

Mr Charles Brister, A/g Assistant Secretary
Secretariat to the Independent Review of the EPBC Act
Department of Environment, Water, Heritage and the Arts
GPO Box 787 CANBERRA ACT 2601

18 January 2009

Dear Mr Brister

Submissions to the EPBC Act January 2009.

Enclosed is a submission to the EPBC Act review, on behalf of the WA southern coalition, for which I am the coordinator. The submission is in three sections:

- (1) a general response to the terms of reference as provided in the email information
- (11) comments on the questions raised in the discussion paper.
- (111) a set of attachments which are relevant to the submission

The latter may be useful in understanding the development pressures on the natural environment and on voluntary conservationists in SWest WA. *Below is a personal perspective relating to local recent planning/conservation issues.*

South West Planning and the

Donnybrook - Balingup Shire Rural Strategy 2003-08: A Personal Perspective

A major problem is the complexity of overlapping state and local government agencies, which release plans for public input on a variety of planning issues.

These involve much work by individuals who often feel their views are largely ignored (ref iii attachments).

For example my husband and I made several detailed submissions to the local Shire on various drafts of the above rural strategy (as it related to our rural area). In particular was the proposal to rezone land in the Blackwood River area (see below) to allow for subdivisions. (Real estate interests had influenced the shire.)

Blackwood Precinct

Churchwards' detailed submissions began at the start of the process in @2003 (finalisation occurred in 2008). We opposed the new precinct land classification from special balance rural, to a classification which would allow for small subdivisions.

Our opposition to rezoning was on the basis of the steep slopes, vulnerability to lands slips, difficult access etc, making it unsuitable for further subdivisions, and increased risk from uncontrollable bush fires (eg our farm has been without power for one & a half days), as agencies fought to control large fires in the Bridgetown district, including a new subdivision, located south of our farm.

The "Donnybrook Balingup Shire Rural Strategy" was not required to provide information on the anticipated spread of jarrah dieback disease, the risk of land slips, the loss of habitat of wildlife species (already reduced in numbers), , eg chuditch, brush tailed phascogale et. Much of the Blackwood precinct is state forest, plus pine and blue gum plantations).

In recent years, in the Balingup area, DEC has sold several freehold rural blocks through the retail market as the Department no longer required them, some with plantations and some cleared, some in the Blackwood precinct special balance rural zone. In this case there is little information officially provided to landowners on conservation.

The Blackwood Valley Small Landholders Group (ngo) provides a valuable input to new residents on both planning and conservation issues to its members.

Smaller subdivisions in rural areas also result in more cats and dogs in adjacent bushland and forest with inevitable negative consequences.

..12

NGO Court access for protection of the natural environment

Lack of a WA independent environmental and planning court or tribunal for conservation and environment planning issues, (as it exists in NSW), is unacceptable. Western Australia has a State Administrative Tribunal which hears disputes between developers and government/semi government agencies on planning matters. No legal process is available to WA NGO conservation groups to put

their case in an independent court (eg a Planning and Environment Court) as to why a development should not proceed, or should be modified.

Mining

Previously incorporated NGO's could lodge objections in the WA Mining Warden's Court and put a case against mining, with the "Warden" making a recommendation on the evidence. These hearings were useful in that they were public. The only current case I know of is an application for sand mining in the D'Entrecasteux National Park, which is yet to be heard. Mining generally proceeds without NGOs having the opportunity to participate in a formal assessment process.

Mining Court proceedings require the giving of evidence and today few professionals are prepared to do so on behalf of NGO's because of the possible repercussions.

The merging of environmental /conservation issues with planning matters should go before a tribunal/court with a cost structure that enables incorporated NGO's, to openly put their objections to the development/s based on both planning and ecological issues.

The tribunal/court should be open to accredited journalists in addition to the parties involved. An amendment could be made to the EPBC Act to provide such a court/ tribunal in states/territories where no appropriate public legal process exists to ensure that both sides of the debate have equal opportunities to put their case.

An NGO Success Story:

West Cape Howe on south coast west of Albany

About 3 decades ago a granite extraction proposal was planned for this beautiful coastal area where the steep granite cliffs abut the southern ocean. NGO's relentless efforts convinced the 'powers that be' that granite extraction should not occur. West Cape Howe, now a national park, is a magnificent coastal experience, with its great beauty and grandeur for all to enjoy and protect for now and hopefully for generations to come, thanks to the NGO's dedicated efforts. Few WA NGO's have the resources to take on such issues in 2009.

Release of new subdivisions and associated planning matters

Formal processes exclude the requirement that conservation values should be assessed before subdivisions are approved.. Planners and developers are **not** required to set aside for protection, appropriate areas of **natural environments , eg habitat protection even if somewhat degraded.**

Public open space is included in subdivisions and majorly consists of sporting complexes, walk and bike tracks etc. The trend is to clear most if not all of the existing vegetation. New subdivisions should be required to also protect a % of the existing natural environments, eg from dunes through to bushland and woodlands (corridors if possible) and if the % chosen is degraded, then the proponents to be required to lodge sufficient funds in a trust account specifically for the repair and maintenance of the natural environment (ie flora fauna and landscapes.)

PS I have omitted commenting on the questions related to aboriginals. However I attach part of a cutting from a recent edition of the Australian Newspaper which I will circulate to the southern groups with the discussion paper questions which they may wish to respond to.

The WEEKEND AUSTRALIAN January 10-11 2009

24 Inquirer Tony Walsh visits native art that stretches back to prehistoric times

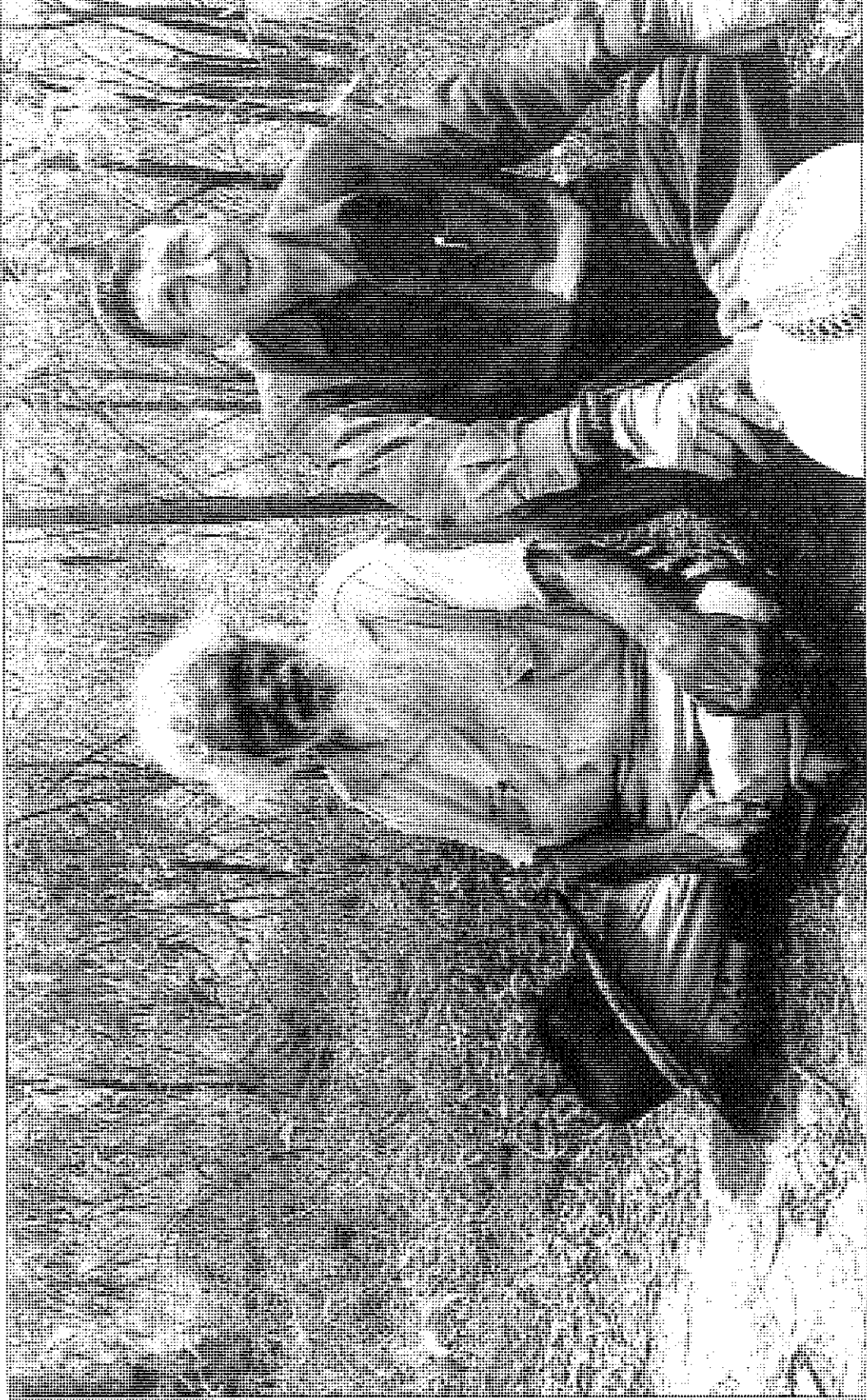
SEATED together on the sand-flecked ground high on an escarpment, Tommy George and Matt Trezise look out on the fertile valley of the Laura River on southern Cape York in Queensland. Their friendship was forged during decades in the sometimes frustrating, sometimes rewarding challenge of protecting the Aboriginal rock art of Quinkan Country, reputedly the largest natural storehouse of rock art in the world.

Below them, under a sandstone overhang, is the largest rock art figure yet discovered in Australia, and Trezise was there that day in 1965 with his pioneer aviator father, Percy Trezise, and an Aboriginal colleague, Merwyn Roughsey, as they clambered along the ridge to the cave that Percy had spotted from his plane. They named it Giant Horse Gallery after the painted image of a horse that measures 6m from the tip of the nose to the end of its tail.

"Dad was an artist and had been since he was a child," Trezise recalls. "He'd also been interested in Aboriginal culture since he was a teenager, so when road workers found the first site around these parts with rock art, which is now called Split Rock, Dad came up for a look in 1960, with the noted writer Xavier Herbert."

"At that stage Dad had already been working with Aboriginal artists from around the peninsula and the Cairns area since 1956. Once he saw Split Rock he realised that such a complex panel of art, high standard, low standard, very fresh, very old, different styles, could only be part of an extensive body of art in the region which nobody knew anything about. That started him on a 40-year task of uncovering and rediscovering the art."

In describing the details of this relatively recent painting, Trezise explains that the artist used white lines to highlight different sections of the horse. "It must have been a huge shock when the Aborigines of this area first saw the horse, and it obviously stimulated one of the artists to record it here. There is a lot of work in that, and a lot of materials needed to be gathered, prepared



On the trail of the past: Aboriginal rock art guides Tommy George and Matt Trezise near Laura in Cape York, Queensland

Ancient history

Picture
Crocodile Station to prote concentrations of rock art.
"Subsequently, we have had title legislation. We have also Court decisions which recognis inal people retain native titl holdings as well as on Aborig
"So as the appropriate nat are identified, there has been orderly process of updating
level to reflect that. The

Submission to EPBC Act Review January 2009 by B Churchward
Convenor for the Southern Coalition to protect native vegetation.

DISCUSSION PAPER
Independent review of the EPBC ACT 1999

Q 1 (a)

The ACT should include the objective of conservation. The words “environment protection” mean different things to different people, and may not embrace conservation

(b) The principles of ESD are interpreted very broadly so that it allows conservation to be overlooked e.g. it may be necessary to conserve an ecosystem to conserve rare species. Development may not be an option.

(c) I am unsure of the existing matters of NES* but the exclusion of the WA Regional Forest Agreement from the ACT, enables the destruction of healthy southwest hardwood forests to provide timber. The loss of habitat and ecosystems decline is permanent (e.g. dieback spread in south west forests)

The cost of allowing logging to continue exceeds the income received by the State Government from logging. West Australians are actually paying for the destruction of southwest forests and the biodiversity that exists therein.

The loss and degradation of south west forests and the ecosystems e.g. flora and fauna they support, should be included in NES matters.

(d) No

(e) Yes: the ACT should encompass indirect impacts. For example Main Roads WA receives funds from the Commonwealth for road building which include the “taking of land” as deemed necessary. In WA there is no process that allows formal referral for public submissions of new and upgrades of roads, bridges etc. Announcements are sometimes made after the projects have commenced!

The present situation allows MRWA to spend millions of dollars on roading **without any public environmental review process**. All Federal funds for MRWA road activities in WA southern areas should require a public and

early review of plans, especially as dieback is so serious in these areas. Meaningful public involvement under the ACT is essential before funding is available. Reviews could be planned to take place in the wetter months when dieback is active and when heavy machinery (which spreads the disease) should not operate.

(f) The context of actions having a “significant” impact on a matter of NES, does not operate effectively in practice. The test of “significant” impact on a matter of NES must include an examination of projects in wider terms, eg information available on the decline in the health of remaining tuart trees in the south west. Recently a dieback infection has been identified in tuarts. Scientists should provide known facts of present and possible future impacts of this ‘new’ disease.

The tuart forest has been decimated over my lifetime as a result of clearing for a range of exploitive operations, plus uncontrolled clearing for coastal developments, which continues into 2009.

There should be another test, based on remaining tuarts and their condition, plus the options that are available for remaining tuarts, to be protected from destruction, whether it be from logging, mining, disease, new housing estates etc.

The new test should be at least the ERMP/EIS level and released for public comment for no less than two months. No further destruction of tuarts should take place until the above is completed (unless exceptional circumstances so require same).

Q. 2, 3. No Q. 4a No Q. 4b Yes

Q.5 No - but more information could be supplied at a later date.

Q.6 No - but more information could be supplied later.

Q. 7 No as far as the existing Western Australian situation applies.

Q. 8 No.

Biodiversity

Q.9 No

Q.10 Could be improved by providing information sheets, perhaps via each State Territory Conservation Council, ACF etc. to be circulated upon request, to affiliated groups.

Q.11 Yes. Emergency listing would be advantageous and outweigh costs involved. - once gone it is gone for ever.

Q.12 The Minister, when deciding to list threatened species and/or ecological communities should consider all the science available plus invite input from NGOs, especially those whose major interest is the conservation and protection of species and habitat. The Minister should dialogue with the

NGO conservation groups. (ref Mid West mining developments and loss of species).

Q.13 Cannot answer

Q.14 In the area I coordinate for, there is little duplication between the State and Commonwealth (tyranny of distance!). Western Australia is known for being strongly supportive of 'state rights'. It readily accepts Commonwealth funding but with 'no strings attached' if possible.

A suggestion is that where Commonwealth funding is provided then the Commonwealth Government should ensure that the funds provided are used appropriately for the purpose as described. Funding assistance should be also available to NGO's to participate in on ground activities eg monitoring. This is vital.

Q.15 Recovery planning priorities - factors to consider

Each case will be different. Species recovery is complex and depends on many factors and is a long slow process. Are figures available for this? Conservation NGO's should be equal partners in recovery planning with government agencies. Local knowledge is of the utmost importance in planning and on the ground.

Protection of HCV areas is a top priority. NGO's often do urgent conservation work outside normal hours, when departments are closed.

Q.16 The planning regime is only as good as those people who implement it. There needs to be a joint flexible agreement with local NGO's and government agencies as to what role/function each party is to be responsible for and an acceptance that overlap will occur occasionally.

Q.17 From a WA perspective opportunities to improve co-ordination between the two levels of government on recovery regimes would be quite limited unless the Commonwealth provided funds for specific projects.

Q.18 From a NGO perspective the answer is that the ACT is not effective in protecting recovery etc in WA. This is because of the complexity of local, State and Commonwealth measures/ laws, which cause confusion and delays.

A firm reasonable timetable needs to be adhered to by all parties. Some 'hitches' will take place from time to time. NGO's should be one of the parties in the arrangements to make the ACT effective.

Q.19 The climate change legislation should include a clause on possible impacts upon biodiversity conservation and protection. Wetlands and waterways are already being impacted. I understand that Victoria is taking action on the problem of decline of the Murray River red gums through new legislation. This should tie in with Commonwealth cooperation.

Q. 20-24 International Movement of Wildlife - not commented on.

Protected Areas

Q.25 In my opinion there should be a public review of the *modus operandi* of heritage nominations in WA., particularly re the natural environment. The WA National Trust had different committees but mainly dealt with the built environment. (National Trust has in the past provided covenants for private HCV land. - not sure if this service is available).

Q.26 In WA there is a lack of openness re the nominating processes (and to a lesser extent listing) of Commonwealth National Heritage places. E.g. accessing Medicare contact and information is easy. The process for gaining AHC/EPBC information should be as simple and open as Medicare.

Q.27 The Commonwealth Government could strengthen heritage strategies and management plans for protecting the relevant values.

Q.28 Yes sharing between different levels of government should include a representative/s of NGO cons groups who would be rotated every 3-5 years

Q.29 My views on the effectiveness etc of provisions for Ramsar Wetlands and management plans for reserves in WA is that it has failed.

Q.30 Effectiveness of operations etc

Not able to answer except for the Shark Bay case (in the early years of its nomination and WH listing). Pressures for more development is ongoing and so the management plans must be regularly amended to ensure that the World Heritage values are being adequately protected

WA country caring people like those I represent, have many 'local' and 'generic' issues to contend with e.g. destruction of local ecosystems. Only occasionally do we receive information on monitoring etc of actions., (eg the proposed Tasmanian pulp mill) usually via the media or NGO's.

Indigenous Involvement

Q. 31 As a coalition coordinator it is difficult to comment on the above without more consultation with the groups most of which are in recess over the holiday period.

However in recent times more conservation groups in the northern areas of WA comprise people from various backgrounds and ethnicity. Some indigenous Australians are represented on formal government committees and also invited to forums etc to put their views ref. article in the Australian Newspaper, Jan 10 2009, titled

"ANCIENT HISTORY BROUGHT TO LIFE" THROUGH A PARTNERSHIP OF TWO MEN ONE INDIGENOUS AND ONE WHITE, IS A SUCCESS STORY THAT COULD BE REPEATED ELSEWHERE IN AUSTRALIA.

Q.32 In respect of the "ACT" I believe that indigenous involvement in the preparation of management plans and their implementation for

Commonwealth reserves is satisfactory (based on WA experiences).

Q.33 Yes , and Q.34 yes

Compliance and enforcement

Q.35 No

Q 36 Believe this to be the wrong question based on WA experience?

Illegal clearing of land generally has in the past been seen as of little consequence (in WA.) Attitudes change very slowly in the country.

In Western Australia few would report illegal clearing under the EPBC ACT for fear of repercussions which can take many forms, including personal intimidation. Monetary penalty needs to be supported by a court order to refrain from intimidatory behaviour against the 'reporter'.

All court listings under the ACT should be listed in a major newspaper circulating in each state/territory as soon as the date of hearing is confirmed.

Q.37 Unfortunately I am not able to answer this question. I assume this would depend on the level of surveillance of vessels as they approach Australia. Are non-foreigners also involved in contraventions?

Decision making under the ACT

Q.38 From a WA country perspective, powers under the ACT provided to the Minister, are inappropriate in respect of southern WA. We often rely on national/state NGO's to provide information. The "West Australian" is the only daily WA newspaper and rarely covers major conservation issues and decision making under the ACT and, if so, superficially.

Coverage is below the standard of eastern state daily papers. Some daily papers are available on line, those of us without broadband find it time consuming do so, and additionally connections are erratic. The use of **conservation** as a heading, has been largely replaced by the word **environment**. The name "EPBC ACT " is an appropriate description.

Improvements are needed to the system of informing the WA public on important conservation and environment issues on a regular basis.

This could be done by a monthly (or more frequent) public notices in the West Australian, briefly informing the reader of national projects being reported on etc, and with www addresses where information is available.

Q39 Advisory bodies/committees

Again even if the roles of the various committees under the ACT are appropriate, they are not often seen to be appropriate, as information about the committees is not easily available. Years ago (before computers took over) news items etc did appear (from time to time) in WA newspapers. Today there is so much information available, one gets lost in the search.

Does anyone monitor coverage of AHC (in WA newspapers?) covering both national and state issues? Is such information readily available? Information on membership of the advisory bodies should be published on a regular basis and any changes to membership should be included in Public Notice sections of a state/territory newspaper. Information must be public and must be seen to be public.

The ACT should be widely circulated via specified outlets, as well as regularly via the www. Also perhaps an ABC TV half hour program (Q & A) on EPBC ACT on a monthly basis could be considered or perhaps a monthly half hour of Australian conservation (e.g. Landline on a Sunday).

Q40 No guidance - uncertainty

Uncertainty is difficult to assess. The history of white settlement of Australia from an ecological point of view has been and continues to be disastrous, considering the available knowledge.

The ability to destroy, reduce, etc, the complexity of the natural environment has never been greater and never have so many government agencies been involved/compliant in this destruction. Sophisticated public relations are employed aimed at most levels of the community, to 'sell' (unnecessary) destruction of ecosystems to the public, fostering the belief that greed is good and the more greed, the greater the profit and that is better.

A stronger EPBC ACT, with more public information on the benefits of the ACT and the nomination process should be widely available.

Q.41 The ACT should have a minimum period for external input. It should provide for a 2 month period (preferably three months) of public consultation (minimum) depending on the subject under consideration, as well as its complexity.

Q.42 Probably no more scope for merit review if serious upgrades are made to the ACT.

Q.43 No. An improved EPBC ACT should make merit reviews unnecessary.

Q.44 Particular to Western Australia is the problem of classification of species, e.g. threatened species, endangered species and of threatened ecosystems eg wetlands, etc., even if not a Ramsar or treaty wetland. Monitor environmental changes on an annual basis and regularly monitor tourist numbers and their impacts.

All these above factors need to be assessed on a regular/frequent basis under the ACT. Where local conservation NGO groups exist these groups should be given the opportunity to participate in the assessment process. These are the groups on the ground, with local knowledge.

Also there must be reference points where changes are monitored and recorded at least on an annual basis as a long term indicator.

The present system is not working and particularly not for SW WA wetlands.

The new management regime for the (eastern states) Murray River, and its River Gums provides guidelines, which have some relevance to WA wetlands, e.g. Yalgorup (lake) National Park should come within the scope of the EPBC ACT urgently now, before new housing development takes place. This could be under a joint agreement between the Commonwealth and WA State Government, and a joint management plan with powers to ensure that this park, with its wetlands and migratory bird habitats, is adequately protected from activities that may jeopardise its values whether they be within the park or outside the park boundaries

P.S. After the period for public comments has closed, the analysis and summary of this input should normally be no longer than 6-9 months and, then made available to those who submitted to it, with an abridged version available on-line.

END

(1) General Response to the terms of reference as set out in the email

Review of the EPBC Act 1999

Operation of environmental protection as it applies in southern Western Australia and how it could operate in a more successful and user friendly way

B Churchward, Convenor of the southern coalition to protect native vegetation.(WA)
(Copies of references can be supplied under separate cover as required)
Thank you for the opportunity to submit views on the Commonwealth review of the EPBC Act. WA has no EPBC Act despite campaigns by NGO's'to reverse that situation.

My comments are limited to the WA southern area covered,by the NGO conservation groups of which I am the coordinator.

Operation of the Act from a southern WA country NGO perspective.

The opportunity to participate in the above review is impacted by the tyranny of distance, isolation and small NGO memberships, with large areas to cover,Also entrenched negative rural attitudes to NGO conservation campaigns take their toll on members of NGO 's. who remain active. Previously the WA Conservation Council produced a monthly publication(Greener Times). This is now a quarterly publication which further disadvantages small country conservation ngo's.

To the best of my knowledge the formation of the southern coalition is a first. My work is entirely voluntary which means that it is unlikely to survive, despite the benefits it provides to the NGO southern groups.

Destruction of high biodiversity and conservation areas (eg coastal peppermint bushland - habitat of the ring tailed possum) - are major problems, often beyond the resources of local southern NGO's. Existing WA legislation is inadequate and inappropriate (ref. Smith's beach proposed development on the coast in the Shire of Busselton).

WA Legislation to protect HCV ecosystems is WANTING

Western Australia distinguishes between environment and conservation.

WA has a Minister for Environment and Youth **but no Minister for Conservation**, which is the main area of our concerns. Contrast this with **Portfolio for Planning and Infrastructure, & Minister for Transport**

These portfolios are very powerful

Generous funding of many agencies and departments, and MRWA alliances with developers, puts it in a very powerful position. The Department of Planning and Infrastructure is able to make decisions on planning matters without open and thorough opportunity for serious public consultation.

“Land Corp” is a very powerful arm of the above department. It has wide powers to ensure that desirable land is made available for real estate, with no avenue for input from NGOs.

Taxpayers meet the cost of top professional PR companies (paid by the state government agencies to promote sales.),

Should development proposals not be approved, the proponents have the opportunity to take their case to the State Administrative Tribunal, a legal process that does not include specific conservation issues.

Strong bushland protection is lacking in Western Australia.

Degradation of bushland occurs unnecessarily throughout the region I cover, some through legal operations, some through illegal operations. eg release of pigs into forest estate so that pig hunters can continue hunting. ORV users continue to operate in sensitive bushland which is supposedly off bounds for such vehicles.

Projects such as those undertaken by infrastructure agencies, some of which receive federal government funds, proceed without the safeguard of a public EIS process. More recently projects are being publicly announced after the projects have already begun.

The process of NGO’s gathering timely information at the state level is time consuming, difficult and sometimes futile.

While serious problems occur in relationships with large agencies the situation at the local government level is also difficult.

Illegal operations on crown bush land occur from time to time and continue as there is little real action by agencies to deter offenders, should they be identified.

Few developers in the southern area have been required to justify proposals under th EPBC Act. Details provided by proponents is often through a consultant, whereas concerned citizens rely on volunteers.

Increased loss of biodiversity - shortcomings of the system in WA

Destruction of biodiversity and degradation of WA crown lands has increased markedly particularly over the last ten years. Agencies are seldom required to carry out public EIS when crown lands are being developed by government agencies.

The present system of notification of projects in a WA newspaper each Monday provides scant information on sites. **(see enclosed)**

Submissions opposing destructive developments are usually rejected by the agencies. Submissions in opposition to development are sometimes not acknowledged. Volunteers become disillusioned with the state

government processes. Government departments have established alliances with commercial businesses which are not required to be open and accountable to the public. The system is not working in the public interest (ref Auditor General's report to Parliament September 2007).

terms of reference point 2 b

The extent to which the objects of the EPBC Act have been achieved.

The EPBC Act is a forward step in reversing the loss of ecosystems. In Western Australia its success has been limited. Few local southern NGOs have the resources to make detailed submissions on proposals available for comment. (refer notices in Monday's West Australian Newspaper). Lack of integration of planning with conservation is a major deficiency. Formal referral to the EPA and/or the Minister is generally regarded as futile by non government organisations.

The Southern area of WA (includes 'hot spots' of biodiversity)

Adverse environmental impacts

The focus in southern Western Australia is on individual sites eg private sand extraction, developments on government owned land, development of large coastal housing estates on land acquired by developers, etc. These single issues come up regularly.

Construction of new and bigger roads, not necessarily safer, destroy large tracts of land of high biodiversity. MRWA is not required to publicly provide details of projects prior to work commencing. (refer the Margaret River to Nannup Highway (Mowen Road)). There is a lack of analysis of ecosystems to understand what is required and the measures that must be taken for their long term survival.

Nannup Shire's draft planning document (recently released) for the coastal land between the eastern shire boundary to where it meets the western boundary of the D'Entrecasteaux National Park. (Map)

Comment on the above Plan

Planning and Biodiversity

Much of the above land remains as bushland. However the rezoning plans when passed will allow land development, and utilities eg roads power lines etc with no protection for the native flora and fauna and land forms. This area certainly warrants an EIS before the plan is approved. (see enclosed map). Also another State planning document covering the above general area - the Walpole to Augusta Coastal Strategy is yet to be released publicly, although I understand it is completed. It will come too late.

Protecting ecosystems that provide habitat for endangered/threatened species is complex. However we all have a responsibility for these

species. While some projects in the south may be subject to the EPBC Act, most are not. State and local government regulations do not include protection of biodiversity despite much talk on the subject.

Intimidation of professionals

In Western Australia all citizens should have the right of free speech without fear of intimidation. EPBC Act should attempt to ensure that no professional should suffer as a result of expressing their views on planning and infrastructure proposals, even when controversial.

It is well known that some professionals in academic institutions, state and federal government agencies, are reluctant to speak out on concerns because of the repercussions that may result.

(They have seen that those who speak out risk their careers, and their views are discounted.)

The objects of the EPBC Act (operating in WA) cannot be achieved under a climate of fear and retaliation.

Point 2c and 2d of terms of reference - maybe overlap here.
The appropriateness of current matters of national environment significance and the effectiveness of the biodiversity and wildlife conservation arrangements

2c & 2d

It is recommend^{ed} that a wider ecosystem approach be taken by the EPBC Act, rather than specific site analysis eg Jandakot airport proposed extension. The offset procedure being used by proponents is a serious failure and should be re-examined. Given the present scale in WA of clearing of areas of high biodiversity, replanting vegetation elsewhere is unacceptable.

Planning schemes and protection of biodiversity should be done as a partnership. This would involve looking at planning schemes on a broad canvas. What will be the long term conservation consequences when a town such as Alkimos is established. Short term gain v long term losses. need to be analysed. Planning processes have failed conservation .

Local governments (despite their short comings) should remain involved. They should also be required to ensure the local population is well informed, given adequate opportunities to make input and its input fairly analysed and made public. This should occur at an early stage of the EPBC process. In the country area which I cover the tyranny of distance is still a problem. Some local shires lack the wide knowledge on which wise planning /development decisions can be made. (I could elaborate) Yet sometimes these shires also have residents with relevant professional

skills which they could access. The situation is different to a suburban location, where shires have more staff, more access to expertise and more people prepared to openly express their views.

The effectiveness of the biodiversity and wildlife conservation

Arrangements

It is sad to acknowledge that in south western Australia biodiversity and wildlife conservation activities are short term and ineffective, The amount of work involved in achieving effective conservation outcomes is enormous and impossible for country NGOs to take on. This is due partly to the lack of a regional office of the Department of the Environment, Water Heritage and the Arts in the southern and southwest areas, which are known as biodiversity hot spots.

Federally funded infrastructure projects in the South are usually not subject to an EIS process, MRWA have virtually unlimited power (and funds) as can be seen in the Departments road and river upgrades in the southern region.

There is a certain innate opposition in WA to 'intrusion' by federal agencies into the protection process for sites of significance eg Shark Bay., though over time the commonwealth protection given has been accepted,

There is an urgent need for an office of the Dept of Environment , Water etc., in areas such as Bunbury and Albany. People in the southern areas should be provided access to relevant information as a public service, not as a favour., and not after sometimes waiting for months but within a reasonable time span.

Also satellite technology, up-to-date mapping etc should be accessible. at both Albany and Bunbury government offices to assist NGO's and others to make assessments. Further east of Albany through to Esperance and inland , there are areas of national significance which should be examined under a joint planning and EPBC partnership. Once detailed mapping is available it should be possible to pinpoint the priority areas for biodiversity and conservation protection, and those suitable for development.

The Act as it stands is ineffective in curtailing the destruction that occurs in most southern coastal developments. Biodiversity based protection requires a different approach. It should define important ecosystems and ensure that the development does not degrade/destroy those ecosystems. Then a draft planning scheme should be released for public comment. In

the metropolitan area of Perth the situation is different.

The denser population and ready access to media and government agencies are advantages which country areas lack. Nevertheless expansion of coastal developments further north and south of Perth is occurring at a rate never before witnessed. These projects should be subject to processes under the EPBC Act as the same time as a public planning scheme is released for comment.

The coastal land- forms south and north of Perth are being irreversibly changed to make way for large suburban housing and the commercial expansion that inevitable follows. Mandurah is one example of inadequate planning controls. It has grown like topsy.

Inland, from the Perth coastal suburbs, wetlands and hills areas are also being developed at an unprecedented rate, again without open and accountable planning processes and assessments of conservation values. Developers are required to provide 'open space' eg sports grounds, local parks etc, but **not** bushland and habitats for flora and fauna. This needs to be changed. In the long term these are equally important for communities.

The EPBC Act should be amended to require planning proposals in sensitive areas to be reviewed prior to the plan being put to state and local governments for consideration. With the mapping technology available to planners today, developers should be required to protect a reasonable percentage of bushland.

Along the coastline developers are active and very powerful. Development is based on profit and the natural environment is inevitably the loser in the present system.

This type of development is now extending south to Albany. Southern Western Australia has a beautiful ancient historic coastline but is set to follow the Perth metropolitan model of subdivision. Urgent action is needed to protect this southern coast areas for generations to come to enjoy. The Act should be able to improve protection by providing for biodiversity conservation in these areas before the land is open for development.

Biodiversity requirements of coastal environments need to be assessed by the Commonwealth Government under the EPBC Act before development proposals are put to State Government agencies and local/regional councils.

This submission has not dealt in any detail with the areas of other state and local government activities, some of which are funded by the Commonwealth.

Commonwealth funding for major developments Of particular

concern is major developments being undertaken with Commonwealth funding provided to state agencies such as transport, without an independent assessment of the biodiversity issues involved **before the project proceeds.**

Case study: Margaret River- Nannup Highway ie Mowen Road Widening of the road from Margaret River to Nannup

Enclosed is a photograph of the widening of the road from Margaret River to Nannup which was justified on predicted expansion of tourism between these two towns. I wonder how many tourists will enjoy the scenes of devastation.

This project could not be justified either environmentally or commercially. No EIS was prepared and made available to the public for comment. Local opposition was ignored. Instead we have a totally 'over the top' highway style road which is unnecessary: plus the incalculable and unnecessary loss of flora and fauna. It can only be described as an ecosystem and tourism disaster.

Main Roads WA are not required to meet any public independent statutory environmental conditions that might reduce such 'legal vandalism'. The MRWA road systems generally are well maintained, despite the large number of road accidents in the south west of WA.

In respect of meeting even a low standard of conservation protection of the natural environment MRWA would fail. MRWA forms powerful alliances with industry which virtually makes the Department invincible to those who seek better outcomes for the environment. A new system is required. The EPBC Act should apply to all major WA infrastructure projects carried out by WA Government utilities etc, eg water, power, roads, rail bridges pipelines etc. especially when funded through Federal Government programs. In the meantime an amendment could be made to the EPBC act to require public notice of proposed clearing of native vegetation and gain approval through the EPBC Act.

Implementation of a systems approach to planning and development. Example case study - Perth proposed sites for new sports arena

Refer to the state government's previous decision to provide a new multifunction sports ground to replace the existing Subiaco football headquarters. No ERMP was available for Perth people to have their views heard. Surely the people of WA should have been provided with a plan of the two sites (Subiaco v East Perth) and both for and against

arguments, rather than a political decision from the beginning.

Question Should such facilities be built in a heavily populated inner suburb, close to three main Perth hospitals, including the Women's hospital? Hospital v sport - which is the planning priority?

There is very little parking available in the area and for those needing access, sometimes urgently, to these hospitals, when a sporting event is under way, is a nightmare.

This is a fact that would warrant most careful consideration through an ERMP process.

Why not Burswood Island?

An alternative site at the Burswood Island area has good public transport access.

The site requires a full EIS under the EPBC Act before any further decision-making takes place. (At the very least it should be an ERMP under WA legislation)

The EPBC Act should have the power to request that the state government undertake an EIS for the Burswood site. Until that process is completed no decision should be made.

This would be an ideal project to involve a much larger group of citizens in the EIS process.

A final perspective

Planning for the South West (see attached map) SWP

In September 2008 the WA Department of Planning issued a statement and map outlining a new approach to planning and seeking public input. Various conservation groups made submissions but as yet no feedback has been received.

The general statement was that there should be no more clearing but other sections of the statement were at odds with that. (copy to be forwarded by snail mail). WA does not have legislation comparable with the EPBC Act

Big picture planning prior to developments

This approach would be a great improvement on the present methods.

The approach as outlined in the WA Planning paper does recognise the value of conservation and protection in the planning process and its implementation would be a forward step.

As conservationist we understand the never ending pressure by developers to both change land zonings and have greater freedom in deciding the type of subdivisions that will be most profitable.

However such freedom must be curtailed in the long term interests of achieving better planning and developments in the southwest.

Addendum attachments references

Addendum 1 SECTION 3 (b) Terms of Reference

“Working in partnership with the states and territories within an effective federal arrangement.”

Comments

The necessity of the above partnership is acknowledged. Partnerships will by their nature have difficulties from time to time eg the Murray River situation. Difficulties must be resolved so that future generations can live in a natural environment at least as healthy as this generation enjoys. The federal government must take action to protect the rights of the Murray River to survive in a healthy condition, no matter the attitude of the States which the River flows through .

The national long term environmental good must prevail throughout Australia. Use of the existing EPBC Act to protect a single species is a positive short term answer. Broad scale plans that have a legal backing in Australia is the preferred outcome.

With so many native species on the verge of, or near extinction, protection of habitats must also be given priority by the Commonwealth Government.

Changes need to be made to the Act to achieve this. Again planning and protection must be equal partners within the EPBC Act

ADDENDUM 2

Comment period open to public on proposals under the EPBC Act.

I understand that the period for public submissions under the Act is quite short. I am unsure of the actual period.

For WA country NGO's the period for public submissions should be at least six weeks. It will still be difficult but at least possible to participate.

Country NGOs are predominately self funded, and most of the work is done on a voluntary basis . More time is needed for consultation with group members before a decision is made to (or not, to) submit.

Some comments.

Refer to enclosed map released by the Department of Planning and Infrastructure south West Region - Future Directions - September 2008

Addendum P9

This covers an area from north of Bunbury in a south east direction to Walpole which would *qualify* also as a biodiversity 'hot spot'. The 4 page document was available for public comment in September 2008 and some groups made submissions to the DPI; nothing has been heard since. Within this area there are many government agencies. However there is no one powerful agency that has an overall responsibility to ensure the protection of biodiversity.

While the South West Region Plan has some merit it reverts back to the old system of planning, putting each type of development in its own box. It is unlikely that state legislation would be drafted to implement the plan, on the basis of equal values of planning and conservation.

Sustainable Environment quote ref as above

"adopting primary position that there should no further clearing of native vegetation".

The 2 page document (plus map) includes planning for a diverse set of programs including transport, infrastructure, natural resources and agriculture, sustainable environment.

However conservation is missing. Conservation should be the overriding priority in the south west plan given its high biodiversity.

EPBDC Act.

The protection of endangered species and biodiversity under the EPBC Act, as we see it in Western Australia is triggered by proposed developments that threaten rare species, A great amount of scientific work that has been done on rare and endangered species that rely on this SW habitat.

I recommend that the EPBC Act should be amended so as to ensure that not only particular species receive protection, but also sufficient natural environments ie ecosystems needed (for the species survival) are also protected.

Balingup perspective

Carnaby's cockatoo habitat is diverse. It is uncommon in the Balingup area, Baudin's cockatoo are still seen in reasonable numbers and in summer frequent the bushland that survives in the vicinity of the Blackwood River. The Red tailed black cockatoo is seen less often and in small groups. Cockatoos are feeling the impact of kookaburras and bees taking over the tree hollows. EPBDC Act needs to ensure that these road and river corridors are equally protected with the species. For example take the case of the Baudin's cockatoo and the bushland owned by UWA (which the University is seeking to be zoned for housing development) - bushland that

is crucial for the cockatoos survival. Once the bushland goes, the species will be lost to that area.

Similarly where I live the existing forest (FCA) provides habitat for the brush tailed phascogale. These animals are now not often seen, as is also the case with the chudiitch, which was once quite common in Balingup. We are fortunate that our local detailed submission to the most recent WA Forest Management Plan resulted in a section of forest being designated as a forest conservation area, still as yet without a management plan and without security.

Planning, and finding the right mix of habitat protection for certain species is a broad approach which could be successful.

With information already collected it is possible to blend the two aspects (planning and conservation) of protection and improve the effectiveness of the operations of the EPBC Act.

South west Western Australia is an ideal area for a trial of protecting both habitat and species under the one piece of legislation.

Birds too have a better chance of survival as they are less prone to predation by foxes, wild dogs and wild pigs, and, in suburban areas, cats and dogs.

In the Albany area the DEC *is doing some counts of the ring tailed possum. The Albany area is developing especially in the peppermint coastal bushland where rezonings of bushland are being sought.

This area would be ideal for a trial under the EPBDC Act, for joint species and habitat protection. This protection could be provided by planning legislation with conservation controls preferably to be included in the EPBC Act.

(each local authority has planning legislation for development but not for conservation)

SHIRE OF NANNUP
COASTAL MANAGEMENT PLAN
DRAFT REPORT



For public assessment and comment

3
This paper was prepared by
Kevin Martin — Planning Consultant
on behalf of
Nannup Shire Council
through funding by
Western Australian Planning Commission



Search

21 November 2008 | 7:31 PM

News

Council studies 'holy mile' vegetation

7th November 2008, 11:00 WST

Text Size Print Email RSS

The impending 2011 deadline for Locke Estate leases is being made all the more real with an environmental management plan being drawn up which will determine areas suitable for development or rehabilitation.

The Busselton Shire Council has released a project brief for a consultant to create an environmental management plan for the area, known locally as the 'holy mile'.

The plan will not assess the caravan and camping area or the active recreation and group accommodation components of the estate.

The consultant will be asked to create a plan to ensure the protection of remnant vegetation, identify degraded areas suitable from development and retain the habitat for the western ringtail possum.

Council environmental planning officer Will Oldfield said lease holders would be involved with the plan at a development level and during the formal consultation period.

"The plan should contain a set of recommendations and actions that can be included in lease documents for land under the plan," he said.

"The plan should also determine areas that may be more suitable for development or need rehabilitation."

He suggested the recommendations would not be onerous or have particularly high costs, which was likely to be shared between lessees and the council.

"The shire is not sure what the costs would be at this stage but may include things such as fencing of a patch of vegetation, formalising an access way to the beach, weed control or planting, and these things are generally not very costly," Mr Oldfield said.

The four-month project would be released for community consultation by the council when it was finished.

The report would account for current path access and outline measures to reduce the impact of pedestrian and vehicle access to the foreshore and dunes, and consider climate change and the impact of rising sea levels.

Mr Oldfield said the plan would provide a benchmark to assess any proposed development at the estate from 2011 and recommendations on how to protect and maintain existing values until then and beyond.

CLARE ALLEN
BUSSELTON DUNSBOROUGH TIMES

Have your say



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- Land targeted for swap
- Man remanded in custody
- Handguns, ammunition stolen
- Teacher granted bail
- Mosquito offensive starts
- Council studies 'holy mile' vegetation
- Ducklings destroy car
- Residents grieving as town loses innocence
- WA teacher to face court over alleged assault
- Overwhelming show of community support
- Bridge upgrades announced
- State tightens on tray restrictions
- Police call for witness
- Students escape injury in bus fire
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Hi Everyone

This is another proposal that will impact on the Western Ringtail Possum if approved. Next time you are heading towards Bunbury from Busselton take a look (if you're not driving!) to the right when you are near the Capel Golf Club. You will see a well vegetated ridge, this is where this development is proposed.

B & J Catalano Pty Ltd/Mining/Lot 187 Cokelup Rd Stratham, ~30km north of Busselton/WA/Sand Mine

It is open for comment under the EPBC Act for 10 working days from the 19th of March.

The link is http://www.environment.gov.au/cgi-bin/epbc/epbc_ap.pl?name=current_referral_detail&proposal_id=4114

The executive summary of the fauna report is below, the full report can be accessed on the EPBC website.

Cheers
Martin

EXECUTIVE SUMMARY

This report has been prepared in response to an invitation from MBS Environmental, on behalf of the owners, to carry out a Level 2 fauna assemblage survey of Lot 187, Cokelup Road, Stratham. The study area has a total area of about 58 ha and is, with the exception of firebreaks and some small clearings, completely covered with some form of native remnant vegetation.

The study site contains a substantial sand resource and it is understood that the owners are proposing to apply for an extractive industry licence to facilitate its extraction in a stage process. The information obtained as part of the fauna assessment reported on here will be used, in conjunction with other environmental investigations, to formulate management plans with the principal aim of minimising potential environmental impacts if the proposal is granted approval and proceeds. This survey report has been prepared for use in the EPA's Environmental Impact Assessment process and is considered suitable for this purpose. The fauna assessment was designed to comply with requirements of a detailed Level 2 terrestrial fauna survey as defined in EPA Guidance Statement 56.

The fauna assessment survey has included a habitat assessment, a habitat tree survey, a fauna trapping program conducted over a combined total of 2080 trap nights using cage, Elliot, pit and funnel traps, bat detector recordings, a targeted survey (involving nocturnal counts) for Western Ringtail Possums and opportunistic observations. Field work was carried out during December 2007 and January 2008. The fauna habitats within the study area consist of a Low Open Forest of Banksia, jarrah and Marri over an Open Low Heath. The midstorey also contains Peppermint in various densities. Significant areas also have a dominant component of the understorey comprised of a Tall Open Scrub of Kunzea. Small fallen logs are relatively common though large logs with hollows are uncommon. Ground cover vegetation is generally sparse. The habitat tree survey identified a substantial number of hollow bearing trees (430) which represent an important resource for many fauna species present or potentially present in the area.

During the course of the vertebrate fauna trapping program 20 species were captured including several Southern Brush-tailed Phascogales (Schedule 1 species). Analysis of bat recording yielded five species including the Western False Pipistrelle (Priority 4 species). The Western Ringtail Possum surveys confirmed the presence of this schedule 1 species on site. Couple with opportunistic observations a total of 72 species of fauna were sighted during the survey. Vertebrate fauna identified on site comprises 39 bird species, ten native and five introduced mammal species, 12 reptile species and six amphibians.

In summary, species of conservation significance that were positively identified as utilising the site for some purpose during the survey period were:

21/03/2008

12/12/08 P 7

Shire planners reject Smiths Beach plan

GEORGIA LONEY

The bitter saga over a huge tourism development at Smiths Beach is set to go into its ninth year after Busselton Shire Council released a long-awaited report yesterday saying the project should be rejected.

Canal Rocks Pty Ltd, which once employed lobbyists Julian Grill and Brian Bunke, wants a massive complex at the beach south of Yallingup with two hotels, 254 short-stay units, 70 tent sites, a backpackers lodge and 104 homes.

The project has been embroiled in scandal, peaking in late 2006 when the Corruption and Crime Commission investigated financial links between Busselton councillors and the de-

velopers. The fallout led to the resignation of Labor Minister Norm Marlborough.

Shire officers recommended the latest modified plans be rejected. These would reduce the area to be developed, shift boundaries east and extend 18ha of the site into a national park.

Councillors will vote on the plan on December 17 and rejection could mean a costly legal battle in the State Administrative Tribunal (SAT).

Shire planning director Nigel Hancock said the proposal failed to meet state planning policy.

"Smiths Beach is a beautiful site, it has a number of significant landscape features and these are required by the planning framework to be protected by any development application," he said.

His view was the modified plan did not protect those features enough and still compromised the prominent headland, or peninsula, at the beach.

Canal Rocks planner Michael Swift rejected this and said the project met the State's Leeuwin Naturaliste Ridge statement of planning policy, which he said was highly subjective.

"Canal Rocks entered into mediation in good faith, in the interest of mediating an outcome and in an effort to avoid the need for a full SAT hearing early next year, aware of the substantial cost to both parties," he said.

"The shire appears to have made a quick decision after subjective review without applying scientific theory."

He said this showed the shire's

inability to handle a project of that size, which underpinned the reason it was referred to the SAT.

Canal Rocks has pushed for a development at Smiths Beach since about 2000, but has strong public opposition. Its latest plans attracted more than 8000 submissions, most opposed.

Bob McKay, of Smiths Beach Action Group, said the proposal was too big. A good compromise would be about 30 per cent of what was proposed.

Cr Anne Ryan, who was found to have failed to declare links with Canal Rocks in 2006, said she would not attend next week's council meeting.

The council indicated in its budget a legal challenge was likely if it decided to defend its planning requirements.

7 (11) 2 B SECTION

20

SECTION

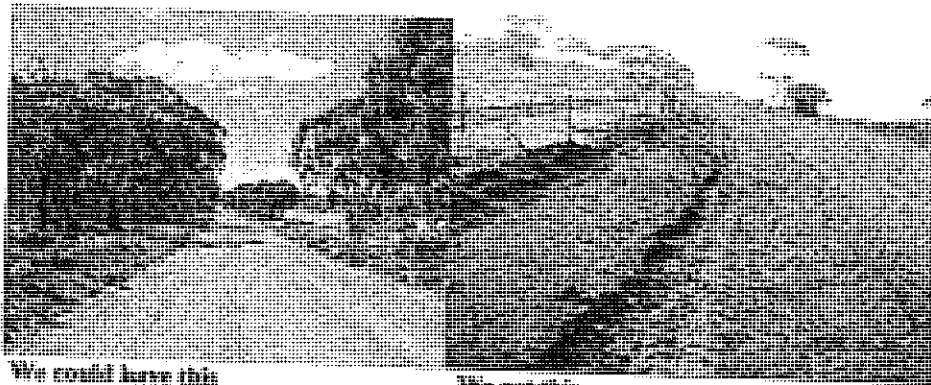
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ALD BTW

Roadside vegetation - Toodyay Shire

Toodyay Shire road verge

- The new native vegetation clearing legislation has ten clearing principles to be considered. When applications to clear are assessed, DEC's field officers report against these.
- One or more of these principles are normally breached when clearing is allowed in the south west.
- The DEC has not refused a single permit to clear roadside vegetation in spite of the breaches of the principles that result when the vegetation is cleared.
- The Shire of Toodyay stands out as a worst case in relation to both permitted and alleged unlawful clearing of its roadside vegetation. Nine of the ten clearing principles will be breached if all the permitted clearing goes ahead.
- A number of other shires have had clearing applications approved that will result in four to seven breaches per shire.
- Toodyay's clearing began in the latter half of 2006 with alleged illegal clearing noticed by local residents and brought to the attention of the authorities. These and subsequent clearing actions by the shire are still "under investigation" by the DEC.
- Seven parties representing thousand of people appealed against the clearing but the appeals were dismissed as were all other appeals against clearing for roadside "maintenance".
- The main reason given for granting the permits and dismissing the appeals in the Toodyay case was "to facilitate the shires obligation to maintain safe transport corridors".
- Generalized offset conditions are placed on some permits but the DEC is doing its best to avoid public scrutiny of how these offsets are applied, managed and monitored.
- The safety issue that is the excuse for most of the roadside clearing needs to be measured against the safety of future generations who will have to live in the resultant degraded and non-functional planet.
- Compared to clearing for mining, agriculture or urban expansion, preventing non-essential roadside vegetation clearing should have been an activity against which the DEC could easily make a meaningful stand.



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DEPARTMENT OF INDUSTRY AND RESOURCES


This advertisement is published in accordance with the provisions of the Environmental Protection Act 1986 and the Environmental Protection Regulations 1986. It is intended to provide information to the public regarding the proposed development and the availability of planning permits and other relevant information.

Application for planning permits

1. **15.18.13** A Division, **Prognosis Point**, **Aboriginal Reserve**, **Ward and Gough** roads, **Ward**, **Shire of Ordvale**, **Aboriginal Reserve**, **Lot 1** of **CP 21** (1977).
2. **Aboriginal Reserve**, **Prognosis Point**, **Aboriginal Reserve**, **Ward and Gough** roads, **Ward**, **Shire of Ordvale**, **Aboriginal Reserve**, **Lot 1** of **CP 21** (1977).
3. **Aboriginal Reserve**, **Prognosis Point**, **Aboriginal Reserve**, **Ward and Gough** roads, **Ward**, **Shire of Ordvale**, **Aboriginal Reserve**, **Lot 1** of **CP 21** (1977).
4. **Aboriginal Reserve**, **Prognosis Point**, **Aboriginal Reserve**, **Ward and Gough** roads, **Ward**, **Shire of Ordvale**, **Aboriginal Reserve**, **Lot 1** of **CP 21** (1977).
5. **Aboriginal Reserve**, **Prognosis Point**, **Aboriginal Reserve**, **Ward and Gough** roads, **Ward**, **Shire of Ordvale**, **Aboriginal Reserve**, **Lot 1** of **CP 21** (1977).

NOTIFICATION OF CLEARING PERMITS AND UNDERPINNINGS SPECIFIC TO ON AND AVAILABLE

- Planning permits granted**
- 1. **15.18.13** A Division, **Prognosis Point**, **Aboriginal Reserve**, **Ward and Gough** roads, **Ward**, **Shire of Ordvale**, **Aboriginal Reserve**, **Lot 1** of **CP 21** (1977).
 - 2. **Aboriginal Reserve**, **Prognosis Point**, **Aboriginal Reserve**, **Ward and Gough** roads, **Ward**, **Shire of Ordvale**, **Aboriginal Reserve**, **Lot 1** of **CP 21** (1977).
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For information on this order, call
Call 13 22 00

EXTRACT OF ORDER FOR TAKING LAND
MAIN ROADS ACT 1930
LAND ADMINISTRATION ACT 1997
(SECTION 178(D)(B)(II) AND (C))


The taking of the land interests in land in the schedule below has been ordered by the Minister for Planning and Infrastructure in accordance with sections 177 and 178 of the Land Administration Act 1997. Such order has been registered by the Registrar of Titles, with registration number stated in the schedule. Extract of such order follows:

| Local Govt | Taking Purpose | Land Description | Plan | Rep. No. of Order | Job No. Reference |
|-----------------------------|-----------------------|----------------------------------|-----------|-------------------|-------------------|
| Municipality of Willemshoek | Widening of Main Road | Lot 401 on Deposited Plan 506889 | PP 506889 | K355/468 | 07/020 |

Further details can be obtained from Warren Richardson, Acquisition Manager, Main Roads Western Australia, Don Aitken Centre, Milestone Crescent, East Perth, WA 6892 or by telephoning (08) 532 3463.

Dated this 29th day of March 2008

Hon Alannah MacTier Minister
MINISTER FOR PLANNING AND INFRASTRUCTURE



For information on this order, call
Call 13 22 00

EXTRACT OF ORDER FOR TAKING LAND
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| Local Govt | Taking Purpose | Land Description | Plan | Rep. No. of Order | Job No. Reference |
|------------------|-----------------------|----------------------------------|-----------|-------------------|-------------------|
| City of Stirling | Widening of Main Road | Lot 304 on Deposited Plan 506889 | PP 506889 | K355/468 | 07/020 |

Further details can be obtained from Warren Richardson, Acquisition Manager, Main Roads Western Australia, Don Aitken Centre, Milestone Crescent, East Perth, WA 6892 or by telephoning (08) 532 3463.

Dated this 29th day of March 2008

Hon Alannah MacTier Minister
MINISTER FOR PLANNING AND INFRASTRUCTURE

DEPARTMENT OF ENVIRONMENT AND CONSERVATION
NOTIFICATION OF APPLICATIONS RECEIVED FOR WORKS APPROVALS, LICENCES AND
AMENDMENTS AND AVAILABLE FOR PUBLIC SUBMISSIONS AND/OR REGISTRATIONS OF INTEREST

Applications for works approvals and new licences

1. Screening and material: Metals Corporation, 1st Monaro Highway, PO Box 142008, [7] [7]
2. Processing or beneficiation of metals or non-metals: The Downer EDI Mining Crushing Services Pty Ltd, Seal No 21999, Mobile Crushing Plant, [7] [7]
3. Electric power generation: Negeri Negeri Pty Ltd, Federal Road, Newcastle, NSW 2008, [7] [7]
4. Processing & beneficiation of metallics: Silver Lake Resources Ltd, Lakeside MR Treatment Plant, 1125 140 & 152 057, 1st Monaro Rd, Boulder, WA 2008, [7] [7]
5. Concrete Batching or Cement Products Manufacturing: Wascor Construction Materials Pty Ltd, Lot 1002, Moore Road, Karratha, WA 6085, [7] [7]

Applications for and proposed amendments to works approvals and licences

6. Chemical Manufacturing: OSEP Limited, Karama Basin Rd, Koolbana, WA 6071, [7] [7]
7. Solid waste facility: Wilson Coping, Vancouver Rd, Mogumber, WA 6101, [7] [7]
8. Electric power generation: EmuPower Power Station Pty Ltd, EmuPower Road, EmuPower, WA 6002, [7] [7]
9. Bulk material loading or unloading: J. D. S. 225 412 Pt. Limited & Associated Mining, Brunson Rd, Albany, WA 6170, [7] [7]

Applications for licence renewals

10. Rubbish Landfill: Sme Shire of Cunderdin, Barkas Rd, Dardemp, WA 6088, [7] [7]
11. Mass Finishing: B & B Paster, La Stretton Oxide Plant, Wilmore Rd, Ruston, WA 6077, [7] [7]

Submissions may be forwarded to the Department of Environment and Conservation Regional Office (address specified below) within 21 days of this advertisement. For copies of applications please contact the Regional Office. Copies of issued instruments are available on the department website www.de.wa.gov.au.

- | | | |
|-------------------------------|------------------------------------|---------------------------------------|
| [7] Kimberley, (08) 9411 1777 | [7] Albany, (08) 9242 4500 | [7] Kalgoorlie, (08) 9328 8205 |
| PO Box 454, KIMBERLEY WA 6515 | 123 Albany Hwy, ALBANY WA 6330 | 32 Brooker Street, KALGOORLIE WA 5400 |
| [7] Geraldton, (08) 9305 7400 | [7] Bunbury, (08) 9725 4300 | [7] Kunamulga, (08) 9165 4200 |
| PO Box 11, GERALDTON WA 6631 | PO Box 1001, SUNBURY WA 6251 | PO Box 942, KUNAMULGA WA 6742 |
| [7] Karratha, (08) 9102 2370 | [7] Victoria Park, (08) 9257 8200 | |
| PO Box 635, KARRATHA 6714 | 7 Elton Street, VICTORIA PARK 6109 | |

NOTIFICATION OF WORKS APPROVALS, LICENCES AND NOTICES ISSUED, REFUSED, REVOKED OR SUSPENDED AND AVAILABLE FOR PUBLIC APPEAL

Licences refused

12. Mass Finishing: Waples Road Control, 1995 Pt. Ltd, Barrington St, Ebra Lake, WA 6051, [7] [7]
13. Screening and material: PAF Quarries Pt. 7, 14, 14A, Limestone Dr, Seal No 21999, Mobile Plant, 1419 0007, [7] [7]
14. Electric power generation: Hocking River Australia Power Services Pty Ltd, Towerup Rd, Jeeringup, WA 6071, [7] [7]
15. Alcohol Beverage Manufacturing: Sme Shire of Cunderdin, Brookman Hwy, Karidale, WA 6074, [7] [7]
16. Electric power generation: Silver Lake Resources Ltd, Yarey Rd, Copet, WA 6057, [7] [7]
17. Metal processing: LaMotte Resources Australia Pty Ltd, Frogg Leg Road, Kalgoorlie, WA 5400, [7] [7]
18. Class 1 Rubbish landfill: Sme of Cunderdin, Karratha West District Site, Karratha, WA 6088, [7] [7]

Licences and works approvals amended

19. Sewage facility: Water Corporation, Mulgaupin Rd, Postmans, WA 6049, [7] [7]

New licences and works approvals issued

20. Mass Finishing: GEL Systems, Arcade St, Naval Base, WA 6008, [7] [7]

Appeals may be forwarded to the Appeals Convener (08) 9221 8711, 13th Floor Allendale Square, 77 St Georges Terrace, PERTH WA 6000. A person may within the period within which the applicant or holder can lodge an appeal about that refusal, specification, revocation, suspension or amendment lodge with the Minister an appeal in writing setting out the grounds of that appeal. Please contact the Appeals Convener for further information. For copies of above documents contact the regional office above.

NOTIFICATION OF VEGETATION CONSERVATION NOTICES GIVEN

Vegetation conservation notice given

Vegetation conservation notice DPS 021517 given to Mr G G and Mrs R Mack, and Mr S A and Mrs S E Mack on the 14 January 2008, for the whole of Lot 3 or Diagram 62322 in the Shire of Waroona, requiring the persons whose the vegetation conservation notice is given to ensure that the notice specified measures to preserve and/or manage native vegetation within the area affected by the clearing.

This Notice is subject to a 21 day appeal period to the Minister for the Environment which expires within 21 days of the 14 January 2008. All appeals to be sent to the Appeals Convener 13th Floor Allendale Square, 77 St Georges Terrace, PERTH WA 6000. Telephone (08) 9221 8711. For copies of above document use website below or (08) 9219 8745.

NOTIFICATION OF APPLICATIONS RECEIVED FOR CLEARING PERMITS, UNDERTAKINGS AND AMENDMENTS AND AVAILABLE FOR PUBLIC SUBMISSIONS AND/OR REGISTRATIONS OF INTEREST

Applications for clearing permits

1. City of Rockingham, Purpose Permit, Burns Road Reserve, Browns, City of Rockingham, Road Extension, 3 The, (CPS 2259/1)
- Submissions may be forwarded to Native Vegetation Conservation Branch, Locked Bag 104, Bentley Delivery Centre, WA, 6008 or epd.de.wa.gov.au within 21 days of this advertisement. For further information, use web site below or (08) 9219 8745.
1. 4.4 and R.A Graham, Area Permit, Lot 14 on Plan 41981, Nankiv, Shire of Plantagenet, Gravel Extraction, 4.75ha, (CPS 2246/1)
 2. Lower Old Lot, Purpose Permit, Lot 758 on Plan 241848 - Reserve 91967, Cambridge Gulf, Shire of Wyndham-East Kimberley, Access Road for Geotechnical Investigations, 0.05ha, (CPS 2275/1)
 3. Shire of Wyndham-East Kimberley, Purpose Permit, Unallocated Crown Land - Delahay Tree Park, Kunene, Shire of Wyndham-East Kimberley, Construction of Visitor Shelter, 0.25ha, (CPS 2257/1)
 4. G.D Thomson and G.J Young, Area Permit, Lot 101 on Plan 21142, Bead, Shire of Harvey, 6 Native Trees, (CPS 2259/1)
- Submissions may be forwarded to Native Vegetation Conservation Branch, Locked Bag 104, Bentley Delivery Centre, WA, 6008 or epd.de.wa.gov.au within 21 days of this advertisement. For further information, use web site below or (08) 9219 8745.

NOTIFICATION OF CLEARING PERMITS AND UNDERTAKINGS DECIDED ON AND AVAILABLE FOR PUBLIC APPEAL

Clearing permits granted

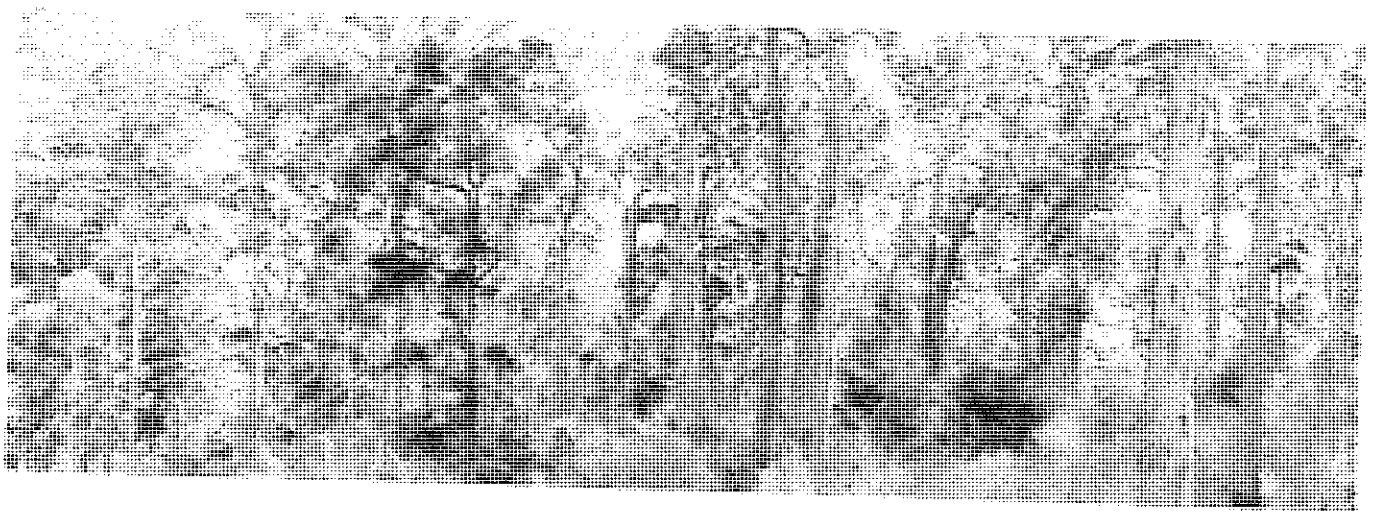
1. Water Corporation, Purpose Permit, State Park No. 14, Nanga Brook, Shire of Waroona, Dam Remedial Works, 3.91ha, Feb 05 - Feb 15, (CPS 911/1)
2. Shire of Brooker, Purpose Permit, Road Reserves - Murrumbidgee-Koona Road, Brooker-Koona Road, Boyagana-Quarantary Road, Overland Road, Shire of Brooker, Road Widening and Realignment, 1.19ha and 22 Native Trees, Feb 08 - Feb 13, (CPS 2012/1)
3. Shire of Northampton, Purpose Permit, Lot 12525 on Plan 41405 - Reserve 48528, Kobern, Shire of Northampton, Gravel Extraction, 19ha, Feb 08 - Feb 13, (CPS 2033/1)
4. Shire of Manjimup, Area Permit, Middleton Road Reserve, Northville, Shire of Manjimup, Road Construction, 1ha, Feb 08 - Feb 10, (CPS 2045/1)
5. Shire of Northampton, Purpose Permit, Kobern Townsite Lot 374 - Reserve 91902, Kobern, Shire of Northampton, Gravel Extraction, 11.5ha, Feb 08 - Feb 13, (CPS 2073/1)
6. Shire of Manjimup, Area Permit, Lot 763 on Plan 82705 - Reserve 12822, Manjimup, Shire of Manjimup, Dam Construction, 0.19ha, Feb 12 - Feb 13, (CPS 2055/1)
7. Shire of Wyndham-East Kimberley, Purpose Permit, Lot 1456 on Plan 22575 - Bazar 0.41512, No Native Trees, Lot 574, Road Reserve, 4162, Shire of Wyndham-East Kimberley, Pathway, 0.25ha, Feb 08 - Feb 10, (CPS 2182/1)
8. Shire of Wyndham-East Kimberley, Purpose Permit, Unallocated Crown Land Brooking Lily Creek Leggett, Kunene, Shire of Wyndham-East Kimberley, Construction Maintenance, 0.0227ha, Feb 08 - Feb 10, (CPS 2259/1)

Appeals against the issue of the permit may be forwarded within 21 days of the 17 January 2008 or for appeals against permit conditions within 28 days of that day. Appeal details below.

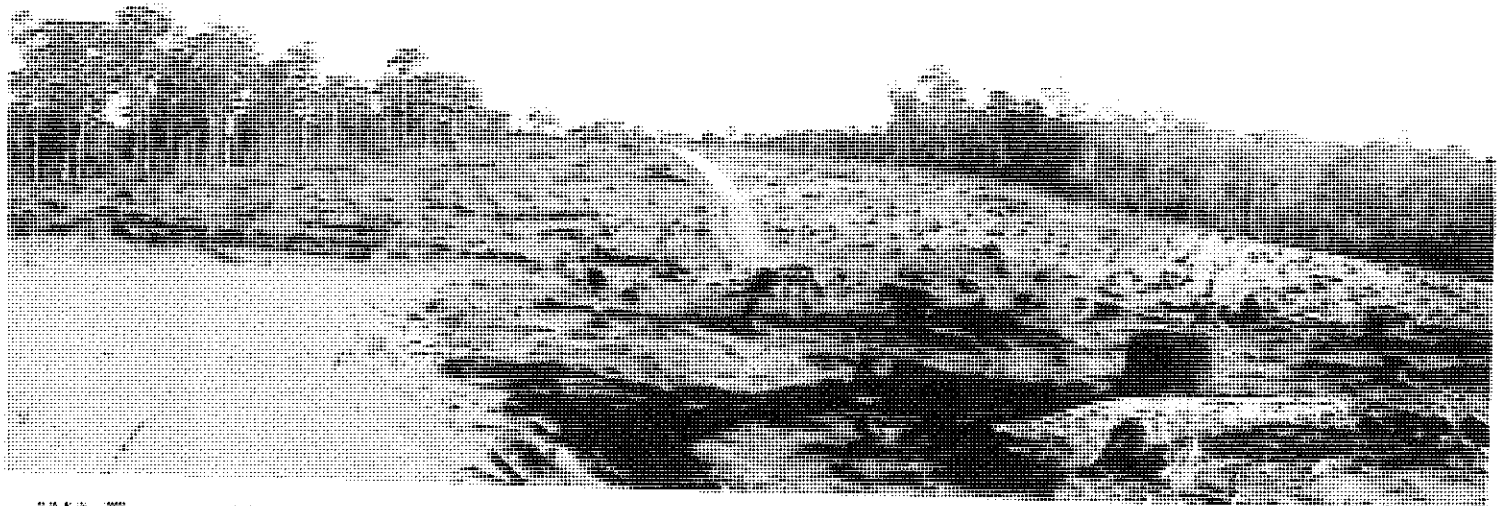
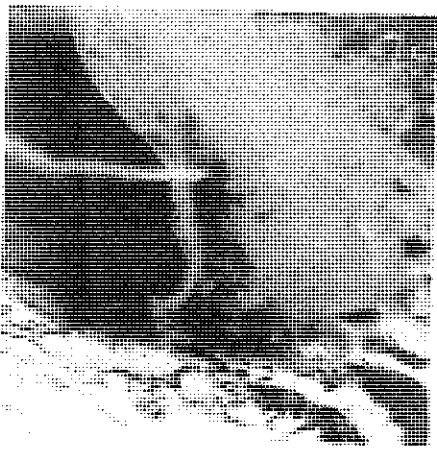
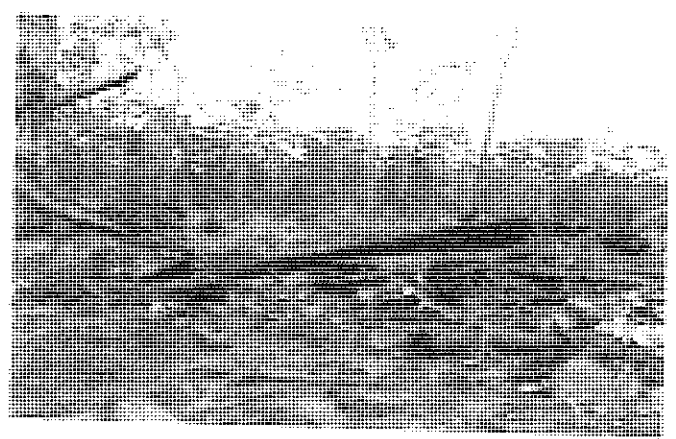
All appeals to be sent to the Appeals Convener 13th Floor Allendale Square, 77 St Georges Terrace, PERTH WA 6000. Telephone (08) 9221 8711. For copies of above documents use website below or (08) 9219 8745.

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**FORESTS FOREVER?
IT'S NOW OR NEVER!**
Saving WA's Forests, 2008



WA Forest Alliance Newsletter December 2008
Leeuwin Environment Inc., South-West Forests Defence Foundation Inc.,

City West Lotteries House, 2 Delhi Street, West Perth (08) 9420 7265
waforestalliance@yahoo.com.au www.waforestalliance.org
printed on recycled paper

*Moew Rod
closing by
NR WA*

Attachments (iii)

Section A Broad Strategies

- (i) - South (and south west) region of WA
- (ii) Augusta Walpole Coastal Strategy - not yet finalised as at 1/1/09
- (iii) Nannup Shire coastal Management Plan Oct 08 input period closed
- (iv) Council studies holy mile vegetation 7 November 08 news item
Busselton Dunsborough Times

Section B Specific difficulties with WA public planning and conservation procedures

- (i) Catalano application to mine sand referred to EPBC Act
Too short a time for voluntary conservation NGO's to do the necessary inspection and compile submissions.
- (ii) Smith's Beach Development Proposal -(as at January 09) to go before the State Administrative Tribunal (which is not an environmental tribunal)

Section C Information on aspects of clearing and difficulties

- (i) Shire of Toodyay roadside vegetation clearing -Toodyay resident
- (ii) Department of Environment and Conservation (DEC) Clearing proposals - applications to clear etc notices . Objectors to the clearing are faced with on site inspections unless they are knowledgeable of the site

advertised. There is insufficient time to do the work in preparing the objections few of which are successful as I understand it.

- (iii) **Mowen Rd upgrade** (see enclosed photograph) - road connects Margaret River with Nannup,
MRWA upgraded this 'tourist' road to the extent of a highway, most of it through state forest. The huge destruction has been unnecessary, excessive. MRWA is not required to protect native vegetation.
MRWA 's budget for road improvements is enormous and its alliances with industry ensure it is not open to thorough scrutiny by concerned citizens.