



## WILDFLOWER SOCIETY OF WESTERN AUSTRALIA (Inc)

10 December 2020

Appeals Convenor  
Office of the Appeals Convenor  
Level 22 Forrest Centre  
221 St Georges Terrace  
PERTH WA 6000

Attn: Emma Gaunt

Re: CPS 8953/1 BHP Billiton Iron Ore Pty Ltd

### Introduction

The Wildflower Society of WA (WSWA) hereby appeals the Management Conditions (MCs) and Reporting Conditions in the Clearing Permit (CPS 8953/1) granted by the Department of Water and Environmental Regulation (DWER) to BHP Billiton Iron Ore Pty Ltd (BHP). Whilst BHP has stated in their clearing permit application that "Disturbance will be kept to previously cleared areas where practicable", WSWA contends that the management conditions imposed by DWER do not adequately minimise potential environmental damage by the proponent. The Reporting Conditions also need strengthening.

### Inadequate Management Conditions

Management Conditions 9, 10, 11 and 14 impose 10 metre buffers around waterways, caves, and priority flora and fauna species. WSWA considers a 10 m buffer to be inadequate; we have on many occasions advocated for buffers of at least 50 m to be applied, and we contend that larger buffers should have been specified by DWER. The smaller (10 m) buffer may allow erosional runoff into waterways and may cause significant disturbance to priority fauna habitat, due to the close proximity. With respect to priority flora, despite MC 7 seeking to minimise the introduction of weeds, there is no guarantee that weeds will not be introduced, nor is there a requirement to eradicate weeds introduced or eradicate those already present in the areas to be cleared; therefore, a small buffer (10 m) poses a real longer-term risk of weed encroachment, especially given the presence of highly invasive weeds like buffel grass (*Cenchrus ciliaris*) within the clearing envelope. Furthermore, a larger buffer better ensures future survival of the broader habitat of priority species, which may be crucial for their long-term survival.

Management Condition 15 states that:

"The Permit Holder must within 6 months of undertaking the clearing authorised under this Permit, revegetate and rehabilitate the areas that are no longer required for the purpose for which they were cleared under this Permit"

and 15 (c) that:

"The Permit Holder must following the first wet season of laying the vegetative material and topsoil on the cleared area in accordance with condition 15(b) of this Permit:

- (i) engage an environmental specialist to determine the species composition, structure and density of the vegetation of area revegetated and rehabilitated; and
- (ii) engage an environmental specialist to make a determination as to whether the composition, structure and density determined under condition 15(c)(i) of this Permit will,



## WILDFLOWER SOCIETY OF WESTERN AUSTRALIA (Inc)

without further revegetation, result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area."

However, WSWA is concerned that a single wet season visit after initial rehabilitation attempts may be insufficient to accurately assess the likely success of rehabilitation. Additionally, the extent of weed encroachment is not considered in the MC. WSWA recommends that there should be follow-up surveys to assess the quality of revegetation/rehabilitation and to assess the extent of weed introduction or cover. Furthermore, a management condition is recommended to state that all weeds discovered after follow-up surveys shall be eradicated.

Management Condition 14 allows clearing up to 20% of known locations of priority flora "where unavoidable". Similarly, MC 11 allows the clearing of up to 20% of known Pebble-mound Mouse populations "where unavoidable". However, the permit specifies no requirement on BHP to state or record why clearing of those populations was unavoidable: Part 16 (vii) only gives a broad requirement to report "actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 6 of the Permit". WSWA is concerned that anyone with authority under the permit can simply make an on-the-spot decision that clearing a certain population is "unavoidable", without any oversight. Further to MC 14, it is clear from the flora survey (Biologic 2017) that population sizes of priority species vary widely. Therefore, eliminating some populations (or large numbers of individuals) could result in a large reduction in total population size (much greater than 20% of the total population). In summary, it is recommended that MC 14 be revised to ensure greater avoidance measures are considered, and that the impacts of clearing on the entire population of priority species are properly understood.

An additional problem with MC 14 is that the prior knowledge of priority flora populations is incomplete. The flora surveys conducted sampled 32 (50x50 m) quadrats out of a total project area of 2025 ha; targeted surveys were performed but the extent of those surveys was unspecified. It is therefore possible that important populations of priority species may not appear in Schedule 4 of the clearing permit. There is a need to mandate that targeted surveys for priority species precede any clearing in areas not specified in Schedule 4.

Schedule 4 of the clearing permit also has an important omission. The Flora and Fauna survey (Biologic 2017) found one potential Priority 1 flora species within the study area, *Hibiscus cf. campanulatus*. However, this taxon is not considered in the clearing permit MCs or Schedule 4, but it may be at greater threat of extinction than other priority taxa (Priority 1 species are often not listed as threatened solely due to inadequate knowledge about them).

### **Inadequate Reporting Requirements**

As stated above, Part 16 (vii) only gives a broad requirement to report "actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 6 of the Permit" but does not require BHP to report "unavoidable" clearing, and why such clearing was "unavoidable". It is recommended that the permit includes this requirement to allow assessment of the actual impact on priority fauna and flora species.



## WILDFLOWER SOCIETY OF WESTERN AUSTRALIA (Inc)

### Conclusion

**WSWA strongly recommends that DWER impose management and reporting conditions that better prevent avoidable environmental impact, and transparently report all impacts that do occur, as part of their clearing permit approval process. The recommendations above (i.e. revision, modification and strengthening of MCs 9, 10, 11, 14 and 15, and Reporting Condition 16 (a)) are examples of permit requirements that should be included in all similar permits.**



<http://www.wildflowersocietywa.org.au/>

### References

Biologic (2017) Ministers North to Yandi Corridor: Single Phase Level 2 Fauna and Detailed Flora/Vegetation Survey, for BHP Pty Ltd