

Referrals Gateway

Governance and Reform Branch

Department of the Environment

GPO Box 858

Canberra ACT 2601

10 March 2022

To whom it may concern,

**Re: Referral: EPBC 2021/9141 – Smiths Beach Project, Yallingup – Coastal Tourism Village.**

The South West Capes Branch of the Wildflower Society of Western Australia believes that the above proposal is a controlled action, requiring assessment under the EPBC Act. There are two clear triggers requiring assessment – (1) *Significant negative impact on Listed Threatened Species and Ecological Communities* and (2) *Significant negative impact on Listed Migratory Species*, with further details below.

The proposed development includes clearing of 18.46 ha of native vegetation and will have significant impact on a number of matters of national environmental significance, including:

- Western Ringtail Possum (Critically Endangered) – clearing of 12.37 ha of habitat;
- Baudin’s Black Cockatoo (Endangered) - clearing of 4.41 ha of foraging habitat;
- Carnaby’s Black Cockatoo (Endangered) – clearing of 4.41 ha of foraging habitat;
- Forest Red-tailed Black Cockatoo (Vulnerable) – clearing of 0.41 ha of foraging habitat;
- Whimbrel (*Numenius pheopus*) – (Migratory)
- Osprey (*Pandion haliaetus*) – (Migratory)

The Spring Flora and Vegetation Assessment (Emerge & Associates, March 2019) included a reconnaissance visit on 17 August with detailed survey carried out from 26-28 November 2018. This timing is not in accordance with the Environmental Protection Authority (2016) Technical Guidelines – Flora and Vegetation Survey for Environmental Impact Assessment, Western Australian Government. EPA December 2016. Generally, these assessments are undertaken within five years of the proposed development. The assessment is already four years old, with

proposal implementation estimated to be 2022 to 2032. We believe that an updated assessment is required, with appropriate timing, to accurately record the potential occurrence and impacts to flora of national environmental significance within the Site.

The flora survey is not within the optimal recommended time for terrestrial orchids. As such, it should be assumed that the Threatened orchid species known from the region are present within the site, as a robust evaluation has not been undertaken to support the case that these species are absent (Draft Survey Guidelines for Australia's Threatened Orchids, Department of the Environment, 2013). These include:

- *Caladenia busselliana* – (Endangered) – peak flowering mid September to October;
- *Caladenia caesarea* subsp. *maritima* – (Endangered) – August to early September;
- *Caladenia excelsa* – (Endangered) – peak flowering late September to early November;
- *Caladenia huegelii* – (Endangered) – peak flowering mid September to October;
- *Caladenia viridescens* – (Endangered) – peak flowing mid September to late October.

The Flora, Fauna and Vegetation assessments have also identified a number of other Threatened species that potentially occur within the site.

The Leeuwin-Naturaliste Ridge Area will also be impacted by the proposed development, with the proponent failing to identify this matter of national environmental significance, National Heritage place, at Section 2.2 of the EPBC Act referral.

This level of impact to matters of national environmental significance is not acceptable. The development footprint should be significantly reduced to ensure that these federally protected species and places are not significantly impacted.

Kind regards

On behalf of

South West Capes Branch

Wildflower Society of Western Australia