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9 February 2023

Professor Matthew Tonts
Chairman Environmental Protection Authority
by email: registrar@dwer.wa.gov.au

Dear Professor Tonts

**REFERRAL FOR ASSESSMENT
Ravensthorpe Lithium Project
Shire of Ravensthorpe
Esperance Plains bioregion (Fitzgerald subregion)
Bulletin Resources Ltd
Exploration Licence 74/655
Clearing Permit CPS9749/1**

We write to formally refer for assessment under Section 38 of the *Environmental Protection Act 1986* (EP Act) the proposal to clear native vegetation as part of the Exploration Licence for the Ravensthorpe Lithium Project, as outlined in Clearing Permit CPS9749/1.

The proposal is an assessable 'proposal' as defined by section 3 of the EP Act. We believe the proposal is likely to produce significant direct and indirect impacts on the environment which require assessment under Part IV of the *Environmental Protection Act 1986*.

To our understanding, this proposal has not been referred to the EPA by any other party.

SUMMARY OF PROPOSAL:

The Ravensthorpe Lithium Project clearing permit (**the Proposal**) will clear up to 7 hectares of native vegetation within a 222 ha project area. The Proposal is in an Environmentally Sensitive Area (Cocanarup Timber Reserve), it traverses several non-perennial creeks, it will impact conservation significant species, and will cumulatively add to the impacts from land clearing in the region.

CCWA believes the Proposal will produce unacceptable, residual, and cumulative environmental impacts.

GROUNDINGS FOR REFERRAL:

CCWA submits the following grounds for referral of the Proposal:

1. Clearing is at variance to the DWER native vegetation clearing principles.
2. Clearing of native vegetation will cumulatively add to vegetation loss in the region and produce residual impacts to the environment.
3. Referral of the Proposal under the EPBC Act is required.

1. Clearing is at variance to the DWER native vegetation clearing principles.

CCWA asserts that the Proposal is at variance to 9 of the 10 native vegetation clearing principles cited in DWER's *A guide to the assessment of applications to clear native vegetation (2014)*.

Principle (b) – Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia.

The Proposal area was determined by the proponent as likely or known to contain Threatened and Priority species, including Carnaby's Black Cockatoo (CBC), chuditch, malleefowl, and red-tailed phascogale (see section 6.3 Ravensthorpe Lithium Project Native Vegetation Clearing Permit Application).

Birdlife Australia recognises the Cocanarup Timber Reserve area as an important breeding area for CBC (Ravensthorpe Lithium Project Native Vegetation Clearing Permit Application p11).

CCWA asserts that the Proposal is at variance to Principle (b)

Principle (c) – Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.

The Proponent's assessment (Ravensthorpe Lithium Project Native Vegetation Clearing Permit Application p13) identified, within 10km of the Proposal area, nine DBCA listed Priority Flora taxa, and potential habitat for up to six species listed as threatened under the EPBC Act. Although it was determined that the conservation significant species were unlikely to occur within the Proposal area, the Proposal "coincides with the buffer area of the Commonwealth listed threatened ecological community 'Proteaceae Dominated Kwongkan Shrublands of the Southeast Coastal Floristic Province of Western Australia' (EPBC Act: Endangered DBCA: Priority 3) (Ravensthorpe Lithium Project Native Vegetation Clearing Permit Application p14). The significance of the cited buffer area for the protection of rare flora communities is not adequately addressed by the Proponent.

The discussion for Principle (d) (below) further considers this factor.

CCWA asserts that the Proposal is likely at variance to Principle (c)

Principle (d) – Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a threatened ecological community.

The Proposal area is included in the buffer for the State listed Priority Ecological Community (PEC) Proteaceae Dominated Kwongkan Shrublands of the Southeast Coastal Floristic Province of Western

Australia (Priority 3). This ecological community is also listed as a Commonwealth TEC under the EPBC Act (Ravensthorpe Lithium Project Native Vegetation Clearing Permit Application p14).

While the Proponent surveys did not identify the species diversity or structure representing the PEC/TEC, CCWA highlights that Principle (d) requires meeting only one of two criteria - that the threatened ecological community be contained within the proposal area OR that the vegetation necessary for the maintenance of a threatened ecological community be present. CCWA argues that the Proponent assessment did not establish that the vegetation is NOT necessary for the maintenance of a threatened ecological community.

The Proposal area contains important ecological elements, including perennial streams, which are important to the ecological functioning of the broader area, and which rely on surrounding vegetation (discussed in Principle (e) below) to provide a protective buffer zone.

CCWA asserts that the Proposal is at variance to Principle (d).

Principle (e) – Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.

The Proponent expressly notes that the Proposal area is significant as a remnant of native vegetation:

*The Proposal Area coincides with one ESA [Environmentally Sensitive Area]. As a result, no exemptions under the Clearing Regulations 2005 are applicable. The ESA is due to the Cocanarup Timber Reserve area having been listed as an area under the Register of National Estate. The statement of listing states that the 'The salmon gum (*Eucalyptus salmonophloia*) woodland and jam (*Acacia acuminata*) woodland of this reserve are significant remnants of the vegetation communities which were widespread in the wheat belt before clearing occurred. (Ravensthorpe Lithium Project Native Vegetation Clearing Permit Application, p6-7)*

Despite the listing for this ESA being non-statutory, the intent of Principle (e) is not to consider regions solely on the basis of statutory protection criteria but to

...maintain sufficient native vegetation in the landscape for the maintenance of ecological values. It also recognises the need to protect ecological communities that have been extensively cleared and to retain a representation of each ecological community in local areas throughout its pre-European range. It is in this principle that the cumulative impacts of clearing within a particular area should be considered (A guide to the assessment of applications to clear native vegetation p.18).

CCWA asserts that the Proposal is at variance to Principle (e).

Principle (f) – Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.

The Proposal will traverse several drainage lines and non-perennial creeks, which lead towards the Phillips River.

CCWA emphasises the ecological significance of these non-perennial creeks in providing movement of nutrients and seeds, providing wildlife habitat and migration corridors, affording protection against flooding (through stream energy dissipation) and allowing groundwater recharge.

CCWA believes that there is a risk of impact to these drainage lines and creeks through alteration of the hydrological regimes, and impacts to water quality from land clearing activities from the Proposal.

CCWA asserts that the Proposal is at variance to Principle (f).

Principle (g) – Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.

The Proposal will produce appreciable land degradation through several mechanisms, which are listed by the Proponent (Ravensthorpe Lithium Project Native Vegetation Clearing Permit Application p18). In addition to these, CCWA identifies the following risks:

- Impact to creeks/ivers from changes to surface water runoff resulting from vegetation removal, creating erosion and a reduction in water quality.
- Introduction of dieback and other pathogens or pests from vehicle movements. The Proponent documents note the risk from dieback and that “the Proposal is located is [sic] a known dieback risk area and that hygiene procedures will be required prior to ground disturbing activities commencing.”

The Proponent does not provide any detail of its management strategies to alleviate the risks to land degradation from the Proposal.

CCWA asserts that the Proposal is at variance to Principle (g).

Principle (h) – Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.

The Proposal is within Cocanarup Timber Reserve.

The Cocanarup Conservation Alliance Inc. describes the area as follows:

Cocanarup is a Noongar word meaning “place where water always stays”. The name originally referred to a spring in the Phillips River, but more recently it has been applied to the Cocanarup Timber Reserve, a substantial area of native vegetation that includes a large expanse of mature salmon gum woodland. Located 15 km south-west of Ravensthorpe and encompassing some 9000 ha it and its wider surrounding area (totalling some 65,000 ha) is known to have significant natural and cultural heritage values, some of which are clearly of national significance.

CCWA argues that the Proposal will produce impacts to the environmental values of adjacent or nearby areas through further fragmentation of the landscape and loss of natural corridors that link the coastal vegetation of the Fitzgerald River National Park to the drier landscape of the Great Western Woodlands. The Proposal will also remove habitat, and this will place additional ecological pressures on the surrounding uncleared areas.

CCWA asserts that the Proposal is at variance to Principle (h).

Principle (i) – Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.

As discussed above, the Proposal area includes several non-perennial creeks that flow towards the Phillips River. The Proposal is likely to cause deterioration to these surface waters through land erosion and the subsequent reduction in water quality.

Beyond referencing the WA Groundwater Atlas, the Proponent has not discussed any groundwater impacts. The potential for groundwater impacts requires further investigation.

CCWA asserts that the Proposal is at variance to Principle (i).

Principle (j) – Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence of flooding.

The Cocanarup Conservation Alliance Inc. recognises the creeks which flow towards the Phillips River as prone to flooding. The Proponent documents, however, do not discuss in detail this issue for the Proposal. The ‘unlikely’ risk of increased flooding is not well substantiated by the Proponent and requires further investigation.

The CCWA asserts that the Proposal is likely at variance to Principle (j).

2. Clearing of native vegetation will cumulatively add to vegetation loss in the region and produce residual impacts to the environment.

The Proposal is part of a larger mining project, which is one of many mining projects in the region, each resulting in potentially significant environmental impacts. Combined, these mining projects produce cumulative and residual impacts through ecosystem fragmentation and habitat loss, which will result in species loss. The Proponent has identified in its Clearing Permit Application the range of conservation species and ecological communities contained within the broader mining tenements area, which stand to be impacted.

Furthermore, the impacts to the climate from these cumulative losses of vegetation are not addressed by the Proponent.

In summary, the cumulative impacts to the environmental values of the area from the Proposal include those from:

- Activities that produce climate impacts, including changes to fire and water regimes, alongside broader ecosystem impacts.
- Vegetation clearing, causing ecosystem fragmentation and threatened fauna habitat loss.
- Pest introduction, for example, pathogens, weeds and feral animals.
- Alteration of hydrological regimes from site operations, land clearing, and from unplanned contamination.

CCWA asserts that the clearing of native vegetation for this Proposal will cumulatively add to vegetation loss and ecological impact and will produce residual and irreversible environmental harm.

3. Referral of the proposal under the EPBC Act is require.

It is unclear from the Proponent's documents whether the Proposal has been referred for assessment under the EPBC Act. Given the risks to Carnaby's Black Cockatoo and listed ecological communities, EPBC Act referral is required for the Proposal.

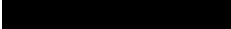
OUTCOMES SOUGHT

CCWA believes that the Cocanarup area contains significant environmental value, which will be residually impacted by the Proposal.

Based on the concerns raised in this referral, assessment of the Proposal under Part IV of the *Environmental Protection Act 1986* is justified.

Thank you for your attention to this matter.

Yours sincerely


Policy and Research Manager
Conservation Council of Western Australia