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8 January 2025

Department of Water and Environmental Regulation

NCMRR SUBMISSION ON CLEARING PERMIT APPLICATION CPS 10828/1: LOT 1002 ON DEPOSITED PLAN 419056, FOREST GROVE

Nature Conservation Margaret River Region (**Nature Conservation**) is the peak non-profit community-based environmental organisation working on the key environmental challenges facing the southwest of Western Australia. Nature Conservation has more than 3000 local supporters (including members, donors, active volunteers, businesses and project partners/participants). We advocate for best practice environmental land use and management for the natural environment in our region.

Thank you for the opportunity to comment on this application. Our recommendations and concerns are set out below.

General principles

The above clearing permit application is situated in Australia's southwest, an area that has been identified as one of 36 global biodiversity hotspots. Biodiversity hotspots are regions with exceptionally concentrations of endemic species - species found nowhere else on Earth – and are undergoing an exceptional loss of habitat. These areas are critical for global biodiversity conservation due to their unique ecological significance and the extent of loss already sustained (Mittermeier et al., 2011; Myers et al., 2000). As stated, in order to qualify as a global biodiversity hotspot, the region in question must have had significant loss of habitat and that habitat be under threat, which is a key factor in the critical importance of preserving the remaining biodiversity assets in southwest WA.

Climate change is already having a warming and drying impact on our southwest region. Given these threatening processes are already occurring, and the likelihood that the entire hotspot region will become a significant refugia in years to come, it is vital that we take all steps possible to protect and conserve the remaining vegetation and wildlife and protect them from unnecessary harm.

For these reasons, we believe the precautionary principle (Environmental Protection Authority (WA), 2016) should be applied in considering the potential environmental impacts that may occur as a result of this proposed project.

Summary of recommendations

Our comments and recommendations, as discussed in detail below, are:

1. The vegetation type and number of trees should be assessed for the precise area the subject of the permit application. The present application contains assessments that relate to a much larger area.

2. Any known foraging habitat for black cockatoos should be retained.
3. The mitigation hierarchy should be properly applied, including provision of evidence to support any claims made and an offset proposal to the extent that the hierarchy has been fully applied and still results in clearing.
4. Additional threatened species assessment should be made for [SPECIES].
5. Fragmentation impacts from the proposed clearing should be addressed.
6. The impacts of the proposed clearing on natural hydrological processes should be addressed.
7. If the permit is to be granted it should be subject to an appropriate offset condition.

Reasons for our recommendations

1. Insufficient information on vegetation type and number of trees.

There is a significant mismatch between land area proposed to be cleared and land area that has been assessed for threatened species. The proposal is for an area of land comprising 1.2792ha (see Application Form, p6) (**'Revised Area'**) whereas the threatened species assessments relate to an area of land comprising 3.7ha (see Black Cockatoo Habitat Assessment dated January 2024, p1 and Figure 2; and the White Bellied Frog Survey dated January 2024, p4 and Figure 2) (**'Assessed Area'**). Although we assume the Revised Area is encompassed within the Assessed Area, this mismatch makes it difficult to understand the information provided in the assessments on the type of native vegetation to be cleared, or the number / species of trees, since we are unable to determine which vegetation referred to in the Assessed Area applies to the Revised Area. In addition, there is no information on the number of trees to be cleared in section 5 of the Application Form. In our view, new vegetation, tree count and species assessments should be carried out to cover the Revised Area only.

2. Cockatoo foraging habitat should not be removed.

The applicants' Black Cockatoo Habitat Assessment dated January 2024 records clear evidence of black cockatoo foraging activity in the Assessed Area, stating that: *'It has been estimated that the survey area contains about 1.7 ha of quality foraging habitat (based on canopy coverage) given the dominance of marri'* (p9). Given the lack of mismatch of areas as noted above, we must assume that the evidence of black cockatoo foraging activity also applies to the Revised Area. On this basis, we infer that the proposed clearing will remove up to 1.3ha of quality foraging habitat for black cockatoos.

In our view, this is an unacceptable impact. As the southwest climate continues to deliver hotter and dryer summers, the provision of reliable foraging sources for black cockatoos becomes increasingly important. One of the key impacts that has been observed resulting from the recent dry summer in Perth is the consequent lack of food for cockatoos. Emaciated cockatoos have been brought in large numbers to Perth zoo and wildlife centres necessitating urgent rehabilitation. With a drying climate it is reasonable to expect this food source reduction to extend to the southwest. For this reason, and with a proper application of the precautionary principle, it is vital to ensure that black cockatoo foraging habitat is retained for the future, to support cockatoo survival in a drying climate.

3. Lack of evidence of mitigation hierarchy application.

In section 6 of the Application Form the applicants state that the dam size and clearing areas have been halved. We assume this relates to the Revised Area and Assessed Area discrepancy as noted above. On this assumption, we note (and commend) the reduction of proposed clearing area from 3.7ha to 1.3ha.

However, the mitigation hierarchy requires further steps than simply a reduction in scope. We can see no evidence of any other steps taken in accordance with the mitigation hierarchy. For example, the applicants state that they are still retaining significant native vegetation on the property, but there is no evidence of the extent, type or condition of this retained vegetation, nor any indication that it will be retained into the future. Similarly, the applicants state they have rehabilitated riparian vegetation over the last 10 years, but we cannot see any evidence supporting this statement in the application.

In addition, we consider that some thought should have been given to placement of any additional dam in a location that is already cleared. The proposed dam is located adjacent to the existing dam and in a pocket of well-vegetated land, whereas much of the area surrounding the existing dam is already cleared. The application form refers specifically to provision of engineering and other documents to support solutions that avoid clearing, with explanations for why these were not appropriate. However, no evidence has been provided of any consideration of alternative locations for the new dam.

Finally, we see no evidence in this application of any efforts designed to restore or offset the proposed clearing, to address the environmental impacts of the clearing. We would expect that an offset proposal would be a necessary part of this application, but this has not been proposed.

4. Inadequate threatened species assessments.

The application includes assessments for black cockatoos and white bellied frogs, but no other species are assessed. Based on our understanding of the local area, we consider that certain other threatened species are likely to be present and should be properly assessed prior to any clearing permit being given. For example, Western Ringtail Possums (*Pseudocheirus occidentalis*) is well documented to occupy riparian vegetation within the region and

5. Fragmentation of the landscape.

The proposed area of native vegetation to be removed will create fragmentation between the vegetation adjacent to the Chapman Brook and pockets of vegetation on the other side of the proposed dam. This reduced ecosystem connectivity will cause a number of negative impacts on native species particularly as it will reduce access the Chapman Brook. Local species populations are likely to be reduced or eliminated as a result. This fragmentation impact has not been addressed in the application and should be addressed to properly assess the impacts of the proposed clearing.

6. Impact of clearing and dam construction on downstream vegetation.

It is noted that the Hydrological modelling under some scenarios suggests that the dam will intercept up to 100% of the local catchment flow. It appears that the modelling did not include the recent 2024 Summer Autumn Big Dry data and therefore probably underestimates the impact the dam would have had in a year such as 2024. The impact on downstream riparian vegetation (and consequently habitat values and impact on wildlife) is likely to be significant and does not appear to be adequately considered in this assessment. We recommend that a precautionary approach should be taken and the worst case scenario under not only dry years such as 2024 be considered but the drier conditions forecast for the coming decades should be modelled and the basis of decision making. Making permanent decisions based on historical data when modelling suggests a drying climate appears flawed. With a drying climate and reduced rainfall associated with climate change impacts in this area, natural water resources need to be managed in a sustainable way. We are concerned that the cumulative impacts of native vegetation clearing and dam expansion could exacerbate downstream water losses and cause greater harm in the longer term.

7. Proposed conditions if clearing is permitted.

In the event that this clearing application is allowed, we strongly recommend that it is a condition of any permit that the applicant undertake offset revegetation of an equivalent or greater area, and that the revegetation plan addresses the fragmentation resulting from the proposed clearing as well as the long term replacement of any foraging or habitat lost as a result of the clearing. Revegetation carried out should also be formally protected for the future, by way of a conservation covenant or other equivalent legal instrument.

We would be happy to discuss our comments and recommendations with the applicants or DWER. Please feel free to contact Drew McKenzie to arrange a meeting.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read 'D. McKenzie', is placed over a light blue rectangular stamp.

Drew McKenzie
General Manager
Nature Conservation Margaret River Region

REFERENCES

- Environmental Protection Authority (WA). (2016). *Statement of Environmental Principles, Factors and Objectives*.
- Mittermeier, R. A., Turner, W. R., Larsen, F. W., Brooks, T. M., & Gascon, C. (2011). Global Biodiversity Conservation: The Critical Role of Hotspots. In *Biodiversity Hotspots* (pp. 3–22). Springer Berlin Heidelberg. https://doi.org/10.1007/978-3-642-20992-5_1
- Myers, N., Mittermeier, R. A., Mittermeier, C. G., da Fonseca, G. A. B., & Kent, J. (2000). Biodiversity hotspots for conservation priorities. *Nature*, 403(6772), 853–858. <https://doi.org/10.1038/35002501>