

# Response ID ANON-68N4-M7MC-4

Submitted to Smiths Beach Project, Yallingup – Coastal Tourism Village  
Submitted on 2022-05-09 18:21:58

## Introduction

1 What is your name?

Name:

2 What is your email address?

Email:

3 What is your organisation?

Organisation:

Wildflower Society of Western Australia

4 What is your postal address?

Postal address:

P O Box 519  
Floreat WA 6014

5 Preferred option for decision by the EPA

Assess - Public environmental review

6 What are the reasons for your preferred option for decision of the EPA?

Reasons:

The following reasons have driven that recommendation:

1. There is a significant public interest in this proposal that has arisen from a variety of proposals that have been put forward for this area over the last 40 years.
2. The proximity of the proposal to the coast and the adjacent national park will place an increased localised burden on the national park and lead to demands for other facilities within the national park (such as mountain bike trails and access to surf breaks) that do not currently exist and will increase the environmental impacts in the area.
3. The flora in the area is not well understood and its reaction to land-use change needs to be able to be predicted accurately to determine the environmental impact of the proposal.
4. The proponent states clearing of 7.32 ha of native vegetation and modification of a further 11.14 ha as part of the proposed development. During direct consultation with the proponent, we were advised that protection in perpetuity of the modified vegetation would occur via a Community Development Statement (CDS), issued under the Community Titles Act 2018.
5. We have received advice from the DPLH that the CDS does not remove a landowner's obligations under other legislation, for example, the Bush Fires Act 1954. Therefore, we do not believe that the CDS in any way protects the vegetation in perpetuity, as landowners still must comply with the Firebreak Notice issued by the City of Busselton under Section 33 of the Bush Fires Act 1954. The CDS is enforceable for the 10 year development period, after which the WAPC can declare that it will cease to exist and will no longer be given any weight for decision making. It is therefore essential that the entire 18.46 ha be considered cleared as part of this application.
6. The Bushfire Management Plan should be made publicly available, to provide the community with some idea of the level of 'modification' the proponent is proposing and how it can be guaranteed that future landowners do not clear the vegetation to a far greater extent, as allowed under the Bush Fires Act. In addition to clearing for bush fire, areas that have been declared a Conservation Area (Public Open Space 2) are directly downslope of the onsite sewage disposal, which has previously been noted as an unsuitable option by the EPA and will have direct impacts on the surrounding vegetation. This area should not be included as an area of conservation and should be included as an area of modified vegetation.
7. The proposal has unacceptable impacts to regionally significant vegetation. Beard et al., (2013) mapping show Chapman 37 vegetation association across the majority of the project area. DBCAs 2018 vegetation statistics show that only 291.97 ha of this vegetation complex remains, with a minimum of 1500 ha retention recommended (Molloy, 2007). It appears that over 11 ha of this vegetation complex will be cleared, being nearly 4% of the remaining extent. Chapman 990 has only 293.36 ha remaining, well under the 1500 ha recommended (Molloy, 2007). Havel and Mattiske's (2000) vegetation complex mapping records Wilyabrup (We) with only 105 ha remaining across the majority of the development envelope. Maunsell & Partners Pty Ltd, 1987 also recorded a number of regionally significant vegetation units that will be cleared as part of the development. Two Priority Ecological Communities occur directly adjacent to the proposed development, with 0.24 ha of the 'Low shrublands on acidic grey-brown sands of the Gracetown soil-landscape system' PEC proposed to be cleared. The proposal will have direct impacts on both of these PEC occurrences, with increased residents and tourists trampling vegetation and the 'edge effect' causing degradation in particular from weed infiltration.
8. The spring flora survey was conducted on 26 – 28 November 2018, which is not in accordance with the EPA's technical guidelines and the survey is already four years old. The timing of the survey was also outside the optimal recommended time for terrestrial orchids and as such, it should be assumed

that these species may remain undetected within the proposed development area. Additional targeted flora surveys should be completed during the peak flowering period of likely Threatened species to adequately document their potential occurrence within the development footprint. *Stylidium brunonianum* was recorded during the flora survey, with an occurrence at Smiths Beach being well outside the known range of this species. It should be confirmed whether this identification should in fact be of allied taxa *SDtylidiumnt* footprint. *Stylidium brunonianum* was recorded during the flora survey, with an occurrence at Smiths Beach being well outside the known range of this species. It should be confirmed whether this identification should in fact be of allied taxa *Stylidium lowrieianum*, a Priority 3 species. WSWA considers the flora and vegetation survey of this area should be conducted in each of the 4 seasons as a number of species in the area are known to flower in periods outside the period in which current surveys occurred, particularly orchids and some Proteaceous species.

9. The proposal also has unacceptable local impacts that threaten Western Ringtail Possum, a threatened species declared as a matter of Environmental Significance under the EPC Act.

10. The proposal includes a number of elements that will disturb the local dune system and shoreline. Access to the beach is currently limited to defined accessways and walkways established and fenced to limit the spread of paths and tracks.

By checking this box you are consenting to your comments being used to inform the EPA's decision on whether to assess this proposal and, if so, the level of assessment, and understand that your comments and / or any part of your submission may be made public. If you wish your comments and / or any part of your submission (i.e. name and contact details) to be treated as confidential, please make a specific request in your submission. It is important to note that a request for confidentiality does not make your submission automatically exempt from disclosure. While the department will use its best endeavours to comply with your request, your submission (or part thereof) may still be disclosed if required under the Freedom of Information Act 1992, for procedural fairness purposes or under any other applicable law. :

Yes