

Regional Development Assessment Panel (DAP)
City of Busselton
Locked Bag 1
Busselton WA 6280

12 June 2026

To whom it may concern,

SUBMISSION ON DAP APPLICATION DA26/0209 — INDUSTRY - EXTRACTIVE (SAND) — LOT 4 (2774) CAVES ROAD, YALLINGUP

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.

This submission outlines significant environmental and planning concerns regarding the proposal to extract 453,215m³ of sand over a five-year period from the above site.

Executive summary

The site that is the subject of the above application is located within the Leeuwin Naturaliste Ridge area, a location highly valued for its natural values and remoteness. It is identified as a priority for conservation. The proposed development is in direct conflict with the orderly and proper planning of the area, including the local planning scheme and State and local government policies, which are designed to protect the area from inappropriate development.

Extraction operations will impact the natural landscape attributes of subject land, the environment in local and regional contexts (including impacts on water quality, flora and fauna), and the wellbeing of people who come to the area for a wilderness experience.

In our view, the application should be refused as it is an inappropriate development for this area and has fundamental inconsistencies with the relevant planning instruments and landscape and conservation policies.

In the event that the Development Assessment Panel (**DAP**) decides to approve this application, we recommend:

1. The groundwater buffer must be recalculated using true historical maximums (1999) rather than 2025 data.
2. Water use should be properly assessed and provided for, ensuring no degradation of local watercourses.
3. The proposed vegetation buffer along Wyadup Road should be increased from 2m to 30m to protect visual amenity, and provide a buffer from noise and dust.

4. Some paddock trees should be retained, wherever possible prioritising the retention of large trees, specifically the seven trees identified with hollows, especially Marri ID 8.
5. All clearing activities should take place outside of the cockatoo Spring breeding season.
6. Rehabilitation should include commitments to replacement tree planting, rehabilitation of the site to native vegetation and creekline restoration, rather than a return to pasture. Creekline restoration should be required to take place alongside the operation of the mine. Weed control post-mining is imperative.
7. An unconditional rehabilitation bond should be imposed due to the risk inherent in the proponent's asset-light corporate structure.
8. There should be consultation with local Indigenous custodians regarding hydrogeology and cultural significance for this area, as per SPP 6.1 PS 6.1.
9. The EPA should be informed of this application, given the wilderness location and potential for significant environmental impacts.

Discussion of Reasons

1. Planning context

The site that is the subject of the above application is located within the Leeuwin Naturaliste Ridge area, a location highly valued for its natural values and remoteness. It is identified as a priority for conservation. State Planning Policy 6.1 Leeuwin Naturalise Ridge Policy (1998) (**SPP 6.1**) applies to the subject site and underscores the significance of this area for conservation and the need for careful planning decisions that prioritise the environmental values of the Leeuwin Naturaliste Ridge.

We have identified the following planning instruments and guidance material as relevant to this application:

- [Planning and Development Act 2005 \(WA\)](#)
- [State Planning Policy 6.1 Leeuwin-Naturaliste Ridge \(SPP 6.1\)](#)
- [City of Busselton Local Planning Scheme 21 \(LPS21\)](#)
- [Manual on Visual Landscape Planning in WA \(2007\)](#)
- [Leeuwin-Naturaliste Landscape Assessment Study](#)
- [Leeuwin-Naturaliste Ridge Sub Regional Strategy](#)
- [City of Busselton Local Planning Policy 2.3 on Basic Raw Materials](#)

The proposed development is in direct conflict with the orderly and proper planning for this area, for the reasons we have set out below.

Consideration of the proposal against the requirements of orderly and proper planning

The proposed development is within the Rural Zone of the City of Busselton Local Planning Scheme 21 (LPS21) The objectives of this Zone are:

- a) To provide for the maintenance or enhancement of specific local rural character.*
- b) To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as viticulture and horticulture as primary uses, with other rural activities as secondary uses in circumstances where they demonstrate compatibility with the primary use.*

c) To maintain and enhance the environmental qualities of the landscape, vegetation, soils and waterways, to protect sensitive areas especially the natural valley and watercourse systems from damage.

d) To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses.

e) To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.

f) To provide for development and expansion of the viticultural, winemaking and associated tourism activities and other industries related to agricultural activities, in addition to general rural pursuits, in a manner that does not cause adverse environmental impact.

g) To provide for the extraction of basic raw materials, where appropriate.

The land which is the subject of this development proposal is covered by the landscape protection provisions of the LPS2 Clause 55 which states that:

Development in areas with landscape qualities of 'natural landscape significance', as identified by the Local Planning Strategy, shall maintain the existing natural aesthetic.

The removal of vegetation which contributes to the landscape qualities of natural significance is prohibited.

Where development may impact upon areas having landscape qualities of 'rural landscape significance', as identified by the Local Planning Strategy, development is to be sufficiently setback from boundaries to maintain existing open landscape and views from Visual Management 'Corridors'.

In our view, it is clear that the applicant's proposed form of extractive industry is not compatible with the objectives of LPS 21 relating to the protection and enhancement of the Rural Zone including the local rural character.

The proposed development will destroy much of the landscape character of the locality for a number of years, with permanent changes to the existing landform. The zoning objectives of LPS21 provide are to preserve the rural character and amenity. The application fails to meet those objectives.

Consideration of State and Local Planning Policies

The Leeuwin-Naturaliste Ridge Sub Regional Strategy states that the unique landscapes of the sub-region are inherently linked to the desirability and liveability of the area, and provide a significant enabler, attracting investment and income from tourism and agriculture, and creating an attractive place to live, work, visit and explore.

The landscape value includes vegetated areas, land cleared for agricultural uses, waterways and wetlands, and geological features including ridges, rocky outcrops, and caves.

State Planning Policy 6.1 Leeuwin-Naturaliste Ridge (**SPP 6.1**) identifies and protects exceptional landscape areas within the ridge area under six different classifications. SPP 6.1's statement of intent with respect to landscape in the ridge area amplifies its:

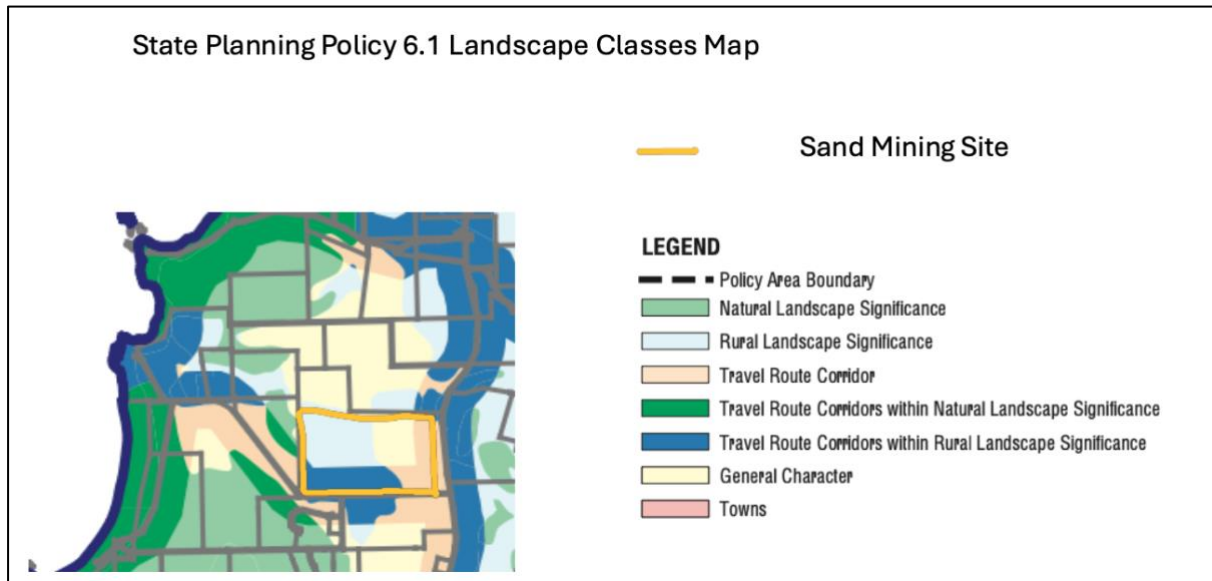
"Extraordinary landscape which is part of the nation's heritage. Its unique values will be conserved by land use strategies and development assessment processes, having particular regard for:

Protection of the natural character of the Leeuwin-Naturaliste Ridge, including the coastal and marine interfaces and areas of remnant vegetation.

Maintenance of the mosaic of land uses evident in existing agricultural areas, while providing for change in agricultural land uses, and

Recognition of the role and importance of human activity and its contribution to cultural landscape.”

SPP 6.1 identifies Landscape character units, and the figure below shows that the subject land is on the Travel Route Corridor (Wyadup Road) with Landscape Significance.

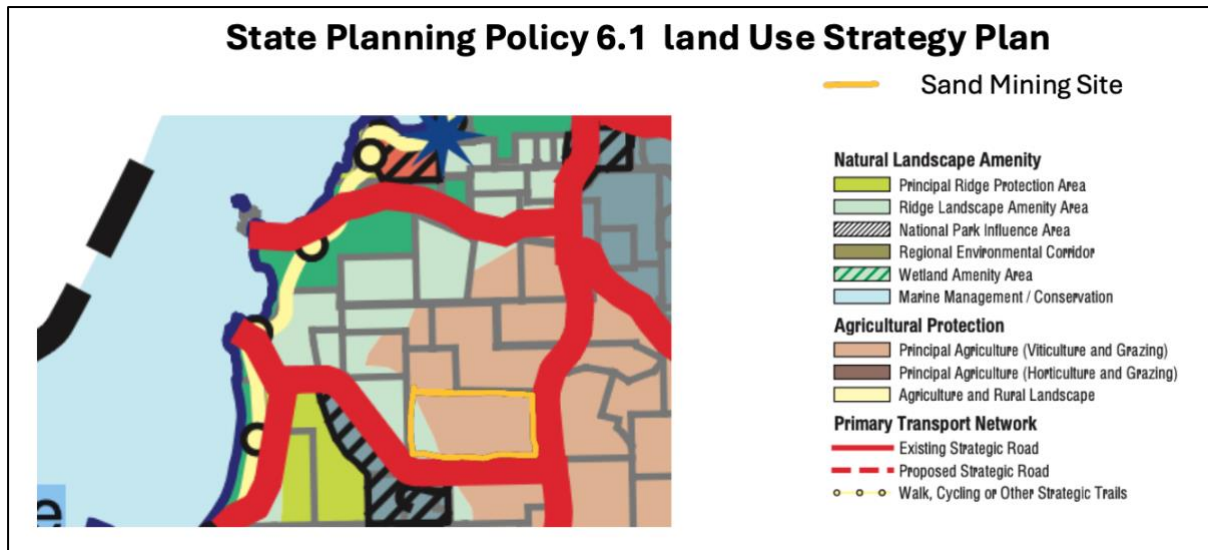


It is important to note that Landscape Classes Units map forms part of the Policy. The Policy then requires that:

PS 3.2 Development must be responsive to local values and be compatible with the natural characteristics and traditional settlement patterns of the area.

PS 3.3 Development will have due regard for the landscape integrity and value of Ridge backdrops when viewed from the coastline, bays, or Travel Route Corridors.

SPP 6.1 also includes a Land Use Strategic Plan shown below.



SPP 6.1 also has a policy statement on Mineral Resources and Basic Raw Materials:

- *The Statement of Intent is that minerals and basic raw material resources will be acknowledged in land use decisions;*
- *developed in a timely manner that has regard for development needs of settlements; and*
- *extracted **where consistent with the cultural, environmental and economic values of the policy area** and giving due regard to the State significance of the resource.*

The City of Busselton Local Planning Policy 2.3 on Basic Raw Materials aims are:

1. *To protect and maintain, wherever reasonable, the existing landscape character, productive agricultural land use and general amenity of the City by the appropriate location and operation of extractive industries.*
2. *To encourage the prudent use of basic raw materials, recognising that resources (gravel, sand, limestone and rock) are finite.*
3. *To control and minimise the operational impacts of extractive industry including dust, noise, spread of dieback, vibration, drainage and land clearing on neighbouring land uses by the application of development standards, conditions of approval and operational requirements.*
4. *To ensure that extractive industry does not have an unacceptable impact on the environmental attributes of an area and to the greatest extent possible, environmental attributes are improved or maintained during and at completion of the extractive industry operations.*
5. *To assist industry to assess the road impacts of their development proposals through a clear and transparent methodology which determines the impact of an extractive industry proposal on the City's road system, including safety issues and road upgrading requirements.*
6. *To encourage extractive industries in areas where the road infrastructure is compatible with the expected road usage resulting from the land use, or the road network can be upgraded by the proponent to meet appropriate standards prior to the use commencing.*

Local Planning Strategy

The City of Busselton Local Planning Strategy under section 10.1 (Theme 4) lists the objectives for environment, landscape and heritage as:

- a) *Protect and enhance the natural environment and biodiversity of the District.*
- b) *Manage environmental risks such as flooding, bush fire and coastal erosion.*
- c) *Preserve and enhance the natural, rural and urban landscapes of the District.*
- d) *Preserve Aboriginal and European historical and cultural heritage.*
- e) *Protect and enhance the visual character of the District by avoiding the further commercialisation of land-use and development visible from:*
 - i) *key public vantagepoints (e.g. scenic lookouts, trails) within National Parks and conservation parks; and*
 - ii) *regional roads, strategic local roads and travel route corridors (as defined in the Leeuwin- Naturaliste Ridge State Planning Policy); as well as providing, wherever possible and consistent with maintaining landscape and visual character values, screening landscaped buffers where development is being undertaken in locations visible from these sites, roads and travel routes.*

Leeuwin-Naturaliste Ridge Sub Regional Strategy

The Leeuwin-Naturaliste Ridge Sub Regional Strategy contains specific provisions in respect of sand extraction (section 12.4 Basic raw materials). This section includes clear reference to the requirement for such operations to be separated and buffered from other land uses, and that the existence of a raw material does not remove the obligation to identify and determine relevant environmental constraints:

Identification of significant geological supplies does not presume that extraction would be environmentally acceptable or that subsequent approval for extraction would be guaranteed. It does not remove the requirement of authorities or proponents to meet their obligations to identify those environmental constraints which may determine the extent and/or manner in which a proposal may be implemented which identified the main raw material deposits and estimated future demand.

Planning Assessment

The Planning and Development Act requires a decision maker (in this case the DAP) to have *due regard* to any State Planning or local planning policy. The question which must be asked is whether the proposed development includes cogent and legitimate reasons to consider departing from the policy? In our view, the DAP should not lightly depart from the explicit provisions of a State Planning Policy. The DAP is required to give proper and realistic consideration to the merits of this case.

We believe that the development should be refused if due regard to State and Local policies are considered. State planning policies require development to be “responsive to local values and be compatible with the natural characteristics and traditional settlement patterns of the area”.

The proposed development is going to result in the destruction of landscape character because it will remove the existing landscape that helps create the special landscape character of the area. The development will very negatively impact an area which has very strong landscape qualities of ‘travel route corridors within rural landscape significance’, as has been identified in State and local policies that require development to be sufficiently setback from boundaries to maintain existing open landscape and views from Visual Transport ‘Corridors’.

The City of Busselton Extractive Industry Policy acknowledges that basic raw materials are needed, but the location where they are taken from must be considered. Extraction is not favoured in an area such as the proposed location where there is a strong landscape character.

In our view, this form of development may be useful, but cannot be in this location as the adverse impacts clearly outweigh any benefits it might have.

Expectations of amenity protection

Extractive Industry is not a Permitted “P” use in the General Agricultural Zone. It is instead listed as an ‘A’ use in the use class table in LPS2, which means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising.

In considering the proposed development consideration must be given to its impact on the amenity of the locality including the:

- i) *environmental impacts of the development.*
- ii) *the character of the locality.*

Amenity can be seen as the sum of the expectations of the residents concerning the quality of their environment determined by the character of the area, its appearance, and the land uses.

Precautionary principle should be applied

Australia’s southwest 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 Leeuwin Naturalist Ridge area 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.

2. Biodiversity and habitat loss

The proposal requires clearing 25 mature paddock trees (0.25ha of native vegetation). Paddock trees can be an important ecological feature and their loss may result in negative environmental impacts (Gibbons & Boak, 2002). A targeted survey confirmed some of the paddock trees in this proposal were identified as foraging and potential breeding habitat for the Carnaby’s, Baudin’s and Forest Red-tailed Black Cockatoos, and the South-Western Brush-tailed Phascogale (See Works and Excavation Plan, Appendix 1, *Targeted Fauna Survey*). This known impact contravenes SPP 6.1 Policy PS 2.2 and 2.3, which establish a "general presumption against

clearing remnant vegetation" and mandate that clearing must not threaten rare or threatened fauna.

Despite identifying potential impacts on endangered wildlife as a result of removal of the paddock trees, the applicant makes no provision for any mitigation measures to offset the loss of the paddock trees and consequent endangered wildlife displacement. We recommend that the applicant should be required to undertake rehabilitation that includes measures to mitigate the anticipated impacts on endangered wildlife. We disagree with the applicant's suggestion that this consideration should be left to the conditions attached to a native vegetation clearing permit.

We recommend that some paddock trees should be retained, prioritising the retention of large trees, specifically the seven trees identified with hollows, especially Marri ID 8, which was noted as having high potential for Black Cockatoo breeding. We also recommend that all clearing activities should take place outside of the cockatoo Spring breeding season.

Rehabilitation of the site presents an opportunity to deliver a meaningful conservation outcome within the Leeuwin–Naturaliste Ridge landscape. The current rehabilitation strategy appears to focus primarily on returning the site to pasture, with limited emphasis on ecological restoration. Consideration should be given to rehabilitation of the site to native vegetation. This would create a more robust linkage between the two major clusters of native vegetation on the property and improve on the current ecological value of the site. At the very least, replacement paddock trees should be planted and post-completion weed control should be required, with measure to control weeds such as the arum lily, which is likely to become a problem on the site (if it is not already). Consideration should also be given to restoration and enhancement of the seasonal creekline along the northern boundary of the extraction area, which appears to represent one of the more ecologically significant features remaining within an otherwise highly modified landscape.

Targeted revegetation using appropriate local native species could substantially improve the ecological function of this corridor by enhancing habitat values, strengthening landscape connectivity, facilitating fauna movement, improving riparian condition and providing ecological buffering from surrounding disturbance. The creekline appears to be in a degraded condition and may be affected by historical clearing, stock access, weed invasion and erosion, presenting a genuine opportunity for ecological restoration and long-term improvement.

Any approval should therefore consider rehabilitation requirements that prioritise restoration of the site and the creekline corridor, including the use of local provenance species, measurable completion criteria, long-term monitoring and maintenance, and protection of restored vegetation into the future. Such an outcome would provide a lasting ecological benefit and contribute to broader conservation objectives for the Leeuwin–Naturaliste Ridge landscape.

3. Landscape, geology, and hydrology

The extraction of 453,215m³ of sand will result in the permanent destruction of landscape character by removing three prominent hills that define the area's landscape aesthetic. This contravenes SPP 6.1 PS 3.2, requiring development to be compatible with the natural characteristics of the area.

Deep excavation also risks permanently lowering the local water table, potentially drying up freshwater soaks and inducing localised salinity. While the applicant claims "nil risk" of Acid

Sulfate Soils (ASS), official DWER mapping identifies the site as partially having a moderate to low risk. Any unforeseen rise in the water table or accidental over-excavation could trigger ASS oxidation.

The 2m groundwater buffer (Appendix G, p. 5) is flawed as it relies on 2025 data (607.4mm winter rainfall) which is significantly lower than the 1107.4mm record from 1999 ([BoM data, Cape Naturaliste, 1999](#)). With climate change, there is a greater chance of extreme weather and, in our view, the groundwater level should be calibrated taking into account the highest rainfall on record.

Furthermore, the application is ambiguous regarding water sourcing. The Water Management Plan states no groundwater extraction is needed (Appendix G, p. 8), while the Planning Report requests a license for onsite groundwater usage (Appendix A, p. 4) and the Works and Excavation Report (Appendix D, p11) refers to a requirement for a surface water license. The applicant's water use requirements should be clarified. Whatever the position is, we agree with the applicant's suggestion that obtaining an appropriate water license should be a condition of any approval.

In our view, stripping 9.14ha on steep slopes poses a real risk of silt runoff into Wyadup Creek, threatening water quality and aquatic life. Wyadup Creek is a water source for a number of downstream users, including the environment. The proposed operations risk sensibly diminishing the quality of the water in Wyadup Creek. This risk should be properly assessed by DWER prior to any development approval being granted.

Finally, we recommend consultation with local Indigenous custodians regarding hydrogeology and cultural significance for this area, as per SPP 6.1 PS 6.1.

4. Traffic, dust and noise

Operations pose significant risks from the spread of microscopic respirable crystalline silica dust, which cannot be reliably contained by a temporary wall in strong coastal wind patterns. This is a threat to local vegetation and wildlife. A buffer of native vegetation of at least 30m is required to protect surrounding areas from the impacts of dust fallout. We note that a 30m buffer is consistent with LPS21, cl 4.37 'Setback requirements in the rural and viticulture and tourism zones' and in particular clause 4.37.3: *'In the Rural or Viticulture and Tourism zones, no person shall use or develop the land between the building setback line and the road alignment for any purpose other than a means of access, landscaping, dam construction (i.e. subject to development approval pursuant to clause 9.1) or a rural activity permissible in the zone.'*

The volume of 200 daily truck movements (Appendix A, p. 11) on local roads within conservation areas significantly increases the risk of wildlife roadkill and constant noise disruption.

The applicant has proposed some measures to control noise and dust and these need to be independently tested. The applicant's Noise and Dust Management Plans do not seem to respond to:

- Cumulative impacts of noise generated from operations and traffic.
- Consideration of the prevailing local meteorological conditions that might have an influence on the noise and dust levels.
- Potential impacts of noise and dust emissions on native fauna populations.
- Consideration of the potential impacts on the surrounding agricultural land-uses, particularly in terms of the potential for impacts to livestock.

In considering an application for development approval the local government is to have due regard to the adequacy of:

the proposed means of access to and egress from the site;

arrangements for the loading, unloading, manoeuvring and parking of vehicles; and

the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.

The applicant has advised that the expected daily truck movements will be an average of 30 trucks and maximum of 100 trucks per day and the movements will be evenly throughout the day. This would equate to an average of 3 trucks per hour up to a maximum of 10 trucks per hour. All haulage movements are expected to travel east along Wyadup Road to Caves Road. The maximum 100 truck per day would equate to 200 total movements (100 inbound and 100 outbound). Based on the level terrain, the 200 truck movements would be 340 Passenger Car Equivalents (PCEs) which would increase the traffic volumes on Wyadup Road to 1,050vpd on a weekday or 1,678vpd on a Saturday. As the resulting daily traffic volume would be over 500vpd, for which the minimum is an 8m carriageway with a 7m wide seal.

The Applicant claims that the crash history along Wyadup Road is low. They however acknowledge five crashes recorded along the adjacent section of Caves Road. Caves Road has long been acknowledged as a tourism drive with a high level of traffic accidents, some 80 in the five years to 2019 and several fatal ones since that time. The trucks being used are to be large 27.5m RAV 4 vehicles. These will be operating on narrow roads and in our view, this creates a significant conflict with the use of local roads for tourism, cycling and hiking by people who have come to the area to experience the natural surroundings.

Caves Road is a relatively narrow road and the large trucks turning into and out of the site will propose an unacceptable road hazard, not only to people but also to local wildlife. In addition, it seems likely that for the proposed operations to be conducted safely, the section of Wyadup Road between Caves Road and the site access would need to be upgraded and widened. This will cause additional loss of native vegetation that should be taken into account in assessing the foreseeable environmental impacts of this development.

5. Visual amenity

The manual on Visual Landscape Planning in WA (2007) notes:

In development assessment, visual impact assessment is the tool used to assess the impact of development on the landscape to ensure that development is sympathetic to the landscape character and complies with adopted policies and rules.

The special local character of the area is established by the undulating, NNE trending belt of calcareous, aeolian (wind-blown) sands of Holocene age (10-12,000 years old). This formation overlies the much older, more lithified or hardened calcareous rocks that form the Leeuwin-Naturalist Ridge (Pleistocene age, up to 2.6 million years old). "Calcareous" refers to being composed of fragments of shell marine organisms, common to coastal sand dunes (Chaots).

The very high landscape value of land on which the development is proposed has been described in the Leeuwin Naturaliste Landscape Assessment Study, Stage 1, (1997, page18) as a Significant Landform Feature.

This group of hillocks north of the Cosy Corner Road is one of the most extraordinary landform features on rural-use land in the study area. Clearing of vegetation allows good views to these features but increases erosion potential on the steep slopes.

Three categories of visual impact are often used to assess if a development can be accepted, based on how a proposal interacts with existing landscape character:

1. *Compatible: Not practically visible or if visible, the proposed development fits the existing character and values of the landscape (e.g. a new house within an urban area)*
2. *Somewhat Compatible: Visible; proposed development has aspects that may be incompatible with landscape values and character without management or is an incompatible development that is transient in nature (e.g. short term stockpiles of ore on a run of mine pad)*
3. *Incompatible: Proposed development goes against the existing character and values of a landscape (e.g. mining activity in a conservation area).*

In (1) and (2) above it is considered that the visual impacts of a development can be mitigated using suitable setbacks and landscaping. In the third case they cannot be as the proposal is unacceptable in terms of its lasting negative impact.

The proposed development is in the third category of assessment and will result in the destruction of landscape character, because it will remove three important hills that help create the special landscape character of the area. The visual impacts of this development on landscape character cannot be understated. The applicant does not acknowledge the loss of character associated with the third level of impact.

The visual amenity impacts arising from the proposed development will also be in the form of the trucks and machinery as well as the ongoing excavation work. These visual impacts will be adverse and are contrary to the objectives for LPS21 and the policy instrument as noted above. The visual impacts militate against approving the proposed development. Caves Road is a top-level State Tourism Drive which attracts many visitors to the region. Wyadup Road is also recognised as a travel route corridor. The destruction of an important landscape element which is readily visible from and on these roads is highly undesirable.

The visual impact assessment provided by the applicant does not recognise the visual amenity value of the landscape, and instead discusses it as a modified and degraded landscape. The visual impact assessment does not adequately consider the likely visual impact the proposal would have on the locality.

The applicant's proposed 2m landscaping corridor (Appendix C) is grossly inadequate to screen the operations and the 3.5m high industrial bunds from Wyadup Road, a recognised travel route corridor for people visiting or residing in the area to experience the natural surroundings. We recommend a minimum 30m native vegetation buffer along Wyadup Road. As noted above, a 30m buffer is consistent with LPS21, cl 4.37 'Setback requirements in the rural and viticulture and tourism zones'.

In addition, the applicant has not provided any details of the proposed landscaping which is an essential part of the assessment of this application. It is not known how intense or mature the plantings will be or their suitability. Without this information the application should not be considered. In our view, seeking to require a landscape plan as a condition of approval is not acceptable.

Overall, the applicant proposes that the rehabilitated landscape post-mining might be sufficient for land on which agriculture could be practiced. The application as proposed fails to preserve the distinctive character of this rural landscape, and makes no attempt to enhance the conservation values of the area.

6. Rehabilitation risk

The application states that the site will be rehabilitated to pasture after extraction is completed (Appendix A, p. 10). In our view, returning the site to pasture is inadequate for a conservation-significant zone. We suggest that this would be a better fit with the surrounding natural landscape if it was rehabilitated to native vegetation rather than pasture, or, at the very least, includes a requirement to plant a number of large native trees as paddock trees and control the growth of weeds, as part of the rehabilitation to rural landscape values.

We also consider there is an opportunity to restore and improve native vegetation along the creekline and that, for the creekline, this could be carried out on an ‘as you go’ basis, since it would not interfere with operations.

Given the proponent’s asset-light structure, there is a real risk that the rehabilitation requirements will not be completed if the entity faces insolvency. This would be resolved by imposing a requirement that rehabilitation is conducted on a staged, ‘as you go’ basis, and secured by a substantial bond payment.

With a view to the possibility that there may be another similar application to extend mining operations in 5 years, we also consider it is important to include a condition that rehabilitation must be completed on a pre-set schedule and to the satisfaction of the Shire / EPA prior to any further extractive applications being considered for the site.

7. EPA review

In our view, the EPA should be advised of this proposal as it may wish to assess the application, given its location, possible long term application, and the potential for significant environmental impacts.

Conclusion

For the reasons stated above, we believe the development application should be refused as it fails to demonstrate that the need for this development outweighs the adverse environmental impacts.

In the event that the Development Assessment Panel (**DAP**) decides to approve this application, we recommend:

1. The groundwater buffer must be recalculated using true historical maximums (1999) rather than 2025 data.
2. Water use should be properly assessed and provided for, ensuring no degradation of local watercourses.
3. The proposed vegetation buffer along Wyadup Road should be increased from 2m to 30m to protect visual amenity, and provide a buffer from noise and dust.
4. Some paddock trees should be retained, wherever possible prioritising the retention of large trees, specifically the seven trees identified with hollows, especially Marri ID 8.

5. All clearing activities should take place outside of the cockatoo Spring breeding season.
6. Rehabilitation should include commitments to replacement tree planting, rehabilitation of the site to native vegetation and creekline restoration, rather than a return to pasture. Creekline restoration should be required to take place alongside the operation of the mine. Weed control post-mining is imperative.
7. An unconditional rehabilitation bond should be imposed due to the risk inherent in the proponent's asset-light corporate structure.
8. There should be consultation with local Indigenous custodians regarding hydrogeology and cultural significance for this area, as per SPP 6.1 PS 6.1.
9. The EPA should be informed of this application, given the wilderness location and potential for significant environmental impacts.

We would be happy to discuss our comments and recommendations with the applicant, the Council and/or City planners. Please feel free to contact us to arrange a meeting.

Yours sincerely,

Ann Ward,

Chair

Nature Conservation Margaret River Region

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