



WILDFLOWER SOCIETY OF WESTERN AUSTRALIA (Inc)

10 January 2021

Appeals Convenor
Office of the Appeals Convenor
Level 22 Forrest Centre
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PERTH WA 6000

To Whom It May Concern

CPS 4442/6: PILBARA IRON COMPANY SERVICES PTY LTD - VARIOUS LOCATIONS WITHIN THE SHIRE OF ROEBOURNE, SHIRE OF ASHBURTON AND SHIRE OF EAST PILBARA

The Wildflower Society of Western Australia (WSWA) would like to appeal the conditions of the decision of the Department of Water and Environmental Regulation (DWER) to extend Clearing Permit CPS 4442, allowing for the clearing of 500ha per year, to a maximum of 2500ha, for the maintenance and improvement of railway and transport corridor infrastructure.

The WSWA acknowledges that some of the recommendations it made to DWER in its submission on this project, including for proponents to provide, and for DWER to include in the Clearing Permit conditions, evidence of, and the need to implement, measures to avoid and minimise clearing. The WSWA also acknowledges that the Clearing Permit now includes conditions to survey for any potential Threatened Flora and Ecological communities (TECs/PECs/) listed on DWER's or DBCA's published Threatened Flora and Ecological Communities lists, before undertaking any clearing.

However, the WSWA contends that there are still some lax or inadequate conditions and scrutiny that should be placed on this permit, as described in the following sections.

Avoid and Minimise Options

Although the proponent, in relation to whether alternatives have been considered that would avoid the need for clearing, advised (according to DWER's Decision Report) that the required works would occur on previously disturbed areas, the proponent qualified this by stating 'if practical'. The WSWA objects to the use and acceptance of this vague term, as it cannot be verified or audited. The proponent needs to explain the term 'if practical', and DWER needs to see strong evidence and examples of that the proponent can, will or has done to avoid and minimise clearing, when auditing the reports submitted as required in Condition 14.



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Buffers around Threatened and Priority Flora and Ecological Communities

The WSWA objects to the inadequacies of the following conditions:

10 (c) iv: no clearing occurs within *10 metres* of identified priority flora, unless approved by the CEO in writing.

11 (b) i: no clearing occurs within *20 metres* of the boundary of any priority ecological communities listed in Appendix A, unless approved by the CEO in writing.

DWER has not justified the election of buffer distances shown in italics above. The WSWA contends that these buffer distances are inadequate to protect and maintain the individuals, let alone populations, of any species, whether they are Priority species or not. The WSWA contends that a greater buffer distance is required not only for physical protection from disturbance by mechanical equipment or trampling, but for the protection and retention of associated biodiversity such as insects, especially pollinators, which are necessary to the continued existence of the specified Priority Flora or Ecological Community. This is especially important if the Priority Flora or Ecological Community is completely surrounded by cleared land outside the proposed buffer.

Thus, the WSWA contends that the relevant conditions should be as follows:

10 (c) iv: no clearing occurs within **50 metres** of identified priority flora, unless approved by the CEO in writing.

11 (b) i: no clearing occurs within **50 metres** of the boundary of any priority ecological communities listed in Appendix A, unless approved by the CEO in Clearing of

Threatened and Priority Flora and Ecological Communities

In its Decision Report, DWER indicated that a review of the proponent's annual reports identified that of the 2,500ha of native vegetation authorised to be cleared under different versions of this Clearing Permit, only approximately 3.5 per cent (approximately 88.04ha) has been cleared. However, DWER did not indicate how much of this contained or constituted Threatened or Priority Flora or Ecological Communities. This is an important consideration in assessing the environmental impacts of this Clearing Permit and whether its continuation should be approved. The public has a right, through the DWER Decision Report or other means (see below) to know what the environmental impact of the proponent's actions are.



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Audit and Review

In its Decision Report, DWER indicated that it considered and prepared a consolidated summary of the concerns raised in the (WSWA) submission and how these concerns were addressed by DWER.

However, in its submission, the WSWA stated that 'For complete transparency and public confidence in the process, WSWA submits that an independent, publicly-available audit of the company's activities and resultant impacts on the environment be required. This would ensure that the permit is consistent with other wide-ranging permits, such as the Statewide Clearing Permit granted to Main Roads WA (CPS 818).'

DWER did not address this concern/recommendation in its Decision Report.

Therefore, the WSWA re-iterates that there needs to be condition in the Clearing Permit that that an independent, publicly-available audit of the proponent's activities and resultant impacts on the environment be required, similar to that now required in the Statewide Clearing Permit granted to Main Roads WA (CPS 818).

Yours faithfully,



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