



WILDFLOWER SOCIETY OF WESTERN AUSTRALIA (Inc)

26 April 2021

Appeals Convenor
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Attn: Emma Gaunt

CPS 8357/1 Shire of Victoria Plains

Introduction

The Wildflower Society of WA (WSWA) hereby appeals the Clearing Permit (CPS 8357/1) granted by the Department of Water and Environmental Regulation (DWER) to the Shire of Victoria Plains for road realignments and upgrades to several roads in the Shire. Our main concerns relate to the clearing area, the offset areas, conditions mandated to counterbalance residual environmental impacts, and clarification on advice received from the Department of Biodiversity Conservation and Attractions (DBCA). These concerns are detailed in the sections below.

To enable us to better understand the reasoning behind the permit decisions, we request to be provided with the Section 106 appeal report as soon as practicable.

Authorised Clearing Area and Minimisation

The original permit application sought to clear 1.98 ha of native vegetation. However, the granted permit allows for the clearing of up to 2.46 ha of native vegetation. This anomaly is not adequately explained in the Decision Report, with only a single explanation given: "The size of the areas and amount of clearing proposed was increased by 0.48 ha during assessment within the Calingiri intersection realignment area.". Whilst issued clearing permits sometime allow clearing of a lesser amount of native vegetation than originally requested, it is extraordinary that a permit grants clearing of *more* than originally requested. This warrants explanation of the reasoning and precise specification of the location/s representing the area increase. It appears as though one of the increases in clearing is along the railway line at Calingiri. We cannot find any environmental survey information for this area provided either by the proponent or by DWER in the Decision Report, although a photo from the area appears to be Fig. 9 in the Decision Report. Has this area (and any others now to be cleared) been surveyed and assessed for environmental values?

In addition to this apparent lack of minimisation, the Decision Report lacks sufficient detail to enable the assessment of the following statement presented as a minimisation strategy (section 3.1): "The widening has been done to the minimum amount allowed by the standards to cater for the swept path of the vehicles without risk of collisions or side swipes". Not only are there no details of the standards being applied but design standards are actually only guidelines and are not necessarily rigid requirements for road upgrades. WSWA is aware, from participation in other road projects, that reduction of speed limits can also achieve similar improvements in the swept path of vehicles, thereby reducing the need for road widening, but this opportunity has not been explored. We therefore



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contend that sensible interpretation of road design standards presents real opportunities for clearing minimisation. It is not clear that this has happened.

Offset Conditions and Rehabilitation

The offset specified has two revegetation components - infill planting of 3.88 ha and full revegetation of 0.99 ha - and one land acquisition component of 0.99 ha. These area values were calculated presumably using the Commonwealth Offset Assessment Guide calculator. We are unable to exactly replicate these values, when using the above-mentioned calculator and, critically, the infill planting area component represents substantially less than indicated by DWER in Appendix F of the Decision Report (72.55%).

Attached is a screenshot from the Commonwealth calculator for the infill component. The same values as in the first table of Appendix F yielded 35.34% of the impact offset, rather than 72.55%. For the Full Revegetation component, the calculator yielded 20.19% versus 20.52%; and 6.96% versus 7.24% for the land acquisition component. However, in order to achieve a similar value for the land acquisition component we had to swap the "Risk of loss without offset" and "Risk of loss with offset" values, which makes sense (i.e. it seems as though the values presented in the table were in the wrong order).

In any event, we contend that these values need recalculation, and suggest that a larger component of land acquisition is needed to achieve a full 100% offset.

Criterion 5 from Condition 9(f) states that "*Eucalyptus sargentii* subsp. *onesis* is present in clearing area". This condition presumably is to compensate for the loss of one individual of the taxon, summarised in the Decision Report: "One individual was recorded (Coterra Environment, 2019a, 2019c). DBCA (2019) advised that the occurrence of this species within the application area is in the northern extent of the species range. Given this and that only a few recorded populations exist for this species, any loss of individuals within the northern extent of the range is potentially of conservation significance at both the local and regional scale.". Although Condition 9(a)(iii) states that only local provenance seed and material should be used, it would be better if Condition 9(f) made it clear that the propagating material should come from that single individual to be cleared, given its significance.

Another concern with Condition 9 is that monitoring of the rehabilitation is required for three years (Condition 9(f)). However, in the offset calculations (Appendix F), 10 years is stated as the time until ecological benefit will begin to be realised. With monitoring to occur only for three years, there is no guarantee that the estimated ecological benefit will be achieved or can be measured. Either Condition 9 needs updating to also include a 10-year monitoring interval, or additional uncertainty needs to be incorporated into the values used to calculate the offset required.

Finally, although an offset has been stipulated for this permit, the WSWA finds it concerning that no offset was deemed warranted for the impact on the Commonwealth-listed TEC, Eucalypt Woodlands of the Western Australian Wheatbelt. This was because the impact was assessed as not being *significant*. We do not agree. The Commonwealth EPBC Act significant impact guidelines (Commonwealth of Australia 2013) state, amongst others, that:

An action is likely to have a significant impact on a critically endangered or endangered ecological community if there is a real chance or possibility that it will:

- *reduce the extent of an ecological community*



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No limit on the amount of reduction is specified. Therefore, the impact by this clearing proposal, albeit small (0.07 ha) is nonetheless significant.

Condition relating to impact of clearing on fauna

WSWA strongly objects to DWER's conclusion that

"it is not considered for the application areas to contain significant habitat for this species [the Shield-backed trapdoor spider (*Idioma nigrum*)]."

This is despite DWER's admission that the Shield-backed trapdoor spider (*Idioma nigrum*) has been recorded within the local area, and that some of the proposed clearing area contains the preferred habitat for this species (open York gum, Salmon gum and Wheatbelt Wandoo woodland, where *Acacia acuminata* forms a sparse understorey in heavy clay soils). WSWA therefore contends that a survey for the Shield-backed trapdoor spider should be (and should have been) carried out in the (albeit small) area that contains the preferred habitat for this species.

In any event, clearing needs to be undertaken in such a manner that **NO** fauna are injured or harmed. This includes, but is not restricted to, the Threatened fauna Carnaby's cockatoo (*Calyptorhynchus latirostris*) listed as endangered under the EPBC Act, the Shield-backed trapdoor spider (*Idioma nigrum*) listed as vulnerable under the EPBC Act, and the Rainbow Bee-eater (*Merops ornatus*) listed under EPBC Act, if they occur within the application area, and if their breeding sites cannot be avoided.

Consequently, the WSWA contends that the following conditions need to be added to the Clearing Permit:

- a survey needs to be undertaken for the presence of the Shield-backed trapdoor spider (*Idioma nigrum*)
- all fauna (mammalian, avian and reptilian) need to be captured or rescued from the area proposed to be cleared prior to clearing commencing, and relocated to suitable habitats.

Conflicting Advice

The Decision Report (section 3.2.1) gives a conflicting account of DBCA advice received by DWER with respect to the timing of the flora survey. It is firstly stated that:

"DBCA (2019) advised that the flora surveys did not occur within the flowering period for many of these species. In addition, of the flora recorded during the targeted flora surveys, some were not able to be identified to species level and some have a level of uncertainty associated with the species identification. Of these, there are several that may have the potential to represent Threatened flora listed as potentially occurring within the proposed clearing area."

In the next paragraph it is stated that:

"Further advice was sort[sic] from the Applicant who provided an analysis, conducted by senior botanist at the WA Herbarium, on the likely occurrence of Threatened and Priority flora known to occur in the vicinity of the application areas and the reliability to locate them in a November survey (Coterra Environment 2019b). This analysis determined that the surveys conducted were conducted



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during a time period that was sufficient to identify priority and threatened flora that may occur within the application area"

Additional details, perhaps evident in the s106 report, may provide a resolution for what appears to be conflicting advice. Pertinently, was the timing indeed adequate to identify all priority and threatened species? We also note that the list of species given in section 3.2.1 does not include all those listed in the search results of Matters of National Environmental Significance (Coterra Environment 2019). The MNES list also includes species (such as orchids) that can only be identified with certainty when flowering. This is critical when assessing whether the timing of the survey was adequate.

Conclusion

The WSWA finds several anomalies and shortcomings with the granted permit. We contend that greater demonstration of minimisation is required to be presented, offset areas need to be recalculated, clearing, rehabilitation and revegetation conditions need amending, and further information is required to demonstrate that all conservation-significant flora and habitats have been found through in-situ survey in the appropriate flowering season in the areas to be cleared.

The Wildflower Society would be prepared to meet on site with the proponent to discuss our concerns and suggest alternatives.

Yours sincerely



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

References

Coterra Environment (2019). ROALIM02: Supplementary Information

Commonwealth of Australia (2013), Matters of National Environmental Significance: Significant impact guidelines 1.1