthora Dieback Protectable and Dieback Free Areas**

- (1) “Phytophthora Dieback Protectable Areas” and “Phytophthora Dieback Unprotectable Areas” have been mapped for a number of City of Albany reserves. The reserves mapped were selected as they are large in size, or they were where the City of Albany and/or the community were actively undertaking management actions (e.g. bush rehabilitation, fire breaks).
- (2) The shapefiles of this data will be checked as part of the EIA process.
- (3) Given “Dieback-Free Areas” have not been mapped for all City of Albany reserves, the potential of an area being dieback-free needs to be determined as part of the EIA process. For example, sites in or adjacent to bushland with little or no disturbance, will be classified as possibly Phytophthora Dieback-free.

**If proposed works are located within, or access is through, a “Dieback Protectable Area” or a possible “Dieback-free Area”, appropriate Dieback hygiene work procedures will be developed for the site.**

**Alternatively, a consultant may be hired to confirm the dieback status of the site to determine if hygiene procedures are required.**

**If the site is “Unprotectable” or dieback infected, Dieback operating procedures do not need to be implemented. However, ordinary work procedures for works within natural reserves already include soil hygiene procedures to reduce the risk of spreading weeds and dieback.**

### **5.12 Conservation Estate and Other Pristine Areas**

- (1) Conservation Estate is Crown land managed by DPAW. Given these areas are managed for their high conservation values, any works that have the potential to impact on conservation estate need to be referred to DPAW in Albany for comment.
- (2) DPAW is also interested in being consulted on any projects that will impact on other pristine areas, even when not on conservation estate.

**If proposed works are located adjacent to conservation estate, or within a pristine environment, DPAW in Albany will be consulted to determine their support and/or recommendations for the works.**

**If proposed works are likely to adversely impact conservation estate or a pristine area, the City needs to:**

- **determine if works can be modified or relocated, to avoid or minimise disturbance to the estate or pristine area; and/or**
- **develop operating procedures to avoid adversely affecting these areas.**

### 5.13 Acid Sulphate Soils

- (1) Acid Sulphate Soil (ASS) is the common name given to soils and sediments containing iron sulfides, the most common being pyrite. When exposed to air due to drainage or disturbance, these soils produce sulfuric acid, often releasing toxic quantities of iron, aluminium and heavy metals.
- (2) The disturbance of ASS can have negative environmental, social and economic consequences. Therefore it is important to identify the presence of ASS within proposed work sites. ASS Risk Maps produced by the DPAW, can be viewed to determine the likelihood of ASS being present on site. However, these maps are not intended to provide site specific information. When works are proposed in wet or seasonally wet areas, advice will be sought from the DPAW on the potential for a site to have ASS.

**If proposed works are located within a site that could have ASS, an assessment will be required.**

**If ASS are identified on site and works cannot be avoided in these areas, then a management plan for ASS must be developed and implemented to mitigate any negative impacts.**

### 5.14 Other Wetlands, Waterways and Harbours

- (1) Although “defined wetlands” are highlighted as being of particular importance (Section 5.2), the impact of proposed works on any wetland, waterway or harbour will be assessed during the EIA Process.
- (2) In addition, if works might interfere with or obstruct a watercourse or its banks or surrounds, a permit may be required under the Rights in Water and Irrigation Act 1914. This process is to ensure that suitable management strategies are applied to works to reduce any impacts on the environment. Permit application forms are available from the DOW website.

**If proposed works have the potential to adversely impact on any wetland, DOW and DPAW will be consulted to determine their support and recommendations for the proposed works.**

**If proposed works have the potential to adversely impact on any waterway or harbour, DOW will be consulted to determine their support and recommendations for the proposed works.**

### 5.15 Declared Pests

- (1) Plants and animals may be “declared” by the Agriculture Protection Board under the Agriculture and Related Resources Protection Act 1976. Under this Act, the City is required to control declared species on land under its control.
- (2) For the purpose of this EIA, only declared plant will be assessed given their stationary habit. However, the City will liaise and cooperate with the Department of Agriculture and Food Western Australia (DAFWA), where situations arise with regards to declared animals. The City will also report any sightings of declared animals to DAFWA.
- (3) In order to determine the presence of declared plants on a proposed work site, a site assessment will be undertaken. Given the longevity of seed of some declared plant species, a history of declared pests on a site will be determined using a dataset and shapefile obtained from the DAFWA. This dataset contains declared plant records for the last 10 years.

**If declared plants are identified as an issue on a proposed work site, then procedures for managing soil and vegetative material will be developed in consultation with the DAFWA.**



## **5.16 Environmental Weeds**

- (1) The City of Albany has been controlling environmental weeds on City controlled land for over 10 years. In contrast to declared plants, the City's environmental weed control program targets particular reserves, rather than particular species, with the aim of protecting priority areas from this major environmental threat.
- (2) The presence of environmental weeds (see Environmental Weeds Strategy for City of Albany Reserves) on proposed work sites will be identified as part of the EIA process, through a site assessment. Although there is no legal requirement for the City to control or manage environmental weeds, work procedures that can be practically applied to reduce the spread of environmental weeds will be developed for projects, especially if the proposed work is near a site where environmental works have already been undertaken or near areas of high conservation value.

**If environmental weeds are identified on a proposed work site and ordinary work procedures are not considered adequate to address the situation, then specific procedures for managing soil and vegetative material may be developed.**

## **6. External Liaison and Approval Requirements**

### **6.1 Liaison with other Government Departments**

- (1) Liaison with other Government Departments may be required for reasons listed in the EIA Checklist (Appendix 1) and described in Section 5 of this document.
- (2) Liaison can comprise of either an email to the relevant officer for single issue referrals, or an email or letter to the relevant department head for multiple issue referrals. For example, the City may need to liaise with DPAW about the presence of rare flora, as well as the close proximity of conservation estate.
- (3) Up to twenty (20) business days is required for liaison with other Government Departments.

### **6.2 Permits to Clear Native Vegetation**

- (1) If the City of Albany needs to clear native vegetation, it will need to apply for either a permit from DER or qualify to clear under an exemption (DER 2013). An exemption is a clearing activity that does not require a permit. There are two types of exemptions:
  - e. The first type can be found in Schedule 6 of the Environmental Protection Act 1986.
  - f. The second type is found in a set of regulations known as the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.
- (2) The need for a permit to clear native vegetation will be determined during the EIA Process.
- (3) Permit application forms are available from the DER website. Up to three (3) months is required for an application for a clearing permit to be processed.

### **6.3 Licenses to Take Flora and Fauna**

- (1) Under the WC Act, a license to take flora or fauna may also be required before works can commence. These licenses are separate from the clearing permit process. However, a license may be required in order to implement conditions specified in a clearing permit (e.g. if fauna needs to be relocated from the clearing site).
- (2) Some situations where a flora or fauna license will be required as part of proposed works on City controlled land include:
  - To take declared rare flora as part of a clearing operation (even if a clearing permit has been obtained).
  - To undertake a fauna survey.
  - To collect flora samples for prescribed purposes.
  - To collect seed for revegetation.
  - To capture and relocate fauna.
  - To take timber or firewood from a legal clearing operation and sell it.
- (3) License application forms are available from the DPAW website. Up to twenty (20) working days is required for an application for a license to be processed.

### **6.4 Referrals to Australian Environment Minister**

- (1) If proposed works could have a significant impact on a matter of National environmental significance, the proposed works will need to be referred to the Australian Government Minister for Sustainability, Environment, Water, Population and Communities (DSEWPAC). The purpose of a referral is to determine whether the proposed works will need formal assessment and approval under the EPBC Act.
- (2) A number of guidelines on how to assess whether works are likely to have a significant impact on matters of National environmental significance are available on the DSEWPAC website (Section 10.1). This website also contains information on how to make a referral to the Australian Environment Minister.
- (3) Referrals to the Commonwealth Environment Minister take twenty (20) business days to process.
- (4) If it is determined that a formal assessment and approval is required, then a determination will take up to forty (40) business days once additional requested information is provided to the Commonwealth Environment Minister for consideration.

### **6.5 Engagement of Consultants**

Consultants may need to be engaged to undertake assessments for the following environmental values / issues, if identified as required through the EIA process:

- detailed flora and vegetation assessments and reports. Usually at the request of DER as part of an application for a clearing permit;
- fauna surveys, assessments and reports;
- ASS assessments and management plans; and
- full EIA assessments and reports.

## 7. Implementation, Training and Compliance

- (1) Relevant City of Albany staff will be trained by the Reserves Officers on the EIA process, to ensure its implementation.
- (2) Compliance with specific work procedures developed through the EIA process for medium to high impact works will be monitored by the Reserves Officers, to ensure that specific conditions are implemented.
- (3) Compliance with ordinary work procedures, not covered in this document, will be undertaken by the relevant coordinator, leading hand or Responsible Officer.
- (4) Incidental inspections will be undertaken by the Reserves Officers. The purpose of this level of inspection is to further educate operational staff and contractors on best practice environmental procedures.

## 8. Update of EIA Process and Data

- (1) Given legislation can change any time, the EIA process will be modified and updated with any relevant legislative changes.
- (2) Given available databases can be updated any time by the custodian, the data held by the City of Albany will be updated on a regular basis. Table 2 lists those environmental values / issues that need to be regularly updated.

SECTION NO.	VALUE / ISSUE	HOW OFTEN	WHERE
5.1	World Heritage Areas	Annually	Check relevant website
5.3.1	Ramsar Wetlands	Annually	Check relevant website
5.3.3	Conservation Category Wetlands	Annually	Check with DOW
5.4	State listed rare flora	Annually	Request from DPAW Note any notifications
5.5	National listed threatened flora	Annually	Check relevant website
5.6	State listed PEC/TEC	Annually	Request from DPAW Note any notifications
5.7	National listed PEC/TEC	Annually	Check relevant website
5.8	State listed threatened fauna	Annually	Check with DPAW Update fauna habitat table
5.9	National listed threatened fauna	Annually	Check relevant website
5.10	National listed migratory species	Annually	Check relevant website
5.16	Declared Pests	Biannually	Check with DAFWA

**Table 2 – Values / Issues that need to be regularly updated**

## 9. Glossary of Terms

<b>Clearing</b>	Any activity that kills native vegetation.
<b>Continuous Vegetation</b>	An area of vegetation that is continuous with another area of vegetation, if any separation of area is less than 5 m at one point or more.
<b>Declared Animal</b>	Any animal declared under the Agriculture and Related Resources Protection Act 1976 as noxious to the State of Western Australia.
<b>Declared Plant</b>	Any plant declared under the Agriculture and Related Resources
<b>Dieback <i>Phytophthora cinnamomi</i></b>	Is an introduced soil borne pathogen (water mould) that kills a diverse range of plant species in South West of Western Australia.
<b>Dieback Protectable Area</b>	Areas free from infestation of <i>Phytophthora cinnamomi</i> and due to natural drainage and topographical position will remain free from autominious spread of the disease.
<b>Dieback Unprotectable Area</b>	Areas that due to their topographical position in relation to existing <i>Phytophthora cinnamomi</i> infestations, natural drainage and drainage or surrounding infrastructure ascertain that the area will be engulfed by autominious spread of the disease in time.
<b>Environmental Weed</b>	Any plant that invades natural vegetation, usually adversely affecting regeneration and the survival of native flora and fauna.
<b>EPBC Act Protected Matters Report</b>	These online generated reports provide general guidance on matters of national environmental significance and other matters protected by the EPBC Act in a selected area. The search area used for these reports should cover the entire subject site, with a minimum search area of 1 km.
<b>Fauna</b>	Animals.
<b>Flora</b>	Plants.
<b>FloraBase</b>	Is an online search tool for Western Australian herbarium records. Maintained by the DPAW.
<b>Habitat</b>	The nesting, roosting or foraging area of a plant or animal.
<b>Native Vegetation</b>	Vegetation which occurs naturally within the City of Albany.

<b>Naturemap</b>	Naturemap is an online search tool maintained by DPAW that references many different data layers of flora and fauna. By selecting the relevant search criteria, a search for all records of flora and fauna can be undertaken using this tool. mobile nature of fauna, DPAW has recommended that a search area, with a 1 to 5 km buffer around the work area, should be adequate for most sites. More remote areas may require a buffer of 20 km (Amy Mutton pers comm). This is due to there being more records in built up areas, as well as in areas where targeted surveys have been undertaken. For this reason, this data cannot be relied upon alone.
<b>Ordinary Work Procedures</b>	The day-to-day procedures for the work area.
<b>Project</b>	Includes any matter which will involve a physical change to the environment.
<b>Ramsar Wetlands</b>	Wetlands of International Importance.
<b>Pristine Area</b>	An area that is largely undisturbed and still supports its original vegetation and landform.
<b>Responsible Officer</b>	<p>City of Albany officer, who is primarily responsible for the works.</p> <p>This person will be the primary point of contact for any questions that might arise, and will hold the responsibility for all approvals being completed before works commence.</p> <p>If an external client is the proponent, then the Responsible Officer is the person at the City who is liaising with the external client.</p>
<b>Specific Work Procedures</b>	Work procedures developed for a particular project to minimise impact of works on the values / issues identified on the EIA checklist. Specific work procedures are to be implemented in addition to ordinary work procedures.
<b>Works</b>	Includes the construction, upgrade and maintenance of any project.

## 10. Bibliography

### 10.1 References

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- *Brown E and Watkin S. 2008. Estimation of Dieback Protectable Area. City of Albany Reserves 2008. Gleven Consulting, Erskin.*
- *City of Albany. 2005. Environmental Weeds Strategy for City of Albany Reserves. City of Albany, Albany.*
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- *Commonwealth of Australia. 2009c. Significant impact guidelines for the vulnerable western ringtail possum (Pseudocheirus occidentalis) in the southern Swan Coast Plain, Western Australia. EPBC Act policy statement 3:10. Department of the Environment, Water, Heritage and the Arts, Canberra, ACT.*
- *Commonwealth of Australia. 2009d. Background paper to EBPC Act Policy Statement 3:10 Nationally Threatened Species and Ecological Communities. Department of the Environment, Water, Heritage and the Arts, Canberra, ACT.*
- *Commonwealth of Australia. 2010a. Fact Sheet: EPBC Act – Environmental Assessment Process. Department of the Environment, Water, Heritage and the Arts, Canberra, ACT.*
- *Commonwealth of Australia. 2010b. Survey Guidelines for Australia's threatened birds: Guidelines for detecting birds listed as threatened under the Environmental Protection and Biodiversity Conservation Act 1999. Department of the Environment, Water, Heritage and the Arts, Canberra, ACT.*
- *Commonwealth of Australia. 2010c. Bushfire Management and National Environment Law.*
- *Department of the Environment, Water, Heritage and the Arts, Canberra, ACT.*
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- *Country Areas Water Supply Act 1947*
- *Department of Environment Regulation. 2013. A guide to the exemptions and regulations for clearing native vegetation.*
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- *Dieback Treatment Services. 2010. Phytophthora Dieback Interpretation Report for the Pallinup Reserve in the City of Albany. South Coast Natural Resource Management and City of Albany.*
- *Environmental Protection Act 1986*

- *Environmental Protection Biodiversity Conservation Act 1999*
- *Environment Australia. 2001. A Directory of Important Wetlands in Australia. Third Edition.*
- *Environmental Protection Authority and Department of Environment and Conservation. 2010. Technical Guide – Terrestrial Vertebrate Fauna Surveys for Environmental Impact Assessment.*
- *Fish Resource Management Act 1994*
- *Metropolitan Water Supply, Sewerage and Drainage Act 1909*
- *Rights in Water and Irrigation Act 1914*
- *Water Corporation. 2005. Marbelup Water Reserve Drinking Water Source Protection Assessment.*
- *Water and Rivers Commission. 2001. South Coast Water Reserve and Limeburners Creek Catchment Area Water Source Protection Plan.*
- *Water Corporation. 2004. Angove Creek Catchment Area Drinking Water Source Protection Assessment.*
- *Waterways Conservation Act 1976*
- *Watkin S. 2008. Estimation of Dieback Protection Areas. City of Albany Reserves. September 2008. Ficifolia Consulting, Albany.*
- *Watkin S. 2009. Estimation of Dieback Protectable Areas. City of Albany Sandpatch Reserves R2903, R34370 & R4732. Ficifolia Consulting, Albany.*
- *Wildlife Conservation Act 1950*

## 10.2 Personal Communications

Amy Mutton	Project Officer – Fauna	Department of Parks and Wildlife
Greg Freebury	Operations Officer	Department of Parks and Wildlife
Holly Raudino	Zoologist DPAW	Department of Parks and Wildlife
John Riley	Native Vegetation Branch	Department of Environment Regulation
John Watson	Land Use Officer	Department of Parks and Wildlife
Karen McKeough	Land Use Officer	Department of Water
Kevin Donohue	Manager Southern Region	Department of Fisheries
Norm Press	Fauna Licensing	Department of Parks and Wildlife
Sandra Gilfillan	Zoologist	Fauna Consultant
Sarah Barrett	Botanist	Department of Parks and Wildlife
Sarah Comer	Ecologist	Department of Parks and Wildlife

## 10.3 Websites

- [www.dpaw.wa.gov.au](http://www.dpaw.wa.gov.au)
- [www.der.wa.gov.au](http://www.der.wa.gov.au)
- [www.water.wa.gov.au](http://www.water.wa.gov.au)
- [www.agric.wa.gov.au](http://www.agric.wa.gov.au)
- [www.ramsar.org](http://www.ramsar.org)
- [www.unesco.org](http://www.unesco.org)
- [www.environment.gov.au](http://www.environment.gov.au)

**11. Review Position and Date**

This procedure is to be reviewed by the document owner bi-annually in conjunction with the Council Policy titled: Council Policy – Environmental Impact Assessments.

**12. Enabling Legislation, Policy or Guideline**

This procedure aligns with and is complimented by the City of Albany Council policy position titled: *Council Policy – Environmental Impact Assessments*.



**APPENDIX 1 – ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST**

Responsible Officer: .....

Site Location: .....

Proposed Works: .....

Is the site on City of Albany controlled land?  Yes  No Site Visited on: .....

NO.*	ENVIRONMENTAL VALUE / ISSUE	NO	YES	N/A	COMMENT
5.1	Are works within a World Heritage Area?				
5.2	Is there a "defined wetland" within 50m of site:				
	5.2.1 Ramsar wetland?				
	5.2.2 Important wetland?				
	5.2.3 Conservation category wetland?				
5.3	Is there a State listed rare flora record within 750 m (continuous vegetation) of the site?				
5.4	Is there a National listed rare flora record within 750 m (continuous vegetation) of the site?				
5.5	Is the site within the buffer zone of a State listed TEC/PEC?				
5.6	Is the site within the buffer zone of a National listed TEC?				
5.7	Does the site support known or potential habitat for State listed threatened fauna species?				
5.8	Does the site support known or potential habitat for National listed threatened fauna?				
5.9	Does the site support known or potential habitat for National listed migratory fauna?				
5.10	Is the site in a Public Drinking Water Source Area or Proclaimed Groundwater Area (if relevant)?				
5.11	Is the site within a <i>Phytophthora</i> dieback protectable area or a dieback-free area?				
5.12	Is the site immediately adjacent to conservation estate or within a pristine area?				
5.13	Does the site potentially have Acid Sulphate Soil?				
5.14	Do works have the potential to impact any wetland, waterway or harbour?				
5.15	Are there any declared plants on the site?				
5.16	Are specific procedures required to address any environmental weeds?				

\* *Corresponds with relevant section in EIA Procedure document.*

Tick the appropriate box:

- Low Impact (works can be internally approved from an environmental perspective)
- Potentially Medium to High Impact (complete an Environmental Impact Assessment Report)

Is the site within an Environmentally Sensitive Area (5.1 - 5.6 above)?  Yes  No

Is a clearing permit required?  Yes  No  Unknown at this stage

Exempt from clearing permit under:.....

Completed by: Name: ..... Title:.....

Signature:..... Date: .....



