



WILDFLOWER SOCIETY OF WESTERN AUSTRALIA (Inc)

20 August 2024

Native Vegetation Regulation

Department of Water and Environmental Regulation

Locked Bag 10

Joondalup DC, WA 6919

By email: info@dwer.wa.gov.au

Submission on CPS 105GG - Lot 10G8 Fernhill Road, Dingup

The Wildflower Society of WA (hereafter referred to as the Society) is opposed to the clearing as proposed in the application, due to the extent of clearing of native vegetation proposed and inadequacy of the flora and vegetation survey provided.. Although a Forest Management Plan (hereafter referred to as the Management Plan) has been provided, there is insufficient assessment of ecological impact, including to the native flora, fauna and vegetation within the clearing area, as well as to adjacent forestry reserves and parks. More detail within the application on nature of the forest, its flora and fauna composition in the proposed clearing area must be provided, along with risk mitigation strategies, all of which should be in line with current science and all applicable Statutory Conservation Planning Documents.

Our concerns are summarized below, with further detail to follow:

- Impact to 80 ha of native vegetation, including habitat for threatened fauna, as well a potential for conservation significant flora and vegetation.
- Lack of clarity as to how the impact to Matters of National Environmental Significance (MNES) will be determined. As this application is within the Regional Forest Agreement (RFA, 2019) area, it is our understanding that the clearing is exempt from assessment under the EPBC Act, and that MNES must be assessed and protected through the Western Australian planning system, as agreed in the RFA, including taking into account relevant Commonwealth principles, policies and plans.
- Terrestrial fauna, flora and vegetation surveys to the standard required under the Environmental Protection Act 1986 (WA) ('EP Act') have not been completed.
- The applicant has provided a simplistic and short Management Plan to justify the proposed clearing and degradation. The use of the term 'ecological thinning' to describe



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this application is not in line with Western Australia's Forest Management Plan 2024 - 2033 (hereafter referred to as the FMP), and this application should be considered logging for commercial purposes.

- We have noticed several Clearing Permit applications of this nature, and we are concerned that they are a deliberate strategy to circumvent logging restrictions by using inaccurate and outdated forest management proposals.

A significant area of native vegetation (80 ha) will be logged as part of this proposal. No ecological surveys have been completed, to document the presence and distribution of flora, fauna and vegetation across the proposed clearing area. Within a 10km radius of the clearing area, a basic desktop assessment¹ has identified:

- One Threatened Ecological Community;
- Three Threatened and 21 Priority Flora species; and
- Thirteen Threatened and 10 Priority or otherwise protected fauna species.

Appropriate desktop and field based surveys, to the standard required by under the EP Act, are required to determine the likelihood, presence and distribution of the conservation significant flora, fauna and vegetation within the site. From our knowledge of the area, there is likely impact on the Critically Endangered Western Ringtail Possums and their habitat, as well as the three Threatened Black Cockatoo species. There is likely occurrence of several other Threatened fauna species within or frequenting the site, including Numbats, Woylies, Chuditch and Quokka, and impact to them and their habitat is also probable. With no ecological surveys, the likely and potential impacts of this application cannot be determined, and we urge DWER to require further survey to the appropriate standard.

As this lot is zoned Priority Agriculture under the Shire of Manjimup's Local Planning Scheme, there is no requirement for the proponent to submit any applications on a local level. The lot also falls within the RFA area, and it is our understanding that the application is therefore exempt from requiring approvals under the EPBC Act. The Disturbance Approval System (DAS) is used to assess impacts of planned disturbance activities (such as ecological thinning) on CALM Act lands

¹ Based on extracts from the Department of Biodiversity, Conservation and Attractions (DBCA) Dandjoo Database and the Commonwealth Environmental Protection and Biodiversity Conservation (EPBC) Protected Matters Search Tool (both accessed 9 August 2024)



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(FMP, 2024-2033), including considerations of populations and occurrences of threatened species and communities. It is however unclear how MNES are assessed on private properties, which are part of the RFA but not assessed under the DAS. Does DWER take responsibility for Western Australia ensuring that 'its Forest Management System provides for the protection of Matters of National Environmental Significance and will consider relevant Commonwealth principles, policies and plans', as listed as a requirement under 'Functioning of this Agreement' in the RFA (2019)?

The property lies at an agriculture-forest interface, with connectivity to an extensive area of remnant native vegetation to the south, east and west, the majority of which is managed by the Conservation and Parks Commission (CALM Act Lands). Consideration of the impact of this proposal on adjacent vegetation should be reviewed, in particular nesting, foraging and associated native fauna activities.

Why this proposal is not Ecological Thinning

One of our biggest concerns is the use of the terminology 'Ecological Thinning' to define this application, as well as other similar applications we have been seeing from the RFA area. We are concerned that this terminology is an attempt to circumvent logging restrictions. The proposal description describes the action to be taken as "ecological thinning" without defining what the objectives, actions and outcomes of that procedure entails. The proposed action should be fully discussed as part of the proposal to allow the assessing officer to fully understand what is proposed and not have to make assumptions regarding this matter. Variances with the Forest Management Plan 2024 -2033 should be explained and justified.

This proposed clearing application places undue risk on both the land in question and the adjacent vegetation within State Forest, private properties and other reserves, through increased risk of fire, disturbance of both animals and plants and disruption of the natural redevelopment cycle of these forests, through natural thinning and understory selection processes. These risks and issues are underscored by the increased science driven understanding of forest biology.

(See: Australian Forestry 2005 Vol. 68 No. 2 pp. 87-93. Functional Ecology. 2023;37:1350-1365. Environ. Res. Lett. 17 (2022) 044022. PLoS ONE 11(8): e0160715.doi:10.1371/journal.pone.0160715).

There is no oversight of the Management Plan, impact risks and heightened risks to adjacent State Forest, National Parks and other vegetated areas is not addressed, both fire risks and flora and



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fauna risks. It is unclear how the impact to federally listed fauna, flora and vegetation, or other Matters of National Ecological Significance, will be assessed and managed. Including impacts to extensive foraging and breeding habitat of the Western Ringtail Possum and three Threatened Black Cockatoo species.

The Shire of Manjimup zoning data indicates that the land (379 Ladycroft Road) is zoned by Local Planning Scheme No. 4 as "Priority Agriculture" and planning approval for clearing of vegetation is not required, and that silviculture thinning does not require local government planning approval (Shire of Manjimup, 2020). The Shire is unlikely to be given the opportunity to assess or comment on the proposed clearing.

No Aboriginal sites of significance have been mapped within the application area. It is the permit holder's responsibility to comply with the Aboriginal Heritage Act 1972 (WA) and ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

In addition to the matters considered in accordance with section 510 of the EP Act (see Section 1.4), the Delegated Officer has also to have regard to the objects and principles under section 4A of the EP Act, particularly:

- the precautionary principle
- the principle of intergenerational equity
- the principle of the conservation of biological diversity and ecological integrity.

Other legislation of relevance for this assessment include:

- Biodiversity Conservation Act 2016 (WA) (BC Act)
- Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act)
- Regional Forest Agreements Act 2002 (Cth)
- Export Control Act 1982 (Cth)

The key guidance documents which inform this assessment are:

- A guide to the assessment of applications to clear native vegetation (DER, December 2013)
- Procedure: Native vegetation clearing permits (DWER, October 2019)
- Technical guidance - Terrestrial Fauna Surveys for Environmental Impact Assessment (EPA, 2016)
- Regional Forest Agreement for the South-West Forest Region of WA



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- Forest Management Plan 2024-2033 (Conservation and Parks Commission of Western Australia, 2023)

Having considered the absence of detail provided with the application, the Society believes that the applicant has not provided adequate information on the impacts within and around the area to be “ecologically thinned” to allow for a proper assessment of the proposed action. The Society considers that the proponent should, at least be requested to provide the additional information required, to the standard set out in the EP Act and associated Guidelines. Advice as to how impacts to MNES within the proposed clearing area will be assessed, and mitigated need to be provided. The Society opposes the proposed clearing due to the size and extent, especially considering the complete lack of information provided as to the likely ecological impacts and proposed mitigation strategies.

Thank you for the opportunity to provide feedback, if you have any questions about our submission please contact us using the details below.

Regards,



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