



WILDFLOWER SOCIETY OF WESTERN AUSTRALIA (Inc)

18th December 2023

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

CPS 10049/1 Purpose Permit. Shire of Yilgarn clearing 24.9ha (115.38 ha clearing footprint) of native vegetation for road construction and sourcing of construction materials. Decision Date of Approval: 29 November 2023.

The Wildflower Society of Western Australia (the Society) submits this appeal in response to the proposal of CPS 10049/1 based on the lack of information provided and subsequently, the inadequate assessment against the ten Clearing Principles. The vegetation in this proposal is of high biodiversity value, with vegetation in predominantly 'Pristine' condition, contains State and Federally protected species and communities, and therefore it is imperative that the appropriate level of investigation and assessment is conducted.

Despite the DWER delegate officer acknowledging the high levels of biological diversity, *"Given the above, the application area and surrounds is considered to have a high level of biodiversity."*, Western Botanical has incorrectly concluded that this proposal is not at variance to Clearing Principle A, yet contradicted themselves when they correctly assessed that this proposal was at variance with Clearing Principle D; as it requires clearing of the Eucalypt Woodland TEC and is listed as Critically Endangered under the EPBC Act. Further stating that *"Complete species lists are yet to be calculated and finalized."* (WB1003. S4.), where it states under the Principles as defined in the National Strategy for the Conservation of Australia's Biological Diversity (Commonwealth of Australia, 1996) which the EPA *"will have regard for these in undertaking its role,"* "(Principle 5.) *Lack of full knowledge should not be an excuse for postponing the action to conserve biological diversity."* Despite the abundance of knowledge and evidence that is available to support the high level of biodiversity which is present in this proposal such as,

- Federally protected TECs;
- State listed PECs;
- Priority Flora;
- ESAs
- Significant Flora and;
- SOI Flora

Western Botanical has admitted to the lack of information available for proper assessment, and therefore their own decision for Clearing Principle A should be dismissed and reassessed. It seems unlikely that this proposal has been assessed using the recommended document, A guide to the assessment of applications to clear Native Vegetation, where it states *"Priority flora and other significant flora such as uncommon or range-restricted species are another measure of biodiversity values and should be considered under this principle. Similarly, priority ecological communities provide a measure of biodiversity for ecological communities. The presence of significant flora or priority ecological communities is indicative of environmental values worthy of protection and a higher level of biological diversity than might typically be expected in an area."*



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Clearing Principle C has also been incorrectly assessed, as it is almost certain that this proposal will negatively impact Threatened species *Banksia dolichostyla*, whether that be indirectly and/or directly. Threatened Flora (TF) (a subset of Rare Flora) should have a buffer zone implemented as a minimum to protect these species from the proposal's indirect impacts. The edging effect and erosion from road construction will affect the identified TF which is in close proximity to the proposed works. A condition should be added to the approval permit which includes a researched and appropriate buffer surrounding the Threatened individuals. It is important to note, that while the proponent may advise there are no plans to 'take' any TF individuals, the proposal is still to remove the habitat for TF, and in doing this drastically diminishing the area which TF can survive.

Work undertaken by Dr Tom Hatton demonstrated that removal of any deep-rooted vegetation in the Wheatbelt results in, as a minimum, localised rises in the water table. The alteration in water table levels has subsequent effects on the salinity in the region which will result in the creation of salt lakes, and further land degradation; thus this proposal is seen to clearly be at variance with Clearing Principle F; G and; I.

Clearing Principle H has been inadequately addressed in both WB1003 and the Decision Report. CPS 10049/1 directly intersects with Jilbadji Nature Reserve which supports a highly biodiverse ecosystem, yet very little concern has been given to the impact by this proposal. Western Botanical states that the proposal "*should not impact directly on the Jilbadji NR*" and therefore is not at variance. It is not stipulated that impacts resulting from a proposal's activities must be '**direct**' instead of '**indirect**' to find it at variance with any Clearing Principles. DEC states "*This principle (H) aims to ensure that the **conservation values of conservation areas are not reduced as a result of native vegetation clearing.***". If this project removes vegetation acting as a buffer on the western boundary between the cleared land (road) and the nature reserve, then the effects of new clearing will encroach on the reserve causing a reduction as a result from this proposal; this principle clearly needs to be re-assessed.

Three areas referred to as 'Environmentally Sensitive Areas' (ESAs) occur along the road alignment. As such this project should be referred to the EPA as per the EPA referral guidelines. Areas of the roadside vegetation are also described as TEC/PEC "Eucalypt Woodland of the Western Australian Wheatbelt" and have protection under Federal and State legislation. The Federal Conservation Advice requires protection of the TEC be a priority action. Advice of protection of the TEC should be sought from DCCEEW prior to making any decision on this permit.

It is evident throughout Western Botanical's report that their assessment is not final and is lacking critical information to be able to confidently assess this proposal. "*At this stage, there is insufficient representation of quadrats to enable a meaningful statistical analysis to be undertaken*" (WB1003, S3.2.5.), and acknowledging that the report submitted for public consultation and assessment was an interim report; "*Ten quadrats had not been assigned to a Vegetation Association at time of*



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preparation of this Interim report.” (WB1003, S3.2.4.). A proposal of such significance must have the appropriate information collected and presented for a comprehensive assessment to be made, the Society requests that this proposal is referred to the EPA for review where this information must be submitted.

The permit document and the application form states (CPS 10049/1) *“The permit holder is authorised to clear native vegetation for the purpose of road construction and **sourcing of construction materials.**”* (Part I. 1.). However, it is not evident in any attached documents where any sourcing of construction materials is proposed. This information is a necessity to proceed with the assessment on environmental values and must be provided. The Society rejects the proposal that any road construction materials are sourced from vegetated areas, and must be sourced from the surrounding, highly cleared most likely rated as ‘Completely Degraded’ agricultural land. **Further clearing of native vegetation should not be permitted to source materials for this project.**

The Society aims to ensure that Western Australia’s unique and biodiverse environment has sufficient protection in the event it is proposed to be cleared, and after reviewing CPS 10049/1 we have determined that the level of information and assessment has been insufficient to warrant this proposal’s approval and ask that it is overturned and dismissed. While it is attempted in the proposal documents to say that reduction in biodiversity, vegetation, and habitat will be for the majority minimal, the neighbouring IBRAs are evidence of what excessive clearing results in and has caused population decline in hundreds of species as well as extinction. The Society is striving to protect remnant vegetation and prevent history repeating, so future generations can enjoy what we have.



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

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References

- DEC. A guide to the assessment of applications to clear native vegetation (under Part V of the Environmental Protection Act 1986).
https://www.der.wa.gov.au/images/documents/your-environment/native-vegetation/Guidelines/2guide_assessment_native_veg.pdf
- DWER. (2023). Clearing Permit Decision Report.
- EPA. (2000). Environmental Protection of Native Vegetation in Western Australia Clearing of Native Vegetation, With Particular Reference to The Agricultural Area, Position Statement No. 2. ISBN 0 7307 6626 8.
- EPA. (2002). Terrestrial Biological Surveys as An Element of Biodiversity Protection, Position Statement No. 3. ISBN 0 7307 6674 8.
- Western Botanical. (June 2023). Interim Detailed Flora and Vegetation Assessment, Moorine Rock to Mt Holland Road Alignment Southern Section, Parker Range to Mt Holland. Report Ref: WB1003.