

Environmental Factor	Environmental Objective	Potential Impact	Additional Investigations	Potential Management
Wetlands	Protect the environmental values and maintain or enhance the key ecological functions of the wetlands.	Potential changes to water levels and water quality of Lake Clifton, Boundary Lake and Unnamed Lake. Potential physical impacts on wetlands as a result of increased pressure.	Undertake a detailed hydrological study of the area including additional groundwater modelling to be undertaken – refer to Section 8.3.	Development to be setback from wetlands.  Measures to maintain zero water balance to be considered include selective groundwater extraction.  Restriction of native vegetation clearing to designated areas.
Groundwater	Maintain or improve the quality of the groundwater to ensure that existing and potential uses, including ecosystem maintenance are protected.	Potential changes to water balance and nutrient loading as a result of development.	Undertake a detailed hydrological study of the area including additional groundwater modelling to be undertaken – refer to Section 8.3.	Implementation of Water sensitive design.  Controls on landuse and fertiliser application.
Karstic Terrain	Minimise the potential impact on caves and other karst landforms in the area	Portions of site comprise solution cavities indicative of karst development. Potential changes in water levels and quality might impact on stygofauna. Potential safety risks associated with development of karstic terrain.	Geotechnical appraisal (including a drilling program) and risk assessment to be undertaken to delineate areas of karst terrain.	Restrict development in high risk areas. Development Karst Management Plan.
Stygofauna and Rootmat Communities	Minimise the potential impact on stygofauna and rootmat communities associated with karstic terrain.	Indicative areas of karst development may support subterranean fauna and rootmat communities. Potential changes in water levels and quality might impact on stygofauna.	Geotechnical appraisal (including a drilling program) and risk assessment to be undertaken to delineate areas of karst terrain and potential stygofauna and rootmat communities.	Investigate development options in areas identified as supporting stygofauna and rootmat communities.
Coastal Processes	Maintain the stability of the beach and the integrity, function and environmental values of the dune system.	Development adjacent to the coast will increase pressure on this area.  Coastal processes to be addressed when determining appropriate setbacks to development.	Further investigations to be undertaken to determine appropriate setbacks to development.	Prepare a Foreshore Management Plan to address increased human use of the coastal area.
Aboriginal Heritage	To ensure that there is no unauthorised disturbance to Aboriginal Heritage sites associated with the proposed rural development	Six sites have been recorded in close proximity to the study area. Development may impact Aboriginal sites which may be present at the site.	Site specific archaeological and ethnographic investigations are proposed to be undertaken to identify sites and consult Aboriginal interest groups.	Management of any identified sites of significance to Aboriginal people to be in accordance with the requirements of the Aboriginal Heritage Act.

APPENDIX 1 – ENVIRONMENTAL FACTORS

Environmental Factor	Environmental Objective	Potential Impact	Additional Investigations	Potential Management
Flora and Vegetation	To ensure that the proposed rural development is compatible with maintaining and enhancing the biological integrity of the surrounding environmental and minimising vegetation loss and degradation.	Clearance of vegetation for the construction of building envelopes, access roads and to meet FESA and LGA requirements for fire management.	Undertake additional flora and vegetation survey.	Clearly delineate building envelopes and limits of clearing.  Cleared native vegetation from the site to be used to assist with rehabilitation, where required.
Significant Flora	To protect Declared Rare and Priority Flora consistent with the provisions of the Wildlife Conservation Act, 1950.	Potential direct and indirect impacts on stands of <i>Eucalyptus argulifolia</i> (DRF), <i>Hibbertia spicata</i> ssp. <i>leptotheca</i> (P3), <i>Hakea</i> sp. <i>Yalgorup</i> (P4) and <i>Stylidium maritimum</i> (P3).	Undertake additional flora and vegetation survey of the study area to delineate populations of DRF and Priority Flora.	Delineate populations of significant flora and manage in accordance with recommendations of CALM.
Significant Vegetation	Not to have a negative impact on the survival of any endangered Threatened Ecological Communities.	Potential direct and indirect impacts on FCT 26a.	Undertake a flora and vegetation survey to delineate Threatened Ecological Communities.	Delineate stands of TECs and manage in accordance with recommendations of CALM.
Vertebrate Fauna	To have no negative impacts on fauna known to occur in the area.	Potential clearance of vertebrate fauna habitat.	Undertake a vertebrate fauna survey of the property, particularly focussing on the areas of not investigated during the previous June 1998 survey. Previously surveyed habitats will also be surveyed to record species more active in the warmer months.	Clearing to be undertaken in a progressive manner to ensure corridors are maintained for mobile fauna.
Threatened Fauna	To protect Specially Protected (Threatened) Fauna consistent with the provisions of the Wildlife Conservation Act, 1950.	Potential clearing of Threatened Fauna (ie Carnaby's Cockatoo) habitat.	Vertebrate fauna survey to be undertaken to identify species of Threatened Fauna in the study area.	Clearing to be undertaken in a progressive manner to ensure corridors are maintained for mobile fauna.  Relocation of Threatened species (ie Bandicoots) to be considered.



**CONSERVATION COMMISSION OF WESTERN AUSTRALIA**  
**SUMMARY SHEET**

**TITLE:** CAPE BOUVARD INVESTMENTS – LAKE CLIFTON WEST PROPOSAL

**FORWARDED BY:** DIRECTOR NATURE CONSERVATION

**ISSUES TO BE DISCUSSED:** REQUEST FROM EPA SERVICES UNIT FOR ADVICE REGARDING SUBDIVISION PROPOSAL FOR CBI LAND ADJACENT TO LAKE CLIFTON / YALGORUP NATIONAL PARK

**WHERE DOES THIS FIT IN WITH THE CONSERVATION COMMISSION'S STATUTORY RESPONSIBILITY (indicate section(s) of the CALM Act):**

Conservation and Land Management Act 1984 Section 19 (1)(e)

**BACKGROUND SUMMARY / IMPORTANT CONTENTIOUS ISSUE(S):**

Background

Cape Bouvard Investments (CBI) Pty Ltd purchased the 790 hectare Lake Clifton West property in September 1995 for a reported \$3.5 million. The site is surrounded entirely by Yalgorup National Park and at the time of purchase, had no gazetted access (Figure 1).

In December 1995 CBI and the Department were involved with discussions regarding possible land swaps that would result in the holding being added to Yalgorup National Park. No appropriate site for swapping was identified by the Department. CBI indicated its intent to proceed with plans to develop the site for rural/residential purposes.

CBI made a number of presentations to the National Parks and Nature Conservation Authority (NPNCA) between 1996 and 1998 regarding the development of this area of land, based upon a requirement for access through the National Park, and a proposal for a land swap between part of the CBI landholding and coastal portions of Yalgorup National Park. A summary of NPNCA considerations is attached as background information.

The NPNCA agreed to the development of access and land swap proposals for consideration, until July 1998 when the NPNCA decided against giving in principle approval for the proposed land exchange and recommended that the access proposal be considered as part of the formal assessment process for the proposed development.

Current Status

In June 2002, the Western Australian Planning Commission (WAPC) referred a 24 lot rural subdivision proposal by CBI to the EPA. The EPA set a Public Environmental Review (PER) level of assessment on the proposal, with an eight week public review period.

The EPA indicated to the WAPC and CBI, that its decision on level of assessment was not a straightforward one in that the subject site and its immediate surrounds were known to possess environmental values of very high significance, and that very strong justification would need to be provided in order for the proposal to be considered environmentally acceptable in its current form.

Shortly after setting the level of assessment, the EPA Services Unit indicated to CBI that there was scope to modify the proposal so that more intense development would be indicated for areas with less environmental sensitivity and areas of high environmental sensitivity would be indicated with no development. However it was also agreed that no negotiation could be entered into until a comprehensive analysis of the environmental values of the site had been provided.

On this basis, flora and fauna work was undertaken for the proponent by ATA Environmental and other consulting specialists such as M.J and A.R Bamford Consulting Ecologists. A draft environmental scoping document was provided to the EPA in October 2002. Since the drafting of this document the proposal has been substantially modified, and the scoping document has yet to be finalised.

In April 2003, the 24 lot rural proposal was modified to include two cluster nodes of development totalling 1200 lots adjacent to Lake Clifton and a coastal node located to the northwest of the site. The proposal has been modified again to the current concept put forward for consideration by the Conservation Commission.

The latest proposal is illustrated in Figure 2 and is based upon a northern access route and a 150 lot subdivision. The key points of the concept layout are:

- a coastal strip of development, approximately three kilometres in length, with an average 100m coastal setback;
- about 40 coastal lots of 0.5 – 2 ha in size and a residential node ('seaside style mini-community) of 100 lots sized between 1000 – 1500 m<sup>2</sup>; and
- an additional 8 non-coastal lots of up to 5ha interspersed with POS

A large proportion of the site (approximately 600 ha) adjacent to Lake Clifton and including other wetlands has no proposed development. It is noted that this design is predicated upon this area being "ceded" in return for northern access through Yalgorup National Park and an expansion of the development into Yalgorup National Park to the north and/or to the south towards Preston Beach (*i.e.* is a land swap proposal).

In order to progress the proposal, and to provide guidance to the proponent, the EPA Services Unit consider it important that the position of the Conservation Commission is sought in relation to the key issues of:

- 1) Conservation Commission interest in acquisition of the land for addition to Yalgorup National Park
- 2) Position of the Commission regarding land swaps of coastal portions of the National Park for lakeside areas of the Lake Clifton West property; and
- 3) Provision of northern access through Yalgorup National Park.

#### Discussion

The current proposal is similar to that considered by the NPNCA in 1998 in reference to the elements of land swaps and northern access alignments, although the lot configuration has altered. The issues discussed in 1998 regarding planning and environmental approval processes, in particular their timing and sequence remain valid.

One aspect that has changed since 1998 is that CBI have purchased additional private property to the south of the Lake Clifton West holding, which now provides gazetted access to the property from the south. While southern access is available CBI retain a preference for a northern access route to minimise travel time and distance from the Perth and Mandurah areas.

The consideration of access in the past was due to the only way to provide gazetted road access to the property was through the National Park. While there is a gazetted road along the western edge of Lake Clifton, there is an approximately 750m gap where there is no legal access. Part of consideration of the previous proposals was that there may be pressure to construct on the gazetted road within the National Park and this is located in an

environmentally inappropriate location. The previous proposal was based on studies carried out to provide a better alignment within the park and to meet up with the existing road reserve to the north.

Consideration of the matters relating to acquisition, land swaps and provision of access cannot be done in isolation from a consideration of the likely impacts of the overall proposal to develop the site for residential purposes. There are a number of impacts on the environmental values of Lake Clifton / Yalgorup National Park from the property being developed that have been identified and are of concern. Key environmental factors identified by the EPA Services Unit to be addressed as part of the PER include the potential impact on:

- flora and fauna, including Threatened Ecological Communities, Specially Protected flora and fauna, disturbance of waterbird habitat, and migratory species;
- wetlands - the impact on Lake Clifton (a Ramsar wetland), Boundary Lake, and an Unnamed Lake in terms of surface water quality, water balance, nutrients, thrombolites, wetland vegetation, fringing wetland vegetation and dryland buffers;
- karstic terrain, subterranean fauna and root mat communities;
- Yalgorup National Park, including impacts of the access corridor and interface values;
- coastal processes including the stability of the beach and integrity, function and environmental values of the dune system;
- erosion, fire risk, spread of weeds and feral animals; and
- Aboriginal heritage.

Additional issues of particular concern to the Department are long term management issues for the National Park resulting from the increased access to and through the Park (fire, weeds, unmanaged access etc) and a likely increase in demand for visitor services and facilities. There is also a potential requirement for the Department to modify existing management practices (particularly in reference to fire) to protect new property development.

It is also not clear what additional impacts will result from the requirement for infrastructure including water supply, sewerage, gas, power and telephone services, as well as ongoing access and maintenance activities for these services.

There are issues also relating to the planning and environmental processes currently underway. The land is zoned Rural under the City of Mandurah Town Planning Scheme No 3, and the Peel Region Scheme. Under the Peel Region Scheme, Rural zoned land is " - to provide for the sustainable use of land for agriculture, assist in the conservation and wise use of natural resources including water, flora, fauna and minerals, provide a distinctive rural landscape setting for the urban areas and accommodate carefully planned rural living developments." The current proposal appears to have been developed without reference back to the planning process and consequently may be incompatible with the zoning.

The following points are in specific reference to the advice sought by the EPA Services Unit from the Conservation Commission:

1) Acquisition of land for addition to the National park

While the addition of this area to the National park is desirable from a conservation and management perspective, and is consistent with the aims of the Management Plan, the likely cost of the property (assuming the 1995 purchase price of \$3.5 million is a minimum) is beyond the funding available from within the Department. Pursuing acquisition of the property would require a specific funding allocation to be sought from Government.

2) Land swaps

The Yalgorup National Park Management Plan states: "Acquire by purchase or exchange when opportunities arise and funds are available, private property enclaves and properties adjoining the Park that have exceptional conservation or recreation values, management benefits, or that could protect areas with these values within the Park." Consideration of land swap proposals in reference to the CBI land is therefore consistent with the Management Plan.

The National Park areas adjacent to the CBI property are 'zoned' under the management plan as Special Preservation and Natural Environment. It is noted that the coastal portions of the Park to the north and south of the CBI property are 'zoned' special preservation. The objective of the Special Preservation zones is for access and use to be strictly controlled or prohibited altogether.

The 1998 proposals were based on a similar premise of accessing coastal areas of Yalgorup National Park for residential development in exchange for the western borders of Lake Clifton. Work undertaken by CBI at the time inferred that the environmental values of the lakeside private property were higher than that of the adjoining coastal portions of the National park.

The discussion during the NPNCA meeting indicated that many of the conservation values on the private property were not likely to be at threat of development due to existing environmental, planning and policy requirements. This includes proximity to the Ramsar listed Lake Clifton, impacts on waterbirds and possible hydrological impacts, presence of Declared Rare Flora and threatened ecological communities, and a lack of capability for development due to constraints resulting from both coastal and karstic terrain. This situation remains unchanged.

While the CBI land proposed for exchange may have higher conservation values in direct comparison with the coastal portions of the National Park, this does not take into account regional environmental considerations, management requirements for the National park, or public interest elements of such a proposal. It is likely that the development proposal outlined would significantly increase the level of management required, as well as constitute risks to the conservation values acquired. The extent to which a land swap proposal will meet the intent of the management plan will largely depend on the type of development proposed.

It is not possible to determine, based on the concept provided, that there are significant conservation or public interest benefits that would result from an exchange.

### 3 Access through Yalgorup National Park

The NPNCA previously expressed in principle support for northern or eastern access proposals. CBI has previously indicated that the development would not be viable unless the northern access route was approved, requiring excision from the National park and gazettal of a dedicated road.

As CBI has now purchased property to the south to provide gazetted access to the property, there is no immediate rationale for an access route to be excised from the National park to facilitate the site's development. Provision of northern access would also result in a 'through-route' increasing access to and pressures on the western portion of the National park and the western edge of Lake Clifton.

A determination on the access route needs to be based upon a definite proposal where the number of lots, likely number of residents, likely number of vehicle movements and road design could be assessed. There are also possible impacts on the National Park should a development option using southern access be pursued, in that the existing road to the south may require upgrading to allow for additional vehicle movements.

### **RECOMMENDATION(S):**

That the Conservation Commission advise the EPA Services Unit that:

- 1) the advice is indicative only as it is understood that there is potential for the proposal to change and the Commission would consider any proposal on its merits.
- 2) while the property would make a valuable addition to the National Park the funds for acquisition are not available.

- 3) land swaps are permissible under the Yalgorup National Park Management Plan provided they "have exceptional conservation or recreation values, management benefits, or that could protect areas with these values within the Park." While there are nature conservation values on the CBI property, the increased management requirements and subsequent risks from development may negate the added conservation values and overall integrity of the National Park and so would not meet the intent of the Management Plan.
- 4) there are no apparent benefits to the National Park from allowing provision of access from the north.

**DECISION(S):**

## Attachment One

### SUMMARY OF NPNCA CONSIDERATIONS

#### *NPNCA meeting 6 June 1996:*

Following a presentation by CBI, the NPNCA endorsed a proposed process to determine preferred access to the Lake Clifton land. The process was based upon CBI and the Department determining a preferred route, based on the National Park, environmental and developer's criteria, liaison with other agencies and relevant site investigations.

#### *NPNCA meeting 12 December 1997*

The minutes of the meeting state:

"...that the Authority write to CBI stating that the NPNCA has agreed in principle to the options of the northern access routes and the option of an access route across Lake Clifton and form the information to date the NPNCA views access across Lake Clifton as an environmentally viable alternative as it may have less impact on the Park. The NPNCA should also request further information on the northern access routes and the option of an access route across the lake once a detailed design has been completed by CBI."

The presentation to the NPNCA in December 1997 was followed with CBI doing additional infrastructure, planning and environmental studies including assessments of both the northern and eastern (across Lake Clifton) access routes. CBI then also developed a proposal for the possible exchange of land owned by CBI for part of the National Park.

In a letter from NPNCA dated 25/5/99 regarding the CBI proposal, the Authority indicated its position was that the access proposal within the National Park be considered as part of the formal process for the proposed land development. The NPNCA indicated that access across Lake Clifton should be considered along with all other options so that the Authority could be confident that the least environmentally impacting alternative was identified.

#### *NPNCA meeting 3 April 1998*

In March 1998 the NPNCA considered a proposal involving northern access and CBI land for National Park land swap proposals. The NPNCA decision was that it was not opposed to the concept of a land exchange but needed to consider the values of the areas involved in the proposed exchange and approvals and processes that needed to be followed.

#### *NPNCA meeting 12 June 1998*

The NPNCA agreed to a written request from CBI to provide a briefing to the NPNCA with representatives from Ministry for Planning, Water & Rivers Commission and Department of Environmental Protection. CBI indicated they were seeking an in principle approval for the realigned access and land exchange proposal. The NPNCA agreed to the briefing and to also invite the CEO from the Shire of Mandurah.

#### *NPNCA meeting 10 July 1998*

CBI made a presentation and the proposal was discussed at length, including issues relating to planning considerations, fire management, relative conservation values in the exchange proposal, conservation values along the proposed access route, regional values of Yalgorup National Park. The processes that the proposal had to go through and appropriate times for the NPNCA to give approval to elements of it was also subject to discussion.

In further considering land swap and northern access proposals, the NPNCA decided against giving approval for the proposed land exchange and that the access proposal be considered as part of the formal process for the proposed development.

*Environmental Protection Authority Advice*

The EPA recommended to CBI by letter dated 8 September 1998, that a proposal be submitted to the City of Mandurah to initiate an amendment to rezone CBI's Lake Clifton properties from Rural to Development Zone and to consider a new access road alignment and then the EPA would set a level of assessment on that proposal. The EPA indicated that if this was followed then the planning and environmental review processes could run side by side.

The EPA letter also indicated that they would not consider coastal development on the area of land for a proposed land swap unless the agreement of the NPNCA for the swap had been obtained.

CONFIDENTIAL

**LAKE CLIFTON PROPERTIES  
REALIGNED ACCESS ROUTE AND  
LAND EXCHANGE PROPOSAL**

**ATTACHMENTS**

**VOLUME 2**

**Full document  
available  
on request**

**CAPE BOUVARD**

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**INVESTMENTS PTY LTD**

**for the  
National Parks and Nature Conservation Authority**

**July 1998**