



Councillor Information Bulletin

For the Ordinary Council Meeting
held on Thursday 23rd May 2019

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2. **TABLED CORRESPONDENCE**
 - **EASTERN WHEATBELT BIOSECURITY GROUP**
RE: Newsletter 6th April 2019
 - **DEFES**
RE: WESTONIA REPORT
 - **HON STEPHEN DAWSON MLC**
RE: MINISTERS APPEAL DETERMINATION
 - **BOTANIC GARDEN PARKS AUTHORITY**
RE: EREMOPHILA TRANSLOCATION SITES

3. **COUNCIL OUTSTANDING RESOLUTIONS STATUS REPORT**

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 - **HON MIA DAVIES MLA**
Nats secure expanded public consultation for voluntary assisted dying laws
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National Redress and Local Government Directions Paper
 - **WHEATBELT DEVELOPMENT COMMISSION**
WDC E-News
 - **WALGA**
Local Government Week Information



SHIRE OF WESTONIA

April, May, June 2019

Date & Time	What	Where	Who
Monday 1 st April	Westonia CRC Committee Meeting	Westonia	CEO, Cr Huxtable
Monday 1 st April	Solum Solutions (C Robinson)	Westonia	CEO
Wednesday 10 th April	Independent Valuers of WA (Valuations on Ramelius properties)	Westonia	CEO
Friday 12 th April	CEACA Meeting	Kellerberrin	CEO, Louis Geier
Tuesday 16 th April	Council Meeting	Westonia	CEO, Councillors
Friday 19 th April	Good Friday		
Monday 22 nd April	Easter Monday		
Thursday 25 th April	ANZAC Day		
Friday 26 th April	Astro Photography	Westonia	All
Saturday 27 th April	Astro Photography	Westonia	All
Sunday 28 th April	Astro Photography	Westonia	All
Tuesday 30 th April	NEWTRAVEL Future Directions Phone Conference Call	Westonia	CEO
Wednesday 1 st May	Wheatbelt Communities	Bruce Rock	CEO, President
Wednesday 1 st May	WEROC Council	Bruce Rock	CEO, President
Friday 3 rd May	LG Professionals Committee Meeting	Corrigin	CEO , MCS
Thursday 9 th May	Office of Auditor General, Butler Settineri Audit intro meeting	Westonia	CEO, President, Deputy President, Cr Geier
Monday 13 th May	Interim Audit	Westonia	Admin Staff
Tuesday 14 th May	Interim Audit	Westonia	Admin Staff
Wednesday 15 th May	Bowls WA – Clive Adams	Westonia	CEO
Thursday 23 rd May	Council Meeting	Westonia	CEO, Councillors
Thursday 23 rd May	LEMC Meeting	Southern Cross	CEO, Cr Geier
Wednesday 29 th May	WEROC Executive	Merredin	CEO
Wednesday 5 th June	CEACA	Merredin	CEO, Louis Geier
Wednesday 12 th June	RDA Committee Visit	Westonia	CEO, President, Deputy President
Thursday 20 th June	DEMC - DFES	Merredin	CEO, CBFCO
Thursday 20 th June	Council Meeting	Westonia	CEO, Councillors
Thursday 4 th July – Friday 2 nd August	CEO Long Service Leave	Darwin	CEO



Eastern Wheatbelt Biosecurity Group

NEWSLETTER

Edition 6 April 2019

UPDATES

• Next Meeting will be September 2019, if you would like to attend please send us an email.

• EWBG will be conducting Baiting and Trapping Workshops to assist local landholders with their declared pest control obligations through the EWBG area in August 2019.

• The EWBG would like to thank the Committee for their continuing support and for volunteering to attend and present at a number of Industry events throughout 2019 on behalf of the EWBG.

• Check out the EWBG website for updates in the industry www.ewbg.com.au and follow us on Facebook.

• The EWBG are currently covering the \$82.50 application cost for RCP Permits. So take this great opportunity to get your permit or update your permit in order to be able to bait and control Wild Dogs, Foxes, Rabbits etc. on your property. Please make sure if you do have a permit it is current!

Dogging Data - January, February and March				
Dogs Killed	Baits Laid	Foxes	Cats	Stock Losses
5	3108	9	2	5

If you have a Wild Dog sighting or attack please report as soon as possible to ewbg@outlook.com or 04 55 724 848.

Committee of Management:

Chair - Stuart Putt Deputy Chair - Steve Palm

Committee: Jim Sullivan, Helen Shemeld, Bill Cowan, Cyril Smith, Mark Crees, Steve Hunt, Dean Sinclair, Ross Della Bosca, Kent Mouritz.

Shire Representatives for EWBG

Merredin	Mark Crees	Mukinbudin	Steve Palm
Narembeen	Bill Cowan	Westonia	Ross Della Bosca
Trayning	TBA	Nungarin	Gary Coumbe
Mt Marshall	Stuart Putt	Lake Grace	Stephen Hunt
Kulin	Brad Taylor	Kondinin	Kent Mouritz
Yilgarn	Wayne Della Bosca		

Operational Plan

The Committee of Management have adopted the Final Operational Plan for 2019/20. If you have any suggestions or concerns with Declared Pests please email the EWBG Executive Officer, so these can be taken into consideration for future Operational Plans or contact your local representative.

Nevoria Haul Road Grid

The EWBG have been working in cooperation with Minjar Gold Pty Ltd – Southern Cross Operations and DPIRD to place a grid in the Nevoria Haul Road Gate. The EWBG would like to thank Minjar Gold for their prompt response in purchasing and installing the grid and thank DPIRD for connecting the grid to State Barrier Fence. This will work in with EWBG operations to ensure maximum control in the area.

State Barrier Fence Upgrades

The SBF upgrades will include the replacement of 33km of SBF between Lake Moore and Angle Rd at the top of the Mukinbudin Shire, 35km of lap wire upgrades to begin soon after Easter starting just south of the Hyden – Norseman Rd and replacing 53km of old fence starting near Lake Moore through to around Boundary Rd in the Shire of Mt. Marshall. There are also plans to grade 167kms of the Yilgarn Gap along the SBF.

RBG Collaboration

The EWBG have applied for funding in conjunction with the Central Wheatbelt Biosecurity Association (CWBA) to undertake additional aerial baiting to pinpoint Wild Dog Activity in the groups prescribed area. The group are also working together with southern RBG's to work in control gap areas for instance the Magenta Reserve.

www.ewbg.com.au

ewbg@outlook.com

0455 724 848

Supported by: Kondinin, Kulin, Lake Grace, Merredin, Mt Marshall, Mukinbudin, Narembeen, Trayning, Westonia, Yilgarn and Nungarin (hereafter known as the Shires).



Australian Wool Innovation Limited



Department of Primary Industries and Regional Development







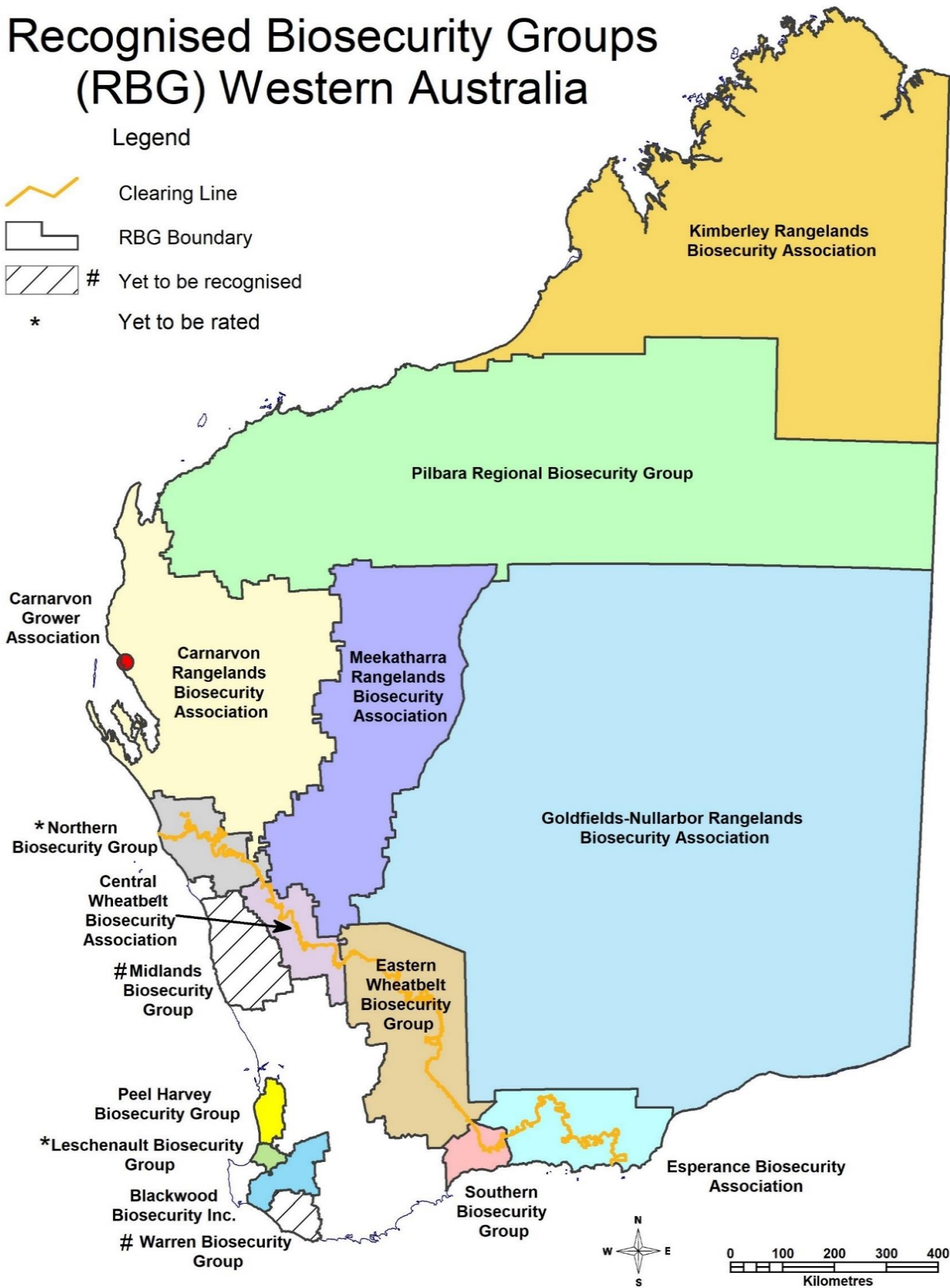
Department of Biodiversity, Conservation and Attractions



Recognised Biosecurity Groups (RBG) Western Australia

Legend

-  Clearing Line
-  RBG Boundary
-  # Yet to be recognised
-  * Yet to be rated





Local Government Report Package for

WESTONIA (S)

Printed: 01/05/2019

**Incidents reported to DFES and Attended by Local Government
and Bushfire Brigades**

Current Brigade Vehicle Lists

000 Service Agreement

SMS Lists

Brigade Personnel Lists

v4.5

Incidents Reported to DFES and Attended by Local Government and Bushfire Brigades
WESTONIA (S)
 01/07/2014 to 01/05/2019

9134 SHIRE WESTONIA

Incident Address	Type of Incident	IRS Report Completed	Paper Report received by DFES
379496 01/01/2018 13:55 BURRACOPPIN SOUTH RD BURRACOPPIN	Fire - Bushfire (sml)	N	N
401126 20/08/2018 05:14 LEACH RD WESTONIA	Fire - Bushfire (sml)	N	N
426246 21/03/2019 14:52 (12KM SOUTH OF)GREAT EASTERN CARRABIN	Fire - Bushfire (sml)	N	N
429334 17/04/2019 15:52 WARRACHUPPIN NORTH RD WARRACHUPPIN	False Call - Good Intent	N	N
Total number of Primary Incidents recorded in time frame: 4			

6644 WALGOOLAN BFB

Incident Address	Type of Incident	IRS Report Completed	Paper Report received by DFES
4468 21/10/2015 06:30 BURRACOPPIN SOUTH RD SOUTH BURRACOPPIN	Fire - Bushfire (sml)	Y	
356336 03/03/2017 13:00 BURRACOPPIN SOUTH RD SOUTH BURRACOPPIN	Fire - Bushfire (lge)	Y	
357472 17/03/2017 18:30 ROHAN DAY DELLA RD SOUTH BODALLIN	Fire - Bushfire (lge)	Y	
387398 29/03/2018 12:00 ELLERY RD SOUTH BURRACOPPIN	Fire - Bushfire (sml)	N	N
Total number of Primary Incidents recorded in time frame: 4			

6658 WARRALAKIN BFB

Incident Address	Type of Incident	IRS Report Completed	Paper Report received by DFES
357472 17/03/2017 18:30 ROHAN DAY DELLA RD SOUTH BODALLIN	Fire - Bushfire (lge)	N	N
377761 10/12/2017 15:46 LEAVE JOB OPEN UNTIL 11/12 ROSE THOMSON RD ENEABBA	Fire - Bushfire (lge)	N	N
377973 12/12/2017 14:41 WEBB RD WARRACHUPPIN	Fire - Bushfire (lge)	N	N
416374 03/12/2018 15:02 WARRACHUPPIN NORTH RD WARRACHUPPIN	Fire - Bushfire (lge)	N	N
Total number of Primary Incidents recorded in time frame: 4			

6668 WESTONIA BFB

	Incident Address	Type of Incident	IRS Report Completed	Paper Report received by DFES
322137 27/12/2015 13:29	CAW ST MERREDIN	Fire - Bushfire (lge)	N	N
323191 07/01/2016 13:13	ELACHBUTTING RD ELACHBUTTING	Fire - Bushfire (sml)	N	N
327059 20/02/2016 01:44	SANDS TRANSPORT GREAT EASTERN HWY BODALLIN	Fire - Other/Rubbish/Vehicle	N	N
357472 17/03/2017 18:30	ROHAN DAY DELLA RD SOUTH BODALLIN	Fire - Bushfire (lge)	N	N
368919 17/08/2017 15:21	CARRABIN ROADHOUSE YORK RD CARRABIN	Road Crash & Rescue	N	N
377973 12/12/2017 14:41	WEBB RD WARRACHUPPIN	Fire - Bushfire (lge)	N	N
416374 03/12/2018 15:02	WARRACHUPPIN NORTH RD WARRACHUPPIN	Fire - Bushfire (lge)	N	N
416402 03/12/2018 16:29	SMYTH RD CARRABIN	Fire - Bushfire (lge)	N	N
422358 06/02/2019 23:36	GRAHAM RD CARRABIN	False Call - Good Intent	N	N

Total number of Primary Incidents recorded in time frame: 9

NOTE: The above list shows all Incidents reported to DFES via the ComCen, or via a Paper Incident Report received, during the given time frame. Incidents not displayed on this list have not been reported to DFES.

If the '*IRS Report Completed*' column shows N, then a complete Incident Report has not been received by DFES.

If there is an N in the '*Paper Report received at DFES*' column, then a copy of the Paper Report has not been received by DFES.

To enable the Incident Report to be completed, please forward a copy of the original Incident Report via fax or email to DFES as below.

If you require any assistance please contact us using any of the the following methods;

OIS Branch

Fax: 1800 309 999

Phone: 9395 9406 (office hours)

Email: reports@dfes.wa.gov.au

Location / Vehicle Listing - WESTONIA (S)
as at 01/05/2019

9134 SHIRE WESTONIA

Resource Name	Resource Type	Make	Model	Selcall No.	Year of make	Rego	Owner	Decom	Trans	New Location	Date
SHIRE WESTONIA PLACEHOLDER	OTHER							<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Please Note:

This report has been produced to assist with maintaining Appliance information recorded on the DFES database. It will be provided to Local Governments on a monthly basis.

If you identify any errors, please return corrected form to;

OIS Branch

Fax: 1800 309 999

Phone: 9395 9406 (office hours)

Email: reports@dfes.wa.gov.au

For vehicles which have been relocated or taken out of service please advise ComCen at cadadministrator.wa.gov.au

Location / Vehicle Listing - WESTONIA (S)
as at 01/05/2019

6644 WALGOOLAN BFB

Resource Name	Resource Type	Make	Model	Selcall No.	Year of make	Rego	Owner	Decom	Trans	New Location	Date
LT (E824) - WT339	LIGHT TANKER	TOYOTA	VDJ79R	806088	2012	WT339	LG (ESL)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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Location / Vehicle Listing - WESTONIA (S)
as at 01/05/2019

6658 WARRALAKIN BFB

Resource Name	Resource Type	Make	Model	Selcall No.	Year of make	Rego	Owner	Decom	Trans	New Location	Date
LT (N175) - WT357	LIGHT TANKER	TOYOTA	VDJ79R	497005	2013	WT357	LG (ESL)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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Location / Vehicle Listing - WESTONIA (S)
as at 01/05/2019

6668 WESTONIA BFB

Resource Name	Resource Type	Make	Model	Selcall No.	Year of make	Rego	Owner	Decom	Trans	New Location	Date
LT (N176) - 39WT	LIGHT TANKER	TOYOTA	VDJ79R	497010	2013	39WT	LG (ESL)				
3.4 URBAN (E579) - WT1500	3.4 URBAN	ISUZU	FHFTSLGB03	80454	2010	WT1500	LG (ESL)				

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If you identify any errors, please return corrected form to;

OIS Branch

Fax: 1800 309 999

Phone: 9395 9406 (office hours)

Email: reports@dfes.wa.gov.au

For vehicles which have been relocated or taken out of service please advise ComCen at cadadministrator.wa.gov.au

Current 000 SERVICE AGREEMENT for WESTONIA (S)

**In order to advise Local Government of 000 calls promptly it is suggested that contacts are 24/7 numbers.
The 4th contact will always be DFES Regional Duty Coordinator**

No more than 3 contacts per LGA will be recorded.

Our 24 hour, 365 day emergency 000 contacts from the Communications Centre are as follows:

Organisation	Role	Name	Contact Type	Number
1 Shire of Westonia	CEO - Shire Office	Jamie Criddle	Phone (Bus)	9046 7063
2 Shire of Westonia	CBFCO	Frank Corsini	Mobile	0429 467 042
3 Shire of Westonia	DCBFCO	Malcolm Nicoletti	Mobile	0428 449 034
4 DFES Goldfields Midlands Region	Regional Duty Co-Ordinat	DFES Regional Duty Co-Ordinator		9690 2300

Note: Contacts may make reference to an SMS group which allows multiple pagers or mobile phones to be attached to that group.. An SMS list form needs to have been completed.

Alterations to contacts:

Organisation	Role	Name	Contact Type	Number
1.				
2.				
3.				

Local Government Chief Executive Officer

DFES Area / District Manager

Print Name

Signature

Print Name

Signature

Contact Number

Date

Contact Number

Date

Instructions for Local Authority in the event of any alterations to the list above;

1. Complete the Alterations section with the changes required.
2. CEO to sign form.
3. Local Authority to send a copy to DFES Regional Office for Authorisation by DFES Area / District Manager.
4. Area/District Manager to email a signed copy to **cadadministrator@dfes.wa.gov.au**

LG Brigade Personnel Listing - WESTONIA (S)
as at 01/05/2019

9134 SHIRE WESTONIA

Remove	Vol. Number	Rank	Surname	Given Name
	119012	LG FCO	BROWN	DAVID
	119154	LG CBFCO	CORSINI	FRANK
	119135	LG FCO	CRIDDLE	JAMIE
	142827	LG FCO	DAY	ROHAN
	162184	LG FCO	FARINA	DANE
	119016	LG FCO	LEMOLGNAN	STEVEN
	119120	LG FCO	LINDLEY	COLIN
	119079	LG FCO	MCDOWALL	JOHN
	146834	LG FCO	MURFIT	TONY
	133116	LG DCBFCO	NICOLETTI	MALCOLM
	146818	LG FCO	PENNY	BRAD
	119124	LG FCO	PRICE	ARTHUR
	119013	LG FCO	SMITH	AARON
	146836	LG FCO	WAHLSTEN	JASON

Members to be Added:

9134 SHIRE WESTONIA

DFES ID	Rank	Surname	First Name

Instructions for any alterations to the list above;

1. Details are to be printed **clearly**.
2. Member names are to be listed as Surname, then First Name.
3. Send the completed form to your Regional Office to ensure the information is updated in RMS
4. When authorised & signed by your Area / District Manager, send a copy of the new or updated form to **reports@dfes.wa.gov.au** or fax to 1800 309 999

Changes Requested By:

Contact Name (please print)	Contact Number	Date	Area / District Manager	Sign & Date

AUTHORISED:

YES

NO

LG Brigade Personnel Listing - WESTONIA (S)

as at 01/05/2019

6644 WALGOOLAN BFB

Remove	Vol. Number	Rank	Surname	Given Name
	119036	VOL FIRE FIGHTER	BARNETT	CHRISTOPHER
	119037	VOL FIRE FIGHTER	BARNETT	DANIEL
	119050	VOL FIRE FIGHTER	BARNETT	HELEN
	119012	BFB 1ST LIEUTENANT	BROWN	DAVID
	119048	VOL FIRE FIGHTER	BROWN	EILEEN
	179432	VOL FIRE FIGHTER	BROWN	GERARD
	138356	VOL FIRE FIGHTER	COLE	CAROLYN
	138359	VOL FIRE FIGHTER	COLE	MALCOLM
	119047	VOL FIRE FIGHTER	CREES	RODNEY
	146831	VOL FIRE FIGHTER	DAY	KARIN
	142827	BFB 2ND LIEUTENANT	DAY	ROHAN
	119045	VOL FIRE FIGHTER	JEFFERYS	BRETT
	146833	VOL FIRE FIGHTER	JEFFERYS	CHRIS
	150023	VOL FIRE FIGHTER	JEFFERYS	COREY
	119010	VOL FIRE FIGHTER	JEFFERYS	JOHN
	119046	VOL FIRE FIGHTER	JEFFERYS	MARK
	146832	VOL FIRE FIGHTER	JEFFERYS	NARELLE
	119051	VOL FIRE FIGHTER	JOHNSTON	GRAHAM
	182036	VOL FIRE FIGHTER	LAMBERT	PETER
	146834	VOL FIRE FIGHTER	MURFIT	TONY
	179674	VOL FIRE FIGHTER	MURRAY	ROBERT
	179078	VOL FIRE FIGHTER	ROUTLEDGE	BERGEN
	146838	VOL FIRE FIGHTER	WAHLSTEN	CLINTON
	146836	CAPTAIN	WAHLSTEN	JASON
	146839	VOL FIRE FIGHTER	WAHLSTEN	LUKE
	146837	VOL FIRE FIGHTER	WAHLSTEN	TERRY

Members to be Added:

6644 WALGOOLAN BFB

DFES ID	Rank	Surname	First Name

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Changes Requested By:

Contact Name (please print)	Contact Number	Date	Area / District Manager	Sign & Date

AUTHORISED: YES NO

LG Brigade Personnel Listing - WESTONIA (S)

as at 01/05/2019

6658 WARRALAKIN BFB

Remove	Vol. Number	Rank	Surname	Given Name
	171478	VOL FIRE FIGHTER	ALCOCK	GRAHAM
	178681	VOL FIRE FIGHTER	BALLANTYNE	DUNCAN
	182136	VOL FIRE FIGHTER	BRENNAN	BRAYDEN
	133119	VOL FIRE FIGHTER	CHRISP	SHAUN
	178680	VOL FIRE FIGHTER	CLAESSENS	EVA
	178682	VOL FIRE FIGHTER	CREWS	MITCH
	119017	BFB 3RD LIEUTENANT	CREWS	PETER
	146821	VOL FIRE FIGHTER	CROOK	DAVID
	119114	VOL FIRE FIGHTER	CROOK	MICHAEL
	119103	VOL FIRE FIGHTER	CROOK	RUSSELL
	119015	VOL FIRE FIGHTER	DADDOW	STEPHEN
	182134	VOL FIRE FIGHTER	DAWSON	SAM
	171481	VOL FIRE FIGHTER	FARINA	ABIGAIL
	171480	BFB 2ND LIEUTENANT	FARINA	BEN
	162184	VOL FIRE FIGHTER	FARINA	DANE
	182253	VOL FIRE FIGHTER	GIBSON	KYLIE
	119016	BFB 1ST LIEUTENANT	LEMOLGNAN	STEVEN
	182135	VOL FIRE FIGHTER	MARTIN	HANNAH
	119079	VOL FIRE FIGHTER	MCDOWALL	JOHN
	171482	VOL FIRE FIGHTER	MCDOWALL	ROBERT
	178679	VOL FIRE FIGHTER	NICOLETTI	ALEISHA
	133116	CAPTAIN	NICOLETTI	MALCOLM
	108605	VOL FIRE FIGHTER	PARKIN	CRAIG
	161319	VOL FIRE FIGHTER	PARKIN	DANIELLE
	162182	VOL FIRE FIGHTER	PRICE	DAVID
	171497	VOL FIRE FIGHTER	PRICE	MORGAN

	171498	VOL FIRE FIGHTER	PRICE	STACY
	171500	BFB SECRETARY	SING	JEANNIE
	155396	VOL FIRE FIGHTER	SING	STEWART
	119013	VOL FIRE FIGHTER	SMITH	AARON
	146827	VOL FIRE FIGHTER	SMITH	JOAN
	119084	VOL FIRE FIGHTER	SMITH	STEPHEN

Members to be Added:

6658 WARRALAKIN BFB

DFES ID	Rank	Surname	First Name

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Changes Requested By:

Contact Name (please print)	Contact Number	Date	Area / District Manager	Sign & Date

AUTHORISED: YES NO

LG Brigade Personnel Listing - WESTONIA (S)

as at 01/05/2019

6668 WESTONIA BFB

Remove	Vol. Number	Rank	Surname	Given Name
	119134	VOL FIRE FIGHTER	ANTONIO	JOCELYN
	119004	VOL FIRE FIGHTER	ANTONIO	PETER
	119148	VOL FIRE FIGHTER	ARGENT	BRIAN
	181988	VOL FIRE FIGHTER	BLAKE	DAMIEN
	181987	VOL FIRE FIGHTER	BLAKE	TERRI
	171479	VOL FIRE FIGHTER	BLAKE	VICTOR
	64802	VOL FIRE FIGHTER	BRIGHT	GRAEME
	119154	CAPTAIN	CORSINI	FRANK
	182000	VOL FIRE FIGHTER	CORSINI	JOEL
	119153	VOL FIRE FIGHTER	CORSINI	JOHN
	119135	VOL FIRE FIGHTER	CRIDDLE	JAMIE
	182080	VOL FIRE FIGHTER	DADDOW	GRAHAM
	182009	VOL FIRE FIGHTER	DELLA BOSCA	ROSS
	182010	VOL FIRE FIGHTER	DELLA BOSCA	TIMOTHY
	159264	VOL FIRE FIGHTER	DUNKLEY-COOPER	KASEY
	166652	VOL FIRE FIGHTER	GEIER	ASHLEY
	151957	VOL FIRE FIGHTER	GEIER	DAIMON
	119006	BFB 3RD LIEUTENANT	HAMILTON	DAVID
	159378	VOL FIRE FIGHTER	HERMON	DOUG
	119120	BFB 1ST LIEUTENANT	LINDLEY	COLIN
	119146	VOL FIRE FIGHTER	LINDLEY	CORALIE
	119152	VOL FIRE FIGHTER	LINDLEY	JUDITH
	119128	VOL FIRE FIGHTER	LINDLEY	KEVIN
	104308	VOL FIRE FIGHTER	MCLAUGHLIN	MARTIN
	182420	VOL FIRE FIGHTER	MOORE	JAMES
	119005	VOL FIRE FIGHTER	O' RAFFERTY	DES

Members to be Added:

6668 WESTONIA BFB

DFES ID	Rank	Surname	First Name

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Changes Requested By:

Contact Name (please print)	Contact Number	Date	Area / District Manager	Sign & Date

AUTHORISED: YES NO



Environmental Protection Act 1986

Hon Stephen Dawson MLC
Minister for Environment

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST REFUSAL TO GRANT CLEARING PERMIT CPS 8069/1 EDNA MAY OPERATIONS PTY LTD – GREENFINCH PROJECT, AREA PERMIT, MINING LEASES 77/88, 77/124, SHIRE OF WESTONIA

Purpose of this document

This document sets out the Minister's decision on an appeal lodged under section 101A(1)(a) of the *Environmental Protection Act 1986* in objection to the above refusal. This document is produced by the Office of the Appeals Convenor for the Minister but is not the Appeals Convenor's own report, which can be downloaded from the Appeals Convenor's website at www.appealsconvenor.wa.gov.au.

Appellant:	Edna May Operations Pty Ltd
Applicant:	Edna May Operations Pty Ltd
Proposal description:	Refusal to grant a permit to clear up to 48.8 hectares of native vegetation for the expansion of the Edna May Gold Mine
Minister's decision:	The Minister dismissed the appeal
Date of decision:	13 May 2019

REASONS FOR MINISTER'S DECISION

Edna May Operations Pty Ltd (Edna May/the appellant) applied to the Department of Mines, Industry Regulation and Safety (DMIRS) for a permit to clear up to 62.3 hectares (ha) of native vegetation within mining leases M77/88 and M77/124 (on Crown Reserve R14983), Westonia (CPS 8069/1) in May 2018, and this was subsequently reduced to 48.8 ha in order to minimise environmental impacts. An offset proposal to address environmental impacts was also submitted, which proposed revegetation of nearby ex-farmland.

Through its assessment, DMIRS concluded that the proposed clearing was seriously at variance to clearing principle (c) and at variance to clearing principles (b), (d) and (e). On 1 November 2018, DMIRS refused to grant a clearing permit for the expansion.

Edna May appealed this decision, submitting that DMIRS failed to take into account the reduction in impacts with the revised proposal or the proposed offset. The appellant also submitted that DMIRS incorrectly assessed the proposed clearing in respect of threatened flora, threatened ecological communities and other biodiversity-related matters, and was inconsistent compared with previous clearing applications for the development of the Edna May Gold Mine.

The appeal was investigated by the Appeals Convenor on the Minister's behalf, which included a meeting with Edna May, as well as feedback from DMIRS, and a site visit.

As outlined in the Appeals Convenor's report, the appeal right in relation to a decision to refuse to grant a clearing permit considers the environmental merits of the assessment based on principles as set out in Schedule 5 of the *Environmental Protection Act 1986*, as well as other relevant matters.

In relation to threatened flora, DMIRS identified that the application area contains four *Eremophila resinosa* plants, along with habitat considered by DMIRS on advice of the Department of Biodiversity, Conservation and Attractions (DBCA) to be critical to the survival of this species. DMIRS also identified the potential for fragmentation of sub-populations as a result of the proposed clearing.

In the appellant's view, the impacts to this species have been minimised through the revised application, and that residual impacts can be counterbalanced through revegetation and translocation. Edna May also submitted that critical habitat for the species has not been formally mapped by DBCA.

While DBCA acknowledged the survival of translocated *E. resinosa*, it queried the long-term sustainability of translocated populations, stating that it is not appropriate to rely on regeneration of the species in non-natural disturbed areas, as this will not be sustainable in the longer term with respect to maintaining other supporting ecosystem processes. In coming to this view, DBCA noted that between 22 to 88 per cent of populations at each translocation site had been recorded as dead or lost.

Having regard to the information presented in relation to this matter, the Minister agreed with the Appeals Convenor that given the status of the species, and DBCA's advice on the potential impacts and questions around translocation, DMIRS was justified in concluding that the proposed clearing is seriously at variance to clearing principle (c).

In relation to fauna habitat values, the appellant submitted that fauna habitat and movement around the area is already affected by Warrachuppin Road and existing disturbance within the application area, and that fauna assessments identified the majority of fauna to comprise mobile bird species.

DMIRS advised that it considered the condition of the vegetation, habitat types, connectivity, and the partial overlap of the application area with the Westonia Common, and had regard for the findings of fauna assessments conducted in 2012 and 2014, in its assessment against clearing principle (b).

The Appeals Convenor considered that the available evidence supports DMIRS' view that the application area forms part of a significant habitat for fauna. On review of the information available in relation to this matter, the Minister agreed with this conclusion.

In relation to threatened ecological communities, DMIRS identified that the proposed clearing would impact approximately 33 ha of the Commonwealth-listed threatened ecological community 'Eucalypt Woodlands of the Western Australian Wheatbelt' (Wheatbelt Woodlands TEC), which the Minister noted is comprised of two State-listed priority ecological communities.

By the appeal, Edna May expressed the view that impacts to the TEC can be addressed through revegetation with appropriate species, and that as a result, DMIRS should not have found the proposed clearing to be at variance to clearing principle (d).

The decision report states that DBCA considered there is a risk of the revegetation not succeeding for a number of reasons, and protection and management of intact areas of the TEC are likely to provide better outcomes long-term.

On the basis of the information available to the Minister, and noting that the listing of the Wheatbelt Woodlands TEC post-dates previous clearing permit decisions in association with mining in the area, the Minister supported DMIRS' conclusion that the proposed clearing is at variance to clearing principle (d).

In relation to the significance of the remnant in an extensively cleared area, the Minister considered the concerns the appellant raised, along with advice of the Appeals Convenor and DMIRS, and consistent with his conclusion with respect to clearing principle (b), the Minister was of the view that the proposed clearing would result in severance of vegetation linkages between portions of the Westonia Common and could lead to impacts to adjacent vegetation. While Edna May submitted that the impact to connectivity can be addressed through revegetation, the Minister was of the view that there remains impacts to connectivity at least in the medium-term. Noting this, the Minister considered DMIRS' conclusion that the proposed clearing is at variance to clearing principle (e) was justified.

As to the concerns raised in the appeal in respect to offsets and consistency with other decisions, the Minister carefully considered the issues raised, and formed the view that DMIRS appropriately considered the issues, and the Minister adopted its conclusions accordingly.

It follows from the above that the Minister considered that DMIRS was justified in concluding that the proposal to clear 48.8 ha of native vegetation for the expansion of the Edna May mine and related purposes was seriously at variance to clearing principle (c), and was at variance to a number of other principles. Noting the identified values, and in particular the impacts to threatened flora as identified by DBCA, the Minister was of the view that the decision to refuse the permit was also justified, and the Minister dismissed the appeal on that basis.

The Minister noted that Edna May submitted a revised clearing proposal to the Appeals Convenor during the appeal investigation, which among other things reduced the extent of clearing to 26.3 ha. While it is open to him to consider a reduced area of clearing in his determination of the appeal, the Minister was of a view that as the modified proposal represents a substantial variation to the application considered by DMIRS (48.8 ha to 26.3 ha), the implications of the change warrant fresh assessment against the clearing principles and other relevant matters by DMIRS.

Note: this decision is published pursuant to the terms of section 110 of the *Environmental Protection Act 1986* and regulation 8 of the *Environmental Protection Regulations 1987*.

Office of the Appeals Convenor

Level 22, 221 St Georges Terrace

Perth WA 6000

Tel: (08) 6364 7990

Fax: (08) 6364 7999

www.appealsconvenor.wa.gov.au



Appeals Convenor

Environmental Protection Act 1986

**REPORT TO THE
MINISTER FOR ENVIRONMENT**

**APPEAL IN OBJECTION TO THE DECISION OF THE DEPARTMENT OF MINES,
INDUSTRY REGULATION AND SAFETY TO REFUSE TO GRANT A CLEARING PERMIT**

**CPS 8069/1: EDNA MAY GOLDMINE EXPANSION AND
GREENFINCH PROJECT, SHIRE OF WESTONIA**

PROPONENT: EDNA MAY OPERATIONS PTY LTD

Appeal Number C016 of 2018

May 2019

Appeal Summary

This report relates to an appeal lodged by Edna May Operations Pty Ltd (applicant; appellant) in objection to a decision of the Department of Mines, Industry Regulation and Safety (DMIRS) to refuse to grant a clearing permit for its revised application CPS 8069/1 to clear 48.8 hectares (ha) of native vegetation within mining tenements M77/88 and M77/124, Westonia, for the purpose of development of mining activities.

On the basis of its assessment of clearing impacts, DMIRS identified that the revised application area contains native vegetation that is important for the survival of threatened flora and is within a significant remnant in an extensively cleared landscape, and that the proposed clearing would impact on fauna habitat, a wildlife corridor and approximately 33 ha of a threatened ecological community (TEC). DMIRS concluded that the proposed clearing is seriously at variance to clearing principle (c), is at variance to clearing principles (b), (d), and (e), may be at variance to clearing principles (a) and (h), is not likely to be at variance to clearing principles (g), (i) and (j), and is not at variance to clearing principle (f), and refused to grant a clearing permit.

The appellant submitted that DMIRS' decision to refuse to grant a clearing permit on the basis of its assessment is unreasonable and unjustified. Broadly, the appellant submitted that DMIRS failed to properly take into account the revised application and proposed offsets, incorrectly assessed the proposed clearing in respect of threatened flora, TECs and other biodiversity-related matters, and applied inconsistent decision-making compared with previous clearing applications for the development of the Edna May Gold Mine. The appellant is seeking for the Minister for Environment to allow the appeal and grant a clearing permit, subject to appropriate conditions including an offset package.

For the reasons stated in this report and based on the available evidence, the Appeals Convenor considered that DMIRS was justified in concluding that the proposal to clear 48.8 ha of native vegetation for the expansion of the Edna May mine and related purposes was seriously at variance to clearing principle (c), and was at variance to a number of other principles. Noting the identified values, and in particular the impacts to threatened flora as identified by DBCA, it is considered that the decision to refuse the permit was also justified.

The Appeals Convenor noted that the appellant submitted a modified footprint (26.3 ha) and offset for the proposed clearing, however, considered that this represented a substantial change that should be assessed as a fresh clearing permit application.

Recommendation

The Appeals Convenor recommended that the appeal be dismissed.

INTRODUCTION

This report relates to an appeal lodged by Edna May Operations Pty Ltd (applicant; appellant) in objection to a decision of the Department of Mines, Industry Regulation and Safety (DMIRS) to refuse to grant a clearing permit to clear 48.8 hectares (ha) of native vegetation within mining tenements M77/88 and M77/124, Westonia, to facilitate expansion of existing mining operations. The location of the proposed clearing is indicated in Figure 1.



Figure 1: Location map (indicated by red star)

(Source: Whereis.com, December 2018)

Background

In February 2018, a proposal to expand the Edna May Gold Project was referred to the Environmental Protection Authority (EPA). On 24 April 2018, the EPA determined not to assess the proposal, finding that the environmental issues raised by the proposal could be dealt with under Part V (clearing) of the *Environmental Protection Act 1986* (EP Act).¹

In May 2018, a proposal to clear up to 43.9 ha of native vegetation within a 62.4 ha footprint for the expansion was referred under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). On 6 August 2018, the Commonwealth Department of the Environment and Energy (DotEE) determined that the proposal was a controlled action in relation to impacts to listed threatened species and communities, requiring assessment (EPBC 2018/8213).

Also in May 2018, DMIRS received an application for a permit to clear up to 62.3 ha of native vegetation within mining leases M77/88 and M77/124 (within a portion of Crown Reserve R14983), Westonia.² In support of the application, the applicant submitted an offset proposal to address environmental impacts through revegetation of nearby ex-farmland and the contribution of funds to local and regional conservation initiatives. The extent of the original application area (62.3 ha) is shown in Figure 2.

¹ Available at: <http://www.epa.wa.gov.au/proposals/edna-may-gold-project-greenfinch-expansion>

² Clearing applications associated with mining and petroleum activities are assessed by the Department of Mines, Industry Regulation and Safety under a delegation from the Department of Water and Environmental Regulation in accordance with the provisions of the EP Act.



Figure 2: Original application area (indicated by yellow shading) (Source: DMIRS CPS 8069/1)

The application was advertised for a 21-day public comment period and three submissions were received raising concerns about potential impacts to biodiversity, vegetation, flora, fauna and the reserve, and the clearing principles.³

On 6 August 2018, DMIRS notified the applicant that the proposed clearing will impact on a number of environmental values and was unlikely to be considered acceptable. These values included (among other things) the threatened flora *Eremophila resinosa* (*E. resinosa*), the Commonwealth-listed threatened ecological community (TEC) 'Eucalypt Woodlands of the Western Australian Wheatbelt' (Wheatbelt Woodlands TEC) (critically endangered; comprising two State-listed priority ecological communities (PEC)), remnant vegetation in an extensively cleared area, significant habitat for indigenous fauna, and ecological linkages.

In response, the applicant submitted a revised application reducing the extent of the proposed clearing from 62.3 ha to 48.8 ha, and proposed an additional revegetation offset. The extent of the revised application area (48.8 ha) is shown in Figure 3.

On 1 November 2018, DMIRS refused to grant a clearing permit for the revised application. In communicating the decision to the applicant, DMIRS concluded that the proposed clearing was seriously at variance to clearing principle (c) due to impacts to threatened flora, and at variance to clearing principle (b) significant habitat for fauna, (d) due to the presence of a TEC and (e) significant remnant in a highly cleared area. It was against this decision that the appeal was received.

³ As listed in Schedule 5 of the EP Act and in accordance with section 51O of the EP Act.



Figure 3: Revised application area (indicated by yellow shading) (Source: Appeal document)

This document is the Appeals Convenor's formal report to the Minister for Environment under section 109(3) of the EP Act.

OVERVIEW OF APPEAL PROCESS

In accordance with section 106 of the EP Act, a report was obtained from DMIRS in relation to the issues raised in the appeal. During the appeal investigation, the Appeals Convenor consulted with DMIRS and the appellant in relation to issues raised in the appeal. The Appeals Convenor also undertook a site visit.

The appellant requested a copy of DMIRS' report on the appeal. The appellant made submissions in response to DMIRS' report, which included a further revision to the boundaries of the area to be cleared and a revised offset, with a reduction in clearing to 26.3 ha. The appellant requested that the Minister consider granting a clearing permit for the reduced area. As the modified footprint submitted by the appellant represents a substantial variation to the application considered by DMIRS (48.8 ha to 26.3 ha), it is considered that the implications of the change warrant fresh assessment against the clearing principles and other relevant matters. Further discussion relevant to this issue is provided later in this report.

The environmental appeals process is a merits-based process. For appeals in relation to a decision to refuse to grant a clearing permit, the Appeals Convenor normally considers the environmental merits of the assessment based on principles as set out in Schedule 5 of the EP Act, as well as other environmental factors. Questions of additional information not considered by DMIRS, technical errors and attainment of relevant policy objectives are normally central to appeals.

OUTCOME SOUGHT BY APPELLANT

The appellant is seeking for the Minister to allow the appeal and grant a clearing permit, subject to appropriate conditions including an offset package.

GROUND OF APPEAL

The appellant submitted that DMIRS' decision to refuse to grant a clearing permit for the revised application on the basis of its assessment is unreasonable and unjustified. The appellant's concerns are broadly summarised under the following grounds of appeal:

1. Threatened flora
2. Significant habitat for indigenous fauna
3. Threatened ecological communities
4. Significant remnant in an extensively cleared area
5. Offset of significant residual impacts
6. Consistency with other decisions.

The appellant sought to challenge DMIRS' findings with respect to its assessment of clearing principles in Schedule 5 of the EP Act generally. As the decision to refuse to grant the permit was based primarily on four principles (grounds 1 to 4 above), it is not considered necessary for this report to reach a concluded view on the alleged adequacy of DMIRS' consideration of principles that were not relevant to its final decision.

The appellant also raised concerns that DMIRS failed to adequately consider the reduced area of clearing and the objects of the EP Act. As the Minister is standing in the shoes of the original decision-maker in considering this appeal, the question as to whether or not the original decision-maker did or did not meet relevant legal requirements is not considered to be relevant to the Minister's decision on the appeal. These issues are considered under 'Other Matters' at the conclusion of this report.

GROUND 1: THREATENED FLORA

By this ground of appeal, the appellant submitted that DMIRS' findings that the proposed clearing is seriously at variance to clearing principle (c) is not supported because:

- the proposed clearing is unlikely to reduce critical habitat for *E. resinosa* nor result in habitat fragmentation and reduce cross-pollination between subpopulations;
- pre-stripping the soil seed bank is likely to result in a net environmental benefit for the conservation of the species; and
- translocations are an adequate replacement for maintaining the habitat and survival of the population, with translocations on ex-farmland being successful.

Consideration

At the time of DMIRS' assessment of the revised application, clearing principle (c) provided that 'native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora'.⁴ 'Rare flora' has the same meaning as given in section 23F of the *Wildlife Conservation Act 1950*.⁵

⁴ At the time of DMIRS' assessment of the revised application, clearing principle (c) in Schedule 5 of the *Environmental Protection Act 1986* referred to 'rare flora'. On 1 January 2019, provisions relating to threatened species under the *Biodiversity Conservation Act 2016* came into effect, replacing the previous provisions of the *Wildlife Conservation Act 1950*. This included replacement of 'rare flora' with 'threatened flora'. Because the decision the subject of this appeal predated the new provisions taking effect, the previous provisions are cited. In any event, the changes are considered to be of no substantive effect in respect to the status of *E. resinosa*, as the listing of that species as 'rare flora' in 2018 is carried forward as 'threatened flora' under the new Act (see regulation 169 *Biodiversity Conservation Regulations 2018*).

⁵ Ibid.

In this case, DMIRS found that the revised application area contains four *E. resinosa* plants, listed as rare under the *Wildlife Conservation Act 1950* and is ranked as 'endangered' under World Conservation Union (IUCN 1994) Red List criterion C2a due to the population size being less than 2,500 mature individuals, with continuing decline observed and no subpopulation estimated to contain more than 250 mature individuals.⁶

DMIRS concluded that the proposed clearing was seriously at variance to clearing principle (c) based on its findings that, while only four plants are proposed to be cleared, the proposed clearing would result in the removal of a substantial area of habitat for the species, with consequent impacts from fragmentation.

Section 51O(2) of the EP Act requires the CEO (and Minister on appeal) to have regard to the clearing principles when considering a clearing application. On the basis of the above information, it is common ground that the proposed clearing will directly impact rare (threatened) flora, and as a result, clearing principle (c) is a relevant mandatory consideration in a decision as to whether or not to grant a permit.

In the decision to refuse the permit, the impacts to *E. resinosa* were cited by DMIRS as the primary reason for the decision. Thus, DMIRS determined that it should not exercise its discretion in favour of granting the permit on the basis that (among other things) the impact to *E. resinosa* could not be mitigated and posed a significant threat to a species already under threat.

As noted above, by this ground of appeal, the appellant submitted (in essence) that the impacts to *E. resinosa* from the clearing were overstated because:

- critical habitat fragmentation is unlikely; and
- stripping and reuse of the soil seed bank and translocations have been shown to be successful.

Habitat fragmentation

The appellant submitted that while critical habitat for this species has not yet been mapped by the Department of Biodiversity, Conservation and Attractions (DBCA), it is estimated that the proposed clearing would impact only approximately 1.9 per cent of the critical habitat as mapped by its environmental consultant.

The appellant also submitted that the proposed clearing is unlikely to result in habitat fragmentation or reduce cross-pollination between sub-populations on the basis of the small number of plants within the revised application area, the unsuitability of the vegetation for pollinators due to previous disturbance, and the extent of critical habitat outside of the revised application area.

In response to this element of the appeal, DMIRS noted that the Recovery Plan describes the habitat critical to the survival of the species as including the area of occupancy for extant populations, areas of similar habitat surrounding important populations (as is necessary to allow access for pollinators and population expansion), and potential habitat. DMIRS advised that it therefore considered that the revised application area contains critical habitat for this species.

In relation to fragmentation specifically, DMIRS considered that the proposed clearing will fragment the larger native vegetation remnant both to the north and south of the mine:

Given there is already little connectivity to the north, it is the loss of the southern vegetation connection that will have the largest impact. Although the appellant has focussed on the loss of four plants, this figure illustrates how the habitat between Population 23a and Population 23c will be lost with the proposed clearing.

⁶ <http://www.environment.gov.au/biodiversity/threatened/recovery-plans/national-recovery-plan-resinous-eremophila-eremophila-resinosa> (accessed 5 April 2019).

Neither DMIRS nor the appellant were able to find published genetic studies on *E. resinosa*. Therefore, DMIRS relied on the expertise provided in the species recovery plan. Habitat fragmentation and reduced opportunity for pollinators was a possible explanation for the low levels of healthy seed in *E. resinosa* locules (Cochrane et al., 2002 in DEC, 2008).⁷

DMIRS also advised that a molecular analysis of vegetation function in fragmented Australian biomes⁸ used the common and widespread species *Eremophila glabra* subsp. *glabra*. DMIRS considered that the applicability of the research on a rare species with restricted distribution, including in relation to pollinators of *E. resinosa*, is uncertain.

Pre-stripping and translocation

The appellant argued that translocations are an adequate replacement for maintaining the habitat and survival of the population and are consistent with the Recovery Plan. The appellant submitted that previous translocations on ex-farmland have been successful, and that there are no known factors to suggest that they would not be sustainable in the long-term with appropriate management. The appellant submitted that DMIRS failed to give sufficient weight to the ongoing research program, trials, results and environmental benefits of translocations.

The appellant also submitted that *E. resinosa* is referred to as a 'disturbance opportunist' and by recovering the soil (seed bank) and using it in rehabilitation, this will increase the potential for germination of any *E. resinosa* seed stored still available in the soil seed bank.

In response to this element of the appeal, DMIRS advised that the data from the translocation trials on agricultural sites⁹ do not support the appellant's claim that translocations of *E. resinosa* on ex-farmland have been successful:

... Site 7 had patchy establishment with no obvious reasons as to why plants grew in some areas but not others. During 2017 it was recorded that there were 110 dead plants, with 260 alive. The number of dead plants had increased from 40 plants in 2016, to 110 plants in 2017, and some of the plants that were alive in 2017 were visibly stressed (Ramelius Resources, 2018). Site 8 was also patchy for unknown reasons although survival rates were higher (Ramelius Resources, 2018). Due to a lack of germination, Site 10 had not had a full survey undertaken at the time of the report (Ramelius Resources, 2018). Some of the plants in translocation sites 1-4 in native vegetation are in poor to moderate health and in decline (Ramelius Resources, 2018), which indicates that although there has been short to medium term success in native vegetation translocations, long term success and sustainability of populations had not been proven yet. The results provided in the translocation report support DBCA's (2018b) advice, and the conclusion reached in DMIRS decision report, that although the early stages of establishment of self-sustaining populations of the species has been demonstrated on disturbed natural areas, it is yet to be demonstrated on ex-farmland.¹⁰

DMIRS further advised that the suggestion that pre-stripping the topsoil prior to mining provides a net environmental benefit does not properly consider the critical habitat provided to the soil seed bank by the revised application area.

In advice to DMIRS, DBCA relevantly noted that while:

... many translocated *E. resinosa* plants have survived, translocations to areas of predicted inferred habitat are not an adequate replacement for maintaining the habitat and the survival of existing natural populations. The initial translocations have been basic in design, with some consisting of monocultures of *E. resinosa* plants growing in degraded sites with other native

⁷ DMIRS response to Appeal C016/18, pages 7-9.

⁸ As published in: Young, A., Broadhurst, L., Byrne, M., Coates, D., Yates, C., Field, D., Elliott, C., Llorens, T. and Nistelberger, H. (2009) *Molecular analysis of vegetation function in fragmented Australian biomes*. Land & Water Australia Project CPI 13, 30 June 2009. Commonwealth Scientific and Industrial Research Organisation and Department of Environment and Conservation, Western Australia.

⁹ As published in: Ramelius Resources Limited (2018) *Edna May Operations – Eremophila resinosa Translocation Sites – 2017 Annual Report*. January 2018.

¹⁰ DMIRS response to Appeal C016/18, pages 7-9.

species cleared regularly (by brush cutting) from the sites to remove competition. While there is demonstrated success in germinating and establishing the species in the short to medium term, these translocations are intensively managed sites and in the absence of full reestablishment of natural ecological processes the goal of translocated populations becoming self-sufficient and viable in the long-term will not be achieved. In 2016 a new translocation proposal moved towards incorporating *E. resinosa* as part of a broader landscape rehabilitation project, which may assist in gaining an improved understanding of the long term effectiveness of translocation for this species.¹¹

DBCA also noted that monitoring results conducted over translocation sites show that between 2010 and 2017, a substantial proportion of plants at each subpopulation were recorded as dead or lost (22% to 88%). DBCA suspected that the protection of the mine site may have contributed to altered fire regimes which could be resulting in natural senescence of the population:

This again highlights the need for protection of habitat where the species previously occupied for the long term conservation of the population remaining around Edna May mine site. It is not appropriate to rely on regeneration of the species in non-natural disturbed areas, as this will not be sustainable in the longer term with respect to maintaining other supporting ecosystem processes.¹²

Taking the above into account, it is considered to be common ground that the proposed clearing is at variance to clearing principle (c). Furthermore, given the status of the species, and advice from DBCA about the potential risks posed by the proposed clearing and the lack of evidence that translocation will replace the ecological values of the revised application area, it is considered that DMIRS was justified in determining the proposed clearing was seriously at variance to principle (c).

GROUND 2: SIGNIFICANT HABITAT FOR INDIGENOUS FAUNA

By this ground of appeal, the appellant submitted that DMIRS' conclusion in relation to clearing principle (b) is incorrect on the basis that fauna movement is already affected by Warrachuppin Road, no conservation-significance or short-range endemic fauna have been recorded, and the majority of fauna observed comprise mobile bird species. The appellant submitted that DMIRS has given too much weight to the MWH Australia Pty Ltd fauna assessment, and that fauna corridors are not completely severed or significantly impacted.

Consideration

Clearing principle (b) provides that 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'.

DMIRS' assessment in relation to clearing principle (b) found that the revised application area contains a large amount of leaf litter accumulation which could support short-range endemic invertebrate species, and is located within the Westonia Common which is documented to have a high conservation value for birds and to be important for vertebrate fauna diversity. DMIRS concluded that the revised application area comprises a significant habitat for indigenous fauna.

In response to the appeal ground, DMIRS advised that it:

... considered the condition of the native vegetation providing the habitat. Part of the application area was mapped as disturbed by the MWH (2014) fauna survey while other parts of the application area were mapped as the following broad fauna habitat types:

- Mixed Woodland dominated by Red Morrel (*Eucalyptus longicornis*)
- Mixed Woodland dominated by Gimlet (*Eucalyptus salubris*).¹³

¹¹ DBCA biodiversity advice to DMIRS in relation to original application CPS 8069/1, dated March 2018, pages 1-2.

¹² DBCA biodiversity advice to DMIRS in relation to revised application CPS 8069/1, dated October 2018, page 6.

¹³ DMIRS response to Appeal C016/18, pages 5-6.

DMIRS advised that the report *Edna May Gold Project Clearing Permit (Purpose Permit) Application M77/88, M77/124 Native Vegetation Management Plan and Assessment of Clearing Principles*:¹⁴

... was provided for a clearing permit application of 20 hectares of native vegetation, of which 15 hectares was partially rehabilitated pre-disturbed land, directly adjacent to the existing mine (MBS, 2012). The DMIRS (2012) decision report for clearing permit CPS 4959/1 utilised the MBS (2012) report which stated that the application area for CPS 4959/1 comprises mostly disturbed, cleared or partially rehabilitated area with low habitat value. The decision report for CPS 4959/1 adds that fauna are likely to reside in undisturbed bush areas surrounding the mining operation rather than disturbed areas close to the pit. DMIRS contends that the majority of the application area for CPS 8069/1 is the undisturbed bush areas surrounding the mining operation that fauna would reside in. An aerial image of the application area for CPS 4959/1 is seen in Figure 2 of MBS (2012). The disturbance contrasts heavily with the less disturbed surrounding vegetation that constitutes part of the application area for CPS 8069/1. The vegetation of CPS 8069/1 extends past Figure 2, extending even further away from the existing operations.¹⁵

DMIRS noted that conservation-significant fauna is only a part of the assessment against clearing principle (b), and advised that:

... no conservation significant fauna species were recorded during the field assessment by MWH (2014) and the results of the targeted Carnaby's Cockatoo (*Calyptorhynchus latirostris*) habitat assessment suggest the application area is unlikely to represent an area of specific significance to the species (Harewood, 2018b). On balance however, DMIRS considered the importance of the habitat provided to native fauna by the application area still resulted in the proposal being at variance to Principle (b), despite the lack of conservation significant fauna recorded.¹⁶

In relation to the MWH Australia Pty Ltd fauna assessment, DMIRS advised that it:

... gave weight to the MWH (2014) fauna assessment that Edna May provided as supporting documentation to the application. The fauna assessment was undertaken by a qualified environmental scientist, with a speciality in zoology.

DMIRS also gave weight to another biological survey conducted in the Westonia Common (McLellan, 2008) and research on the impacts of clearing and reduced habitat connectivity (Prober and Smith, 2009). A biological survey of the Westonia Common recorded a high proportion of bird species that are declining or remnant dependent (32 species or 63% of species recorded) (McLellan, 2008). This indicates that the Westonia Common has high conservation value for birds. Therefore, DMIRS considers that the vegetation proposed to be cleared represents a significant habitat for fauna indigenous to WA, and that the fragmentation that would result from the proposed clearing would have an unacceptable impact on the fauna habitat value of the Westonia Common.¹⁷

As noted above, clearing principle (b) is triggered where the native vegetation proposed to be cleared comprises the whole or part of a significant habitat for fauna. The available evidence supports the values of the Westonia Common as being significant habitat for fauna, and that as a result, the vegetation proposed to be cleared forms part of a significant habitat for fauna.

Noting the extent of the proposed clearing, the condition of the vegetation (habitat) within the revised application area and its contribution to connectivity within the broader remnant, and the documented importance of the broader remnant to avian species, it is considered that DMIRS' conclusion that the revised application area is at variance to clearing principle (b) is justified.

¹⁴ MBS Environmental (Martinick Bosch Sell Pty Ltd) (2012) *Edna May Gold Project Clearing Permit (Purpose Permit) Application M77/88, M77/124 Native Vegetation Management Plan and Assessment of Clearing Principles*. Unpublished report prepared for Evolution Mining, dated March 2012.

¹⁵ DMIRS response to Appeal C016/18, pages 5-6.

¹⁶ DMIRS response to Appeal C016/18, pages 5-6.

¹⁷ DMIRS response to Appeal C016/18, pages 5-6.

GROUND 3: THREATENED ECOLOGICAL COMMUNITIES

By this ground of appeal, the appellant submitted that DMIRS' conclusion that the proposed clearing is at variance to clearing principle (d) is incorrect as the residual impacts may be addressed through revegetation with appropriate species, as (in the appellant's view) is supported by a flora assessment conducted by its environmental consultant which provides three years of monitoring data for rehabilitation of ex-farmland with TEC species and notes progression toward completion criteria.

Consideration

Clearing principle (d) provides that 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'.

DMIRS' assessment in relation to clearing principle (d) found that approximately 33 ha (67.6 per cent) of the revised application area contains the Wheatbelt Woodlands TEC, representing approximately 1.5 per cent of the extent of the Wheatbelt Woodlands TEC within the Westonia Common. DMIRS concluded that the revised application area comprises the whole or a part of, and is necessary for the maintenance of, a TEC.

In response to this element of the appeal, DMIRS advised that:

There was approximately 39.1 hectares of the TEC within the original application area and Edna May proposed to reduce the amount of woodland to be cleared to 33 hectares, approximately 1.5% of the TEC vegetation in the local area (Edna May Operations Pty Ltd, 2018a).

The approved conservation advice for the TEC considers all patches that meet the criteria for the TEC, along with buffer zones, as critical to the survival of the community. This is due to the TEC occurring in a highly cleared and modified landscape (Department of the Environment, 2015). The TEC occurs mostly in small and highly fragmented patches. Remnants that are larger and spatially linked and act as wildlife corridors are even more important (Department of the Environment, 2015). The clearing permit application area is part of a larger remnant which is considered highly significant in the context of the conservation listing advice (DBCA, 2018b).

The proposed clearing, even with the reduced area, would fragment the TEC and the remnant of native vegetation that it is located within. As well as clearing 33 hectares, the proposed clearing would endanger the remaining TEC within the remnant with the severing of an important wildlife corridor.

Offsets are only considered for residual impacts, not when the proposal is unacceptable. The proposed clearing would impact a critical occurrence of the TEC, therefore, the proposed offset is not deemed appropriate.¹⁸

In forming its view that the proposed clearing is at variance to clearing principle (d), DMIRS had regard to the following advice from DBCA:

The Botanica Consulting report utilises [DotEE's] very approximate mapping of the TEC and John Beard's very broadscale vegetation mapping of Vegetation Association 536 to support an assertion that the clearing represents a very small proportion of the TEC and the Beard vegetation unit in the local area. However, the [application] area is part of a larger remnant that occurs in a highly cleared matrix. These larger remnants are relatively uncommon and considered highly significant in the context of priority areas for conservation of the TEC (refer pages 22, 25 of [DotEE's] Approved Conservation Advice ...

As to whether the appellant's proposed revegetation would satisfactorily address the effect of the clearing on the Wheatbelt Woodlands TEC, DBCA advised that the:

... effectiveness of these proposed northern revegetation areas in increasing connectivity is questionable. The revegetation of pastured lands is also likely to be at high risk of not succeeding for a number of reasons including high weed load, and nutrient enrichment from fertiliser use that stimulates weed growth, in particular. In addition, on basic principles the shape of the proposed

¹⁸ DMIRS response to Appeal C016/18, pages 9-10.

northern revegetation areas is flawed as edge effects such as weed invasion, wind speeds, hydrological alterations and other edge effects are maximised in narrow strips of vegetation.

The two southern areas proposed for post-mining revegetation would however help to re-establish the connectivity between the remaining areas of the TEC vegetation following mining. According to the EPBC offsets policy however, if post-mining revegetation is a standard requirement for mine proposals, then revegetation of mined areas could not be considered as part of the offset proposal. In addition, the substrate and other habitat characteristics such as hydrology would be altered by mining, and would increase the risk of revegetation being unsuccessful.

The above issues indicate that the risk of revegetation not succeeding in the long-term for most of the proposed rehabilitation areas is likely to be high ...

A further issue is that the proposed conservation covenants do not maximise tenure security for conservation management. Reservation and vesting of suitable nearby intact areas of the TEC in good condition with a land manager who will commit to long-term conservation management are likely to provide for far better offset outcomes in the longer term ...

The proposed clearing application is likely to result in significant impacts to the [Wheatbelt Woodlands TEC] ...¹⁹

Noting the extent of the proposed clearing, the condition of the vegetation within the revised application area, and DBCA's advice regarding the Wheatbelt Woodlands TEC, it is considered that DMIRS' conclusion that the revised application area comprises, and is necessary for the maintenance of, a TEC was justified. DMIRS' assessment in relation to clearing principle (d) found that approximately 33 ha (67.6%) of the revised application area contains the Wheatbelt Woodlands TEC, representing approximately 1.5 per cent of the extent of the TEC within the Westonia Common.

GROUND 4: SIGNIFICANT REMNANT IN AN EXTENSIVELY CLEARED AREA

By this ground of appeal, the appellant disputed DMIRS' conclusion that the native vegetation proposed to be cleared was at variance to clearing principle (e) on the basis that there is a high degree of disturbance and edge effects from weeds, and the adjacent Westonia Common contains vegetation in 'Good' condition, therefore the proposed clearing is not likely to further reduce ecological values, or result in significant fragmentation. The appellant submitted that the proposed clearing is also not likely to cause the current extent of the mapped vegetation association to fall below the 30 per cent recommended threshold for conservation.²⁰ The appellant also submitted that the residual impacts may be addressed through revegetation.

Consideration

Clearing principle (e) provides that native vegetation should not be cleared if 'it is significant as a remnant of native vegetation in an area that has been extensively cleared'.

DMIRS' assessment in relation to clearing principle (e) found that the proposed clearing will sever vegetation (ecological/fauna) linkages between the north-western and south-eastern portions of the Westonia Common and could increase edge effects, thereby reducing the ecological value of the broader remnant. DMIRS concluded that the revised application area is significant as a remnant of native vegetation in an area that has been extensively cleared.

In response to this element of the appeal, DMIRS advised that the available aerial imagery and vegetation extent statistics provide evidence of the large remnant and surrounding highly cleared landscape within which the revised application area is located. DMIRS also advised:

The proposed clearing will sever vegetation linkages between the northern and southern halves of the remnant [and] will create two smaller remnant vegetation blocks, at least temporarily. The northern portion is proposed to be revegetated while the southern section will only be partly

¹⁹ DBCA biodiversity advice to DMIRS in relation to revised application CPS 8069/1, dated October 2018, page 7.

²⁰ As outlined in: Environmental Protection Authority (2008) *Environmental Guidance for Planning and Development*. Guidance Statement No. 33, dated May 2008. Government of Western Australia.

revegetated (Edna May Operations Pty Ltd, 2018b). To minimise the loss of connectivity, Edna May (2018a) proposed to reduce the clearing permit boundary from 62.3 hectares to 48.8 hectares [which] would reduce the severing of the vegetation corridor to the north of the application area; however, the southern linkage would still be severed. Edna May further proposed to revegetate cleared farmland to the south of the application area. The proposed measures were considered by DMIRS to be insufficient to offset the loss of remnant vegetation.

The fragmentation of a large remnant of vegetation could reduce connectivity for fauna and increase edge effects. This would reduce the ecological value of the remnant vegetation in a region which is already highly fragmented. Fragmentation and isolation of populations of flora and vegetation from each other can impact the survival of populations, species and even ecosystems (Environmental Protection Authority, 2016). Therefore, DMIRS considers that the vegetation proposed to be cleared represents a significant remnant of native vegetation in an area that has been extensively cleared.²¹

The Department of Water and Environmental Regulation's (DWER) *A guide to the assessment of applications to clear native vegetation*²² (Guide to Assessment) states that clearing principle (e):

... aims 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.

The *National Objectives and Targets for Biodiversity Conservation 2001–2005* recognise that the retention of 30 per cent or more of the pre-clearing extent of each ecological community is necessary if Australia's biological diversity is to be protected. This is the threshold level, below which species loss appears to accelerate exponentially and loss below this level should not be permitted. This level of recognition is in keeping with the targets recommended in the review of the *National Strategy for the Conservation of Australia's Biological Diversity* and in EPA Position Statement No.2 on Environmental Protection of Native Vegetation in Western Australia.²³

The Guide to Assessment provides examples of certain circumstances in which an extent greater than the 30 per cent threshold may be considered extensively cleared. These include naturally rare or restricted ecological communities, highly fragmented landscapes, vegetation required to maintain ecological processes or natural systems and degraded systems where there is less than 30 per cent of pre-European native vegetation in good condition (such as rangelands).

In this case, the decision report outlines that the mapped vegetation association within the revised application area retains approximately 35 per cent of its pre-European extent within the bioregion. While this statistic in itself is not below the recommended threshold outlined above, it is understood that DMIRS also took into account the likely impacts of the proposed clearing on the environmental values identified through its assessment (in particular against clearing principles (a), (b), (c), (d) and (h)), and the extent of clearing in the broader landscape as determined from available imagery, in assessing the application against clearing principle (e).

Noting the above, it is considered that DMIRS' conclusion that the revised application area is significant as a remnant in an area that has been extensively cleared is reasonable and supported by the available evidence.

GROUND 5: PROPOSED OFFSET OF RESIDUAL IMPACTS

By this ground of appeal, the appellant submitted that DMIRS has failed to consider that conditions are available to adequately address the significant residual impacts of the proposed clearing, and thereby improperly denied the appellant an opportunity to negotiate an appropriate offset. The

²¹ DMIRS response to Appeal C016/18, pages 10-11.

²² Available at: <https://www.der.wa.gov.au/our-work/clearing-permits/48-guidelines-clearing-permits>.

²³ Guide to Assessment pages 18-19.

appellant also submitted that DMIRS did not properly apply the WA Environmental Offsets Policy and Guidelines,²⁴ and did not properly consider the benefits of translocation.

Consideration

Under section 51(2)(b) of the EP Act, a clearing permit can be issued with a condition requiring the permit holder to 'establish and maintain vegetation on land other than the land cleared under the permit in order to offset the loss of the cleared vegetation'.

The WA Environmental Offsets Policy and Guidelines provide that offsets may be applied to counterbalance significant residual impacts that remain after avoidance and mitigation measures have been undertaken, but are not appropriate for all projects (determined on a case-by-case basis).

In this case, it is understood DMIRS invited the appellant to demonstrate how the environmental impacts of the original application (62.3 ha) would be avoided or minimised. Consequently, DMIRS considered the appellant's revised application (48.8 ha), including mitigation measures and the acceptability of the remaining environmental impacts, prior to assessing the suitability of the appellant's proposed offset.

DMIRS' assessment identified that the significant residual impacts of the revised application include:

- approximately 35.5 ha of native vegetation in 'Very Good' to 'Good' condition;
- four individuals and likely seed bank of, and critical habitat for, *E. resinosa*;
- approximately 33 ha of the Wheatbelt Woodland TEC; and
- severance of vegetation linkages between the north-western and south-eastern portions of the Westonia Common, potentially resulting in reduction in connectivity for fauna, increased edge effects and isolation of sub-populations of threatened flora, thereby reducing the ecological value of the broader remnant.

The appellant proposed the following offset package to counterbalance the above impacts:

- revegetation of ex-farmland with the aim of establishing a woodland in 'Good' or better condition, and establishment of a conservation covenant, over:
 - 70 ha on Lots 161 and/or 162 on Plan 202017 (north of the revised application area); and
 - 15 ha on Lot 1578 (south of the revised application area) to re-establish the southern linkage;
- improvement of 15 ha of red morrel woodland on Lot 161, and establishment of a conservation covenant over this area;
- contribution of up to \$10,000 per annum to local and regional environmental initiatives to protect and conserve local 'like for like' bushland to that proposed to be cleared; and
- maintenance or improvement of the biological diversity and ecological integrity of:
 - flora and vegetation protected under the EPBC Act; and
 - fauna and fauna habitats, in particular Carnaby's cockatoo, in the project area.^{25,26}

In response to the appeal, DMIRS advised that it reviewed the offset proposal and noted the following:

- The revegetation of farmland appeared to be a proposed offset for the Eucalypt woodland community, not specifically for *E. resinosa*. The success of revegetation for this Threatened species would include re-establishment of other ecosystem processes necessary for its long term survival, including the maintenance of pollinator species in the area. While the early stages of establishment of self-sustaining populations of the species has been demonstrated on disturbed natural areas, it is yet to be demonstrated on ex-farmland (DBCA, 2018b).

²⁴ Available at: <http://www.epa.wa.gov.au/policies-guidance/wa-environmental-offsets-policy-2011-and-guidelines>

²⁵ Application for a clearing permit, page 4.

²⁶ Applicant response to DMIRS' letter of 6 August 2018, dated 28 August 2018.

- There will be a time-lag and uncertainty in revegetating the southern farmland to provide habitat for *E. resinosa*, the TEC, and a wildlife corridor. During the period of revegetation there certainly will be fragmentation.
- DBCA (2018b) questioned the effectiveness of the proposed northern revegetation area to offset the impact to the TEC. The revegetation of pastured lands is likely to be at high risk of not succeeding for a number of reasons including high weed load and nutrient enrichment from fertiliser use that stimulates weed growth. In addition, on basic principles the shape of the proposed northern revegetation area is flawed as edge effects such as weed invasion, wind speeds, hydrological alterations and other edge effects are maximised in narrow strips of vegetation.
- ... the permanent disturbance footprint to the south has an oval outline for a pit and a red line surrounding it for the abandonment and noise bund. This will be a high pile of competent rocky material designed to prevent inadvertent access following the cessation of mining. Between the pit and the abandonment bund there is also a zone of pit instability. Although there is a small area of native vegetation left uncleared between the two red areas, it is designed to be inaccessible and it may collapse into the pit, in effect clearing the vegetation. The amount of clearing to be offset should consider the zone of pit instability.
- The additional southern offset farmland proposes 15 hectares of revegetation. This is substantially less than the impact of the habitat of the Threatened Flora.

... The decision report outlines how the proposed offset was regarded and deemed inappropriate due to the size and nature of the impact of the proposed clearing.²⁷

As a result of these findings, DMIRS concluded that the impact of the proposed clearing was such that an offset could not be justified and therefore the clearing permit was refused.²⁸

In relation to the translocation specifically, DMIRS advised that it:

... sought expert DBCA advice on the further information provided, including the revised offset. Most importantly, DBCA (2018b) confirmed its previous advice (DBCA, 2018a) that the area under application is considered to contain habitat important to the survival of the Threatened Flora species *E. resinosa*. DMIRS considered the threat posed by the proposed clearing is more than 'significant residual impact' as suggested by the appellant.²⁹

The WA Environmental Offsets Policy defines an environmental offset as:

... an offsite action or actions to address significant residual environmental impacts of a development or activity.³⁰

Offsets are intended to apply only to significant residual impacts, not minor impacts. They are also not applicable to all projects, and their application will be determined on a case-by-case basis.³¹

In relation to flora and vegetation, 'significant residual impacts' are defined to 'include those that affect rare and endangered plants and animals (such as declared rare flora and threatened species that are protected by statute).'³²

In this case, DMIRS found the clearing to be at variance to multiple clearing principles, including being seriously at variance to clearing principle (c). In the consideration (above) of the appeal in relation to clearing principle (c), it was concluded that DMIRS was justified in finding that the clearing was seriously at variance to that principle, noting the species is listed as endangered and the advice of DBCA about its current status and the success of re-established populations. Given the significance of the impact under principle (c) alone, it is considered that DMIRS was justified in forming the view that the impacts identified in this case were incapable of being offset.

²⁷ DMIRS response to Appeal C016/18, pages 14-16.

²⁸ Decision report for clearing application CPS 8069/1, pages 14-16.

²⁹ DMIRS response to Appeal C016/18, pages 17-18.

³⁰ WA Environmental Offsets Policy, 2011, page 2.

³¹ WA Environmental Offsets Policy, 2011, principle 2.

³² WA Environmental Offsets Guidelines, 2014, page 8.

GROUND 6: CONSISTENCY WITH PREVIOUS DECISIONS

By this ground of appeal, the appellant submitted that DMIRS was inconsistent in its assessment of the revised application compared with previous clearing applications for the development of the Edna May Gold Mine, in particular adjacent Clearing Permit CPS 4959/1 and its amendments for which the appellant submitted that the identified environmental impacts are not significantly different.

Consideration

The following permit decisions are relevant to this ground of appeal:

- Clearing Permit CPS 4959/1 – granted by the former Department of Mines and Petroleum (DMP) in June 2012, authorising the applicant to clear up to 20 ha of native vegetation within Mining Lease 77/88 and 77/124 for the purpose of mineral production. An appeal was received against the grant, concerned about destruction of local bushland, cumulative impacts, and lack of rehabilitation success. The then Minister for Environment dismissed the appeal.
- Amended Clearing Permit CPS 4959/2 – amended by DMP in August 2013, authorising the applicant to clear a further 6.4 ha (cumulative total 26.4 ha). An appeal was received against the amendment, concerned about inconsistency with the clearing principles, and risk of flooding. The then Minister dismissed the appeal.
- Amended Clearing Permit CPS 4959/3 – amended by DMP in April 2016, authorising the applicant to clear a further 0.78 ha (cumulative total 27.18 ha). No appeals were received.

The consolidated footprint of the area authorised to be cleared under the above amended permit is shown cross-hatched black in Figure 4.



Figure 4 – Area approved to clear CPS 4959/3

It is noted that during the assessments for the above permit and amendments, DMP found that the condition of the vegetation within the overall clearing footprint ranged from 'Good' to 'Completely Degraded', and that the proposed clearing was at variance to clearing principle (c) for impacts to a total of 323 individuals of *E. resinosa*, may have been at variance to clearing principles (a), (e) and (f), and was not likely to be at variance to the remaining clearing principles.³³

In response to this appeal ground, DMIRS advised that there is no inconsistency between its decision to refuse the application the subject of this appeal, and its earlier decisions in respect to CPS 4959:

The nearby Edna May clearing permits were reviewed by the assessing officer during the assessment of clearing permit CPS 8069/1. There was a notable similarity between the permits, being the presence of Threatened Flora *E. resinosa*; however, there were more significant differences between the application areas that lead to the different decisions.

Clearing permit CPS 4959/1 authorised the clearing of 20 hectares of native vegetation within an application area of approximately 20 hectares. Approximately 15 hectares of the 20 hectares applied to clear was partially rehabilitated pre-disturbed land including historic waste rock dumps. The remaining 5 hectares was native vegetation (MBS, 2012a). The original application area for CPS 8069/1 contained 43.9 hectares of native vegetation in good to very good condition (Botanica Consulting, 2018a). This is almost nine-fold the amount of native vegetation in CPS 4959/1. Even with Edna May's reduction in the amount of clearing proposed under CPS 8069/1, the revised amount of clearing (48.8 hectares) remains significantly larger than CPS 4959/1. The amendments to CPS 4959/1 were each relatively minor, with CPS 4959/3 approving a cumulative total of 27.18 hectares of clearing.

The flora and vegetation surveys for CPS 4959/1 and its amendments did not record any TECs or Priority Ecological Communities ... and the permits were granted prior to the listing of 'Eucalypt woodlands of the Western Australian Wheatbelt' as a TEC. That is the reason why this application was at variance to Clearing Principle (d) while the previous permits were not likely to be at variance to Clearing Principle (d). The proposed clearing of approximately 39.1 hectares, or the reduced 33 hectares, of the TEC is a substantial difference between the permits.³⁴

DMIRS advised that due to the larger extent of proposed clearing for the revised application (up to 48.8 ha), and for other reasons outlined in the earlier decision reports, it does not consider its decision to be inconsistent with its decision on other clearing applications at the site.

DMIRS also noted the following decisions of DWER in respect to two clearing permit applications:

- Application CPS 6908/1 – proposal to clear 65 ha for pasture and grazing in the Wheatbelt, reduced to 45 ha in response to concerns raised by DWER during the assessment. DWER considered the reduced clearing extent was still a significant size in a highly cleared and fragmented landscape, and refused to grant a clearing permit. The decision was appealed, and the then Minister dismissed the appeal.
- Application CPS 7516/1 – proposal to clear 14 ha for a sand mine, for which DWER refused to grant a clearing permit. Similarities with the revised application include location within a highly cleared IBRA bioregion and landscape, provision of an ecological linkage and habitat for conservation-significant flora and community, and previously disturbed areas of important vegetation. The decision was appealed, and the then Minister dismissed the appeal.³⁵

Taking into account the above, it is considered that DMIRS has had regard for the similarities and differences of the revised application area with the findings of previous assessments for adjacent clearing permits and other clearing applications with similar environmental impacts, and considered the environmental impacts of the revised application on its merits. This included taking into account contemporary knowledge about the environmental values of the native vegetation proposed to be cleared, including its status as part of a TEC which was unlisted at the time of the earlier decisions.

³³ Decision reports for clearing applications CPS 4959/1, CPS 4959/2 and CPS 4959/3.

³⁴ DMIRS response to Appeal C016/18, pages 16-17.

³⁵ Clearing applications and permits available at: <ftp://ftp.dwer.wa.gov.au/permit/>

FURTHER MODIFICATION OF CLEARING AREA

As noted above, the appellant submitted a proposal to reduce the clearing to 26.3 ha during the appeal investigation. The appellant advised that the reduced footprint considered various design options to identify the most acceptable re-alignment of Warrachuppin Road and to minimise the environmental impacts of the proposed clearing. The extent of the modified footprint is shown in Figure 5. The modified footprint purports to reduce the extent of proposed clearing by approximately 46 per cent. The majority of this modification appears to be attributable to narrowing areas of clearing adjacent to Warrachuppin Road and the mine abandonment bund.

As the modified footprint submitted by the appellant represents a substantial variation to the application considered by DMIRS (48.8 ha to 26.3 ha), it is considered that the implications of the change warrant fresh assessment against the clearing principles and other relevant matters. For example, an understanding of the likelihood that vegetation proposed to be retained between the bund and proposed mine pit will persist in the longer term would need to be considered, as well as consideration of the effect of the revised footprint on linkages and genetic transfer.



Figure 5: Modified footprint (indicated by yellow shading)

(Source: Appellant)

It is open to the appellant to lodge a fresh application to clear with DMIRS for assessment, which will be considered on its merits. Any decision of DMIRS to grant or refuse to grant a permit over a smaller area will be open to appeal by any person in the normal way.

OTHER MATTERS

The appellant raised other objections to DMIRS' decision-making process, including that it failed to take into account relevant matters, specifically measures to avoid, minimise and mitigate the impacts of the proposed clearing and a proposal to offset the vegetation proposed to be cleared.

The appellant also submitted that DMIRS has failed to take into account the objects of the EP Act which provides for:

... the conservation, preservation, protection, enhancement and management of the environment and for matters incidental to or connected with the foregoing.

The appellant referred to the EP Act definitions of 'environment' and 'social surroundings' in this regard, and submitted that there will be adverse economic and social consequences for the local community if a permit is not granted for the revised clearing application.

In responding to these issues, DMIRS advised that it took into account the revised application as well as all relevant considerations. In relation to the economic consequences of the decision, DMIRS advised that it:

... determined that the economic benefits of the mine were not materially relevant to the decision.

It should be noted that the proposed Greenfinch mine pit ... will only provide a 20 months extension to existing mining operations. Ramelius have also stated publicly that they are planning to expand the mine via alternative means, i.e underground mining.³⁶

Appeals in objection to a refusal to grant a clearing permit under the EP Act are 'merits' appeals and while matters relating to questions of law and process issues can be raised in appeals, in general, the focus of investigations is on the substantive environmental matters raised in respect to the decision. In relation to the appellant's concerns regarding relevant matters, the appellant has, through the appeal process, had the opportunity to have the merits of DMIRS' decision considered afresh, and through this process it is considered that the appellant has been afforded procedural fairness.

In any event, the available information confirms DMIRS had regard to the revised application in its assessment, and took into account the reduced impacts associated with the revised application.

As to the application of the object of the EP Act by DMIRS, this is a legal question and not one which forms part of the Minister's appeal jurisdiction. Nonetheless, in investigating this appeal, the Office of the Appeals Convenor has considered the object of the EP Act, the guiding principles, and the requirements of section 51O in the context of the issues raised in the appeal.

CONCLUSION AND RECOMMENDATION

After considering the information provided in the appeal, additional information provided by the appellant, relevant guidelines and the advice of DBCA provided to DMIRS as part of the assessment, it is considered that DMIRS' assessment of the application had appropriate regard to the environmental values of the area proposed to be cleared, and in particular of impacts to the threatened flora *E. resinosa*, Wheatbelt Woodlands TEC, the significance of the application area as a remnant, and impacts to the environmental values of conservation areas.

The revised application area contains a large portion of vegetation in 'Good' or better condition that includes an occurrence of the Wheatbelt Woodlands TEC, four individuals of an important habitat for *E. resinosa*, contributes to connectivity between adjacent remnant vegetation, and is partly located within the Westonia Common. If left undisturbed the application area will also continue to provide a buffer between the existing mine development and adjacent remnant vegetation, including occurrences of Wheatbelt Woodlands TEC and *E. resinosa* habitat, against edge effects and indirect impacts.

³⁶ DMIRS response to Appeal C016/18, pages 17-18.

It follows that DMIRS was justified in concluding that the proposal to clear 48.8 ha of native vegetation for the expansion of the Edna May mine and related purposes was seriously at variance to clearing principle (c), and was at variance to a number of other principles. Noting the identified values, and in particular the impacts to threatened flora as identified by DBCA, it is considered that the decision to refuse the permit was also justified.

It is open to the proponent to submit a fresh application to clear with DMIRS for the reduced area it provided through the appeal investigation, which will be considered on its merits.

Emma Gaunt
APPEALS CONVENOR

Investigating Officer:
Emma Bramwell, Senior Environmental Officer
Jean-Pierre Clement, Deputy Appeals Convenor



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Eremophila translocation

Project title: Propagation and Translocation of *Eremophila resinosa* (Declared Rare Flora) for Evolution Mining

Dates: 2003 - 2014

Funding: Evolution Mining

Location: Edna May Mine, Westonia, 350 km east of Perth, Western Australia

Research themes

- tissue culture and seed propagation
- genetic diversity and genetic material
- severely degraded sites management and weed control
- self sustaining ecosystems



[View image slideshow](#)

Project description

Initially five clones of Declared Rare Flora *Eremophila resinosa* were grown by tissue culture and planted on site at Westonia in 2004. With seed collected from the mine site, a further planting of seedlings in 2005 substantially increased plant numbers on the enlarged site. All plants were watered for the first few years with the reticulation system removed in 2008.

The plants are growing well, survival rates are high (74% for the tissue cultured plants and 93% for the seedlings) and most plants have produced flowers and contributed large amounts of seed to the soil seed bank. By November 2010 three new seedling recruits had been found on site.

Two more translocation sites were established and planted in 2009 with plants raised from seed, and planting continued into 2010. In 2011, one of these sites was extended to include a further planting of over 600 *eremophilas*, and over 600 local eucalypts (many bare rooted). At present six sites are managed, the last planted in winter 2014. The sites are now successfully established with over 4000 *Eremophila* plants and present survival rates (including all experiments) are about 80%. Original tissue cultured clones are in cryostorage and over 2,000,000 fruit are in long term storage.

The cost of translocating rare species is very high therefore the most appropriate methods have to be used to ensure survival of the plants, for example, planting without regular watering is a gamble in our drying climate. In 2009 a small non-irrigated trial worked well with a 68% survival rate, in 2010 a similar trial using over 100 plants resulted in every plant dying within 4 months of planting.

Past experience with bushland management, environmental weed control and other translocations, innovative scientific and experimental horticultural techniques and on-going adequate funding have been the successful drivers of this project.

Key staff

Bob Dixon, Kings Park Volunteer Master Gardeners

Collaborators

Dr Eric Bunn, Dr Shane Turner

Publications

Dixon B (2012) Control of Wards weed *Carrichtera annua* on rare species translocation sites at Westonia in the eastern Wheatbelt of Western Australia. 18th Australian Weed Conference, Melbourne 8-10 Oct 2012. Pub. Weed Soc. Victoria: 57.

Dixon B (2010) Translocation of the resinous *Eremophila*, from test tube, to a degraded bushland site in the wheatbelt of Western Australia. Soorae, P.S. (ed). Global re-introduction perspectives: Additional case-studies from around the globe. IUCN/SSC Re-introduction Specialist Group, Abu Dhabi, UAE: 311-315.

Presentations

Dixon B (2012) Can soil wetters assist germination rates in degraded ecosystems and improve seedling survival in dry environments. SERA, Perth WA Nov 28-30: 50.

Dixon B (2010) Translocation of *Eremophila resinosa*, is it working and have we improved our cultural practices. Proceedings Ecological Society of Australia Conference, Canberra 6-10 Dec: 292.

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Resinous Eremophila (*Eremophila resinosa*)

RECOVERY PLAN



Department of Environment and Conservation
Kensington

FOREWORD

Interim Recovery Plans (IRPs) are developed within the framework laid down in Department of Conservation and Land Management (CALM) Policy Statements Nos. 44 and 50. Note: the Department of CALM formally became the Department of Environment and Conservation (DEC) in July 2006.

IRPs outline the recovery actions that are required to urgently address those threatening processes most affecting the ongoing survival of threatened taxa or ecological communities, and begin the recovery process.

DEC is committed to ensuring that Threatened taxa are conserved through the preparation and implementation of Recovery Plans (RPs) or IRPs, and by ensuring that the conservation action commences as soon as possible and, in the case of Critically Endangered (CR) taxa, always within one year of endorsement of that rank by the Minister.

This IRP will operate from April 2008 to March 2013 but will remain in force until withdrawn or replaced. It is intended that, if the taxon is still ranked CR in Western Australia, this IRP will be reviewed after four years and the need for a full RP assessed.

This IRP was approved by the Director of Nature Conservation on 30 April 2008. This IRP was prepared with financial support from the Australian Government to be adopted as a National Recovery Plan under the provisions of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

This plan was written and endorsed as an IRP in Western Australia and is treated as the National Recovery Plan for this species under the EPBC Act.

Information in this IRP was accurate as of April 2008.

IRP PREPARATION

This IRP was prepared by: Craig Douglas¹, Wendy Johnston² and David Jolliffe³

¹ Project Officer, Species and Communities Branch, DEC, PO Box 51 Wanneroo, 6946.

² Flora Conservation Officer, Yilgarn District, DEC, PO Box 332, Merredin WA 6415.

³ District Nature Conservation Officer, Yilgarn District, DEC, PO Box 332, Merredin WA 6415.

ACKNOWLEDGEMENTS

The following people have provided assistance and advice in the preparation of this IRP:

Andrew Crawford	Technical Officer, Threatened Flora Seed Centre, DEC
Joel Collins	Former Flora Conservation Officer, Yilgarn District, DEC
Andrew Brown	Threatened Flora Coordinator, Species and Communities Branch, DEC
Bob Dixon	Manager of Biodiversity and Extensions, Botanic Gardens and Parks Authority
Luke Sweedman	Curator of the Western Australian Seed Technology Centre, Botanic Gardens and Parks Authority

Thanks also to the staff of the W.A. Herbarium for providing access to Herbarium databases and specimen information, and DEC's Species and Communities Branch for assistance.

Cover photograph by Joff Start.

CITATION

This Recovery Plan should be cited as:

Department of Environment and Conservation (2009). Resinous Eremophila (*Eremophila resinosa*) Recovery Plan, Department of Environment and Conservation, Western Australia.

SUMMARY

Scientific Name:	<i>Eremophila resinosa</i>	Common Name:	Resinous Eremophila
Family:	Myoporaceae	Flowering Period:	Periodic: mainly October-November
DEC Region:	Wheatbelt	DEC District:	Yilgarn
Shire:	Westonia, Mukinbudin, Nungarin, Koorda, Mt Marshall, Wyalkatchem	Recovery Team:	Yilgarn District Threatened Flora Recovery Team

Illustrations and/or further information: Atkins, K. (2008) *Declared Rare and Priority Flora List for Western Australia*. Department of Environment and Conservation, Western Australia; Brown, A., Thomson-Dans, C. and Marchant N. (1998). *Western Australia's Threatened Flora*. Department of Conservation and Land Management, Western Australia. pp 86; Hopper, S.D., Leeuwen, S., Brown, A. and Patrick, S. (1990). *Western Australia's Endangered Flora*. Department of Conservation and Land Management, Western Australia. pp 56. DEC (2007a) *Western Australian Herbarium FloraBase 2 – Information on the Western Australian Flora*. Department of Environment and Conservation, Perth, Western Australia. Accessed 2007. <http://www.calm.wa.gov.au/science/>

Current status: *Eremophila resinosa* was declared as Rare Flora in 1982 under the *Western Australian Wildlife Conservation Act 1950* and is currently ranked as Endangered (EN) under World Conservation Union (IUCN 1994) Red List criterion C2a due to population size being less than 2500 mature individuals, with continuing decline observed and no subpopulation estimated to contain more than 250 mature individuals. The main threats are road, rail and firebreak maintenance, farming operations including grazing and fence maintenance, weeds, degradation of habitat through activities such as traffic and rubbish dumping, inappropriate fire regimes, low seed set and poor recruitment. *Eremophila resinosa* is listed as Endangered (EN) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Eremophila resinosa is known from 26 natural populations and 1418 plants in the central eastern Wheatbelt of Western Australia.

Fourteen populations and twelve subpopulations of *Eremophila resinosa* occur on road reserves (Populations 3, 5-12, 15, 18-20 and 22; Subpopulations 1a-c, 2a-c, 4b, 14a-b, 16b, 17a-b), one subpopulation on rail reserve (Subpopulation 4a), one population on private property (Population 21) and three populations and one subpopulation on shire reserves (Population 13, 23 and 24; Subpopulations 16a).

Description: *Eremophila resinosa* is a spreading shrub 40 to 80 cm tall by 60 to 100 cm wide with branches that are densely covered in short white woolly hairs and sprinkled with resinous wart-like projections. The leaves are 4 to 8 mm long by 2 to 3 mm wide, alternate, obovate, obtuse with a minute point, rather thick and flat with a greyish layer of very short, closely interwoven star shaped hairs on both sides. The peduncles are axillary, solitary and exceedingly short. The calyx-segments are linear-lanceolate. The corolla is 15 mm long, funnel-shaped, the tube scarcely exceeding the calyx, the throat is dilated with five free lobes, each 5 mm long, all pointed, the upper ones recurved, the lower ones spreading, all sprinkled outside with short star shaped woolly hairs. The throat is covered in long sparse hairs with a ring of numerous hairs occurring at the base. The flowers are blue or purple with white spots inside. There are four stamens not exceeding the length of the corolla. The ovary is densely covered in short woolly hairs and is four celled with one ovule in each cell (Bentham 1870; Ewart *et al.* 1908; Brown 2005).

Habitat requirements: *Eremophila resinosa* occurs on soil types from sandy loams to loams and clays in open mallee woodland with a mixed *Acacia* scrub understorey.

Habitat critical to the survival of the species, and important populations: Given that *Eremophila resinosa* is ranked as Endangered and is known from only 26 populations, it is considered that only known habitat for extant wild and translocated populations is critical to its survival, and that all extant wild and translocated populations are important populations. Habitat critical to the survival of *E. resinosa* includes the area of occupancy of extant populations, areas of similar habitat (i.e. sandy loams, clays, and loams supporting open mallee woodland with mixed *Acacia* scrub understorey) surrounding important populations (this is necessary to allow access for pollinators and population expansion) and additional occurrences of similar habitat that may contain the species or be suitable for future translocations.

Benefits to other species or ecological communities: Recovery actions implemented to improve the quality or security of the habitat for *Eremophila resinosa* will also improve the status of associated native vegetation. One other threatened flora species (*Cyphanthera odgersii* subsp. *occidentalis*) is located in the vicinity of *Eremophila resinosa*.

International obligations: This plan is fully consistent with the aims and recommendations of the Convention on Biological Diversity, ratified by Australia in June 1993, and will assist in implementing Australia's responsibilities under that convention. *Eremophila resinosa* is not listed under any specific international treaty however, and therefore this IRP does not affect Australia's obligations under any other international agreements.

Role and interests of indigenous people: The Department of Indigenous Affairs Aboriginal Heritage Sites Register records no sites of Aboriginal significance that are known at or near populations of the species covered by this IRP. However, the involvement of the Indigenous community is currently being sought to determine whether there are any issues or interests identified in the Plan. If no role is identified for indigenous communities in the recovery of this species, opportunities may exist through cultural interpretation and awareness of the species.

The advice of the South West Aboriginal Land and Sea Council (SWALSC) and Department of Indigenous Affairs is being sought to assist in the identification of potential indigenous management responsibilities for land occupied by threatened species, or groups with a cultural connection to land that is important for the species' conservation.

Continued liaison between DEC and the indigenous community will identify areas in which collaboration will assist implementation of recovery actions.

Social and economic impact: The implementation of this recovery plan is unlikely to cause significant adverse social and economic impacts. However, as some of the populations of *Eremophila resinosa* occur on, or adjacent to, private property their protection may potentially affect farming activities. Populations on road and rail reserves, and mining tenements, will require protection during management activities, and hence the occurrence of *Eremophila resinosa* in those areas may have an impact on those land managers. Actions will involve continued liaison and cooperation with all stakeholders with regard to these areas.

Affected interests: Stakeholders potentially affected by the implementation of this plan include the Shires of Westonia, Mukinbudin, Nungarin, Koorda and Mt Marshall, Main Roads WA, WestNet Rail and owners of private property.

Evaluation of the plan's performance: DEC in conjunction with the Yilgarn District Threatened Flora Recovery Team (YDTFRT) will evaluate the performance of this IRP. In addition to annual reporting on progress and evaluation against the criteria for success and failure, the plan will be reviewed following four years of implementation.

Completed Recovery Actions

1. Land managers including private land owners, Main Roads WA, WestNet Rail and Shires with populations on land under their management have been made aware of the threatened nature of this species, its location and their legal obligations to protect it.
2. Declared Rare Flora (DRF) markers have been installed at Populations 3, 5-7, 9, 11-12, 15, 18-20 and 22 and Subpopulations 1bc, 2c, 4ab, 14b, 16b and 17ab.
3. Six plants have been propagated from part of Population 23 (mining lease), and successfully translocated. Seed was collected from parent plants prior to their taking.
4. Collections of seed from several populations have been stored at the Botanic Gardens and Parks Authority (BGPA) and DEC's Threatened Flora Seed Centre (TFSC).
5. Rubbish dumped in Subpopulation 16a has been removed by the Shire of Westonia and measures taken to restrict vehicle access.

Ongoing and future recovery actions

6. The YDTFRT is overseeing the implementation of this IRP and will include it in their annual report to DEC's Corporate Executive and funding bodies.
7. Staff from DEC's Yilgarn District office are monitoring all known populations.

IRP objective: The objective of this IRP is to abate identified threats and maintain or enhance viable *in situ* populations to ensure the long-term preservation of the species in the wild.

Recovery criteria

Criteria for success: The number of populations have increased and/or the number of mature individuals have increased by ten percent or more over the five year term of the plan.

Criteria for failure: The number of populations have decreased and/or the number of mature individuals have decreased by ten percent or more over the five year term of the plan.

Recovery actions

- | | |
|-----------------------------------|--|
| 1. Coordinate recovery actions | 8. Fencing |
| 2. Conduct further surveys | 9. Obtain biological and ecological information |
| 3. Liaise with land managers | 10. Collect seed |
| 4. Install DRF markers | 11. Promote awareness |
| 5. Conduct further translocations | 12. Map habitat critical to the survival of <i>Eremophila resinosa</i> |
| 6. Monitor populations | 13. Review the plan and need for further recovery actions |
| 7. Undertake weed control | |

1. BACKGROUND

History

Eremophila resinosa was described in 1839 as *Pholidia resinosa* based on specimens collected in 1835 (Endlicher and Fenzl 1839). Ferdinand Mueller later moved the species into the genus *Eremophila* (Mueller 1859). In 1908 Alfred Ewart not realizing that it had already been named, invalidly described the species as *Eremophila kochii*, after the collector Max Koch (Ewart *et al.* 1908).

In 2003 Westonia Mining Ltd. conducted a floristic survey during which a population of 441 *Eremophila resinosa* plants were found on land under their lease. The following year the company developed a translocation proposal as five plants were to be taken during mining operations. At this time seed was collected from those plants. 321 plants were subsequently raised by the Botanic Gardens and Parks Authority (BGPA) and planted into the translocation area. In winter 2005 a further 257 plants were raised by BGPA and planted in the same area (B. Dixon pers. comm.). As at 2006 the translocated population numbered 509 individuals.

Eremophila resinosa is known from 26 natural populations and 1418 plants in DEC's Yilgarn District. Populations 7, 19 and 20 are now presumed extinct.

Description

Eremophila resinosa is a spreading shrub 40 to 80 cm tall by 60 to 100 cm wide with branches that are densely covered in short white woolly hairs and sprinkled with resinous wart-like projections. The leaves are 4 to 8 mm long by 2 to 3 mm wide, alternate, obovate, obtuse with a minute point, rather thick and flat with a greyish layer of very short, closely interwoven star shaped hairs on both sides. The peduncles are axillary, solitary and exceedingly short. The calyx-segments are linear-lanceolate. The corolla is 15 mm long, funnel-shaped, the tube scarcely exceeding the calyx, the throat is dilated with five free lobes, each 5 mm long, all pointed, the upper ones recurved, the lower ones spreading, all sprinkled outside with short star shaped woolly hairs. The throat is covered in long sparse hairs with a ring of numerous hairs occurring at the base. The flowers are blue or purple with white spots inside. There are four stamens not exceeding the length of the corolla. The ovary is densely covered in short woolly hairs and is four celled with one ovule in each cell (Bentham 1870; Ewart *et al.* 1908; Brown 2005).

Distribution and habitat

Eremophila resinosa is confined to the central eastern Wheatbelt of Western Australia.

Habitat is sandy loams and clays in open mallee woodland with a mixed *Acacia* scrub understorey. Species associated with *Eremophila resinosa* include *Eucalyptus salubris*, *E. salmonophloia*, *E. longicornis*, *E. transcontinentalis*, *Acacia acuminata*, *A. erinacea*, *A. hemiteles* and *Eremophila oppositifolia*.

Summary of population land vesting, purpose and manager

Pop. No. & Location	DEC District	Shire	Vesting	Purpose	Manager
1a N of Westonia	Yilgarn	Westonia	Unvested Reserve	Road Reserve	Shire of Westonia
1b N of Westonia	Yilgarn	Westonia	Unvested Reserve	Road Reserve	Shire of Westonia
1c N of Westonia	Yilgarn	Westonia	Unvested Reserve	Road Reserve	Shire of Westonia
2a NW of Mukinbudin	Yilgarn	Mukinbudin	Unvested Reserve	Road Reserve	Shire of Mukinbudin
2b NW of Mukinbudin	Yilgarn	Mukinbudin	Unvested Reserve	Road Reserve	Shire of Mukinbudin
2c Cowcowing	Yilgarn	Wyalkatchem	Unvested Reserve	Road Reserve	Shire of Wyalkatchem
3 SW of Westonia	Yilgarn	Westonia	Unvested Reserve	Road Reserve	Shire of Westonia
4a NW of Nungarin	Yilgarn	Nungarin	Public Transport Authority	Rail Reserve	WestNet Rail
4b NW of Nungarin	Yilgarn	Nungarin	Minister for Transport	Road Reserve	MainRoads WA
5 NW of Westonia	Yilgarn	Westonia	Unvested Reserve	Road Reserve	Shire of Westonia
6 SW of Westonia	Yilgarn	Westonia	Minister for Transport	Road Reserve	MainRoads WA
7 NW of Westonia	Yilgarn	Westonia	Unvested Reserve	Road Reserve	Shire of Westonia
8 NW of Westonia	Yilgarn	Westonia	Unvested Reserve	Road Reserve	Shire of Westonia
9 NW of Westonia	Yilgarn	Westonia	Unvested Reserve	Road Reserve	Shire of Westonia
10 NW of Westonia	Yilgarn	Westonia	Unvested Reserve	Road Reserve	Shire of Westonia
11 NW of Westonia	Yilgarn	Westonia	Unvested Reserve	Road Reserve	Shire of Westonia
12 SW of Westonia	Yilgarn	Westonia	Unvested Reserve	Road Reserve	Shire of Westonia
13 Westonia	Yilgarn	Westonia	Unvested Reserve	Recreation-Race track	Shire of Westonia
14a S of Koorda	Yilgarn	Koorda	Unvested Reserve	Road Reserve	Shire of Koorda
14b S of Koorda	Yilgarn	Koorda	Unvested Reserve	Road Reserve	Shire of Koorda
15 NW of Westonia	Yilgarn	Nungarin	Unvested Reserve	Road Reserve	Shire of Nungarin
16a Westonia	Yilgarn	Westonia	Unvested Reserve	Shire Reserve – proposed hospital site	Shire of Westonia
16b Westonia	Yilgarn	Westonia	Unvested Reserve	Road Reserve	Shire of Westonia
17a NW of Nungarin	Yilgarn	Nungarin	Unvested Reserve	Road Reserve	Shire of Nungarin
17b NW of Nungarin	Yilgarn	Nungarin	Unvested Reserve	Road Reserve	Shire of Nungarin
18 NW of Westonia	Yilgarn	Westonia	Unvested Reserve	Road Reserve	Shire of Westonia
19 NW of Westonia	Yilgarn	Westonia	Unvested Reserve	Road Reserve	Shire of Westonia
20 NW of Westonia	Yilgarn	Westonia	Unvested Reserve	Road Reserve	Shire of Westonia
21 NW of Westonia	Yilgarn	Westonia	Freehold	Private property	Landholders
22 E of Kalannie	Yilgarn	Mt Marshall	Minister for Transport	Road Reserve	MainRoads WA
23 NW of Westonia	Yilgarn	Westonia	Shire of Westonia	Common - mining	Westonia Mines
24 N of Westonia	Yilgarn	Westonia	Shire of Westonia	Common - mining	Westonia Mines
25 N of Westonia	Yilgarn	Westonia	Shire of Westonia	Road reserve	Shire of Westonia
26 N of Westonia	Yilgarn	Westonia	Freehold	Private property	Landholders

Populations in **bold text** are considered to be Important Populations

Biology and ecology

Richmond and Coates (1995) concluded that *Eremophila resinosa* is highly flammable but based on the concentration of starch grains within the roots, mature plants are likely to resprout from underground stock post fire. However, they also concluded that young seedlings (1 to 2 years old) are likely to be fire sensitive and may be killed even by low intensity spring fires.

Cochrane *et al.* (2002) conclude that only 31.5% of *Eremophila resinosa* locules contained at least one healthy seed. This low result has several plausible explanations including habitat fragmentation which may be reducing pollination through lack of habitat connectivity and permeability and lack of resources for pollinators. Inbreeding may also be a cause, however many species in the transitional rainfall zone of Western Australia have developed diverse genetic system responses to inbreeding in order to cope with long periods of small population size imposed on them (Hopper *et al.* 1996).

Healthy *Eremophila resinosa* seed was found to have a germination rate of 77% for fresh seed and 67% for seeds kept for one year under standard storage conditions (Cochrane *et al.* 2002). Cochrane *et al.* 2002 found *E. resinosa* had the broadest range of germination times amongst twelve *Eremophila* species with first germination recorded at 10 days and last germination at 74 days for fresh seed. This range is reduced for stored seed with initial germination recorded at 14 days and last germination at 35 days.

Richmond and Coates (1995) recorded a grafting strike rate of 100% for *Eremophila resinosa* and cutting survival rate of 1%.

Flowering of *Eremophila resinosa* appears to occur all year round with the main flowering time being between October-November. Fruits mainly develop between December to January with records of limited fruiting occurring in November and March.

Threats

The main threats are road, rail and firebreak maintenance, farming operations including grazing and fence maintenance, weeds, degradation of habitat through activities such as traffic and rubbish dumping, inappropriate fire regimes, low seed set and poor recruitment.

- **Road, rail and firebreak maintenance.** Ten populations and thirteen subpopulations of *Eremophila resinosa* occur on road (Shire and MainRoads WA) and rail (WestNet Rail) reserves. Relevant authorities have been informed of their location so that appropriate protective actions can be implemented, as part of action 3.
- **Farming operations.** Populations of *Eremophila resinosa* bordering private property are threatened by fence maintenance, spray drift and grazing. Liaison is ongoing and covered by action 3.
- **Weeds** are a significant threat to eight populations and four subpopulations of *Eremophila resinosa*. Weeds compete for resources and reduce germination success. In areas where introduced and native grasses produce large fuel loads intense fires could damage the subterranean stock of *E. resinosa* (Richmond and Coates 1995).
- **Degradation of habitat through recreational activities, traffic and rubbish dumping** threatens one population and one subpopulation of *Eremophila resinosa*. Since 1993 the number of plants in Subpopulation 16a has been substantially reduced following these activities and recruitment has ceased. Land managers have been made aware of the threatened nature of the species, its location and their legal obligations to protect it. Liaison is continuing as part of action 3.
- **Mining activities** has the potential to impact population 23, which is one of the largest populations. A number of plants have been removed, and the potential exists for additional plants to be removed during mine expansion.
- **Inappropriate fire regimes.** Because seedlings of this species are likely to be killed by fire 1 to 2 years following germination, frequent fire has the potential to affect all populations. Liaison with land managers is continuing to prevent this from happening. See action 3.
- **Low seeds set.** *Eremophila resinosa* is recorded as producing low numbers of healthy seeds.
- **Poor recruitment.** No populations have shown signs of recruitment since 1993.

Summary of population information and threats

Pop. No. & Location	Land Status	Year/No. plants	Current Condition	Threats
1a N of Westonia	Shire Road Reserve	1993 37 [1]* 2003 14* 2005 7 2008 7	Moderate	Road maintenance, weeds, farm operations-grazing, fence maintenance
1b N of Westonia	Shire Road Reserve	1993 37 [1]* 2003 14* 2005 4 2008 5	Moderate	Road maintenance, weeds, farm operations-grazing, fence maintenance
1c N of Westonia	Shire Road Reserve	1993 37 [1]* 2003 14*	Moderate	Road maintenance, weeds, farm operations-grazing, fence maintenance

Pop. No. & Location	Land Status	Year/No. plants	Current Condition	Threats
		2005 2 2008 2		
2a NW of Mukinbudin	Shire Road Reserve	2003 9 2005 3 2008 4	Moderate	Road maintenance
2b NW of Mukinbudin	Shire Road Reserve	2003 6 2008 4	Healthy	Road maintenance
2c Cowcowing	Shire Reserve	1991 14 2003 5 2005 3 2006 4	Moderate	Road maintenance
3 SW of Westonia	Shire Road Reserve	1989 44 [2] 2000 30 2008 13	Poor	Road maintenance, weeds
4a NW of Nungarin	WestNet Rail reserve	1991 4* 1994 3 2005 5* 2008 4	Moderate	Rail maintenance, spraying, grazing by 'moving' stock
4b NW of Nungarin	Main Roads WA reserve	1991 4* 1994 1 2005 5* 2008 0	Disturbed	Road maintenance
5 NW of Westonia	Shire Road Reserve	1993 2 2005 2 2008 2	Disturbed	Road maintenance, weeds
6 SW of Westonia	Main Roads WA reserve	1992 15 2005 3 2008 26	Disturbed	Road maintenance
7 NW of Westonia	Shire Road Reserve	1991 4 2003 0 2008 0		Road maintenance
8 NW of Westonia	Shire Road Reserve	2000 0 2008 2	Unknown	Unknown
9 NW of Westonia	Shire Road Reserve	1992 12 2003 7 [5] 2008 5	Poor	Road maintenance, farming operations-soil erosion, grazing
10 NW of Westonia	Shire Road Reserve	1992 9 2005 3 2006 2 [1] 2008 1	Disturbed	Road maintenance, farming operations-soil erosion, wind blown medic seed
11 NW of Westonia	Shire Road Reserve	1992 1 2003 1 2008 1	Moderate	Road maintenance, weeds
12 SW of Westonia	Shire Road Reserve	1993 37 [3] 2005 19 2008 34	Moderate	Road maintenance, farming operations-grazing & fence maintenance, soil erosion, weeds
13 Westonia	Shire Reserve – Race Track	1993 214 (1) 2006 53 2008 53	Moderate	Vehicle traffic, rubbish dumping
14a S of Koorda	Shire Road Reserve	1992 100 (1) 1999 100 2003 82 2008 57	Disturbed	Road maintenance, farming operations-grazing & fence maintenance, weeds, soil erosion and spray drift
14b S of Koorda	Shire Road Reserve	2003 4 2005 10 2008 8	Disturbed	Road maintenance, farming operations-grazing & fence maintenance, weeds, soil erosion and spray drift
15 NW of Westonia	Shire Road Reserve	1995 5 2003 2 2008 1	Moderate	Road maintenance
16a Westonia	Shire Reserve – proposed hospital site	1993 120 (30) 2003 21 [1] 2008 21	Moderate	Recreation

Pop. No. & Location	Land Status	Year/No. plants	Current Condition	Threats
16b Westonia	Shire Road Reserve	2005 6 2008 6	Healthy	Road maintenance, farming operations-grazing & fence maintenance, weeds
17a NW of Nungarin	Shire Road Reserve	1993 1 1995 1 2008 1	Moderate	Road maintenance
17b NW of Nungarin	Shire Road Reserve	1993 1 1995 1 2008 1	Moderate	Road maintenance
18 NW of Westonia	Shire Road Reserve	1994 2 2006 1 2008 1	Poor	Road maintenance – grading and spoon drain maintenance
19 NW of Westonia	Shire Road Reserve	1994 1 1999 0 2008 0	Moderate	Farm maintenance-grazing & fence maintenance, road maintenance, weeds
20 NW of Westonia	Shire Road Reserve	1994 1 2006 0 2008 0	Moderate	Farm maintenance-grazing & fence maintenance, road maintenance, weeds
21 NW of Westonia	Private Property	1996 1 2008 3	Moderate	Farm operations-grazing
22 E of Kalannie	Main Roads WA reserve	2001 13 2008 13	Moderate	Road maintenance, weeds
23 NW of Westonia	Shire Reserve and Mining Lease	2003 441 2004 426 [15 removed] 2008 1133	Healthy	Mining
24 N of Westonia	Shire Reserve	2005 571 2006 509 [62] 2008 ?	Healthy	Weeds and annual grasses
25 N of Westonia	Shire Road Reserve	2008 1	Moderate	Road works, weeds
26 N of Westonia	Private Property	2008 5	Healthy	Weeds

Populations in **bold text** are considered to be Important Populations, Note: * = total for all subpopulations, () = number of seedlings, [] = number dead

Guide for decision-makers

The above table provides details of current and possible future threats. Proposed actions in the immediate vicinity of populations or within the defined habitat critical to the survival of *Eremophila resinosa* require assessment for the potential for a significant level of impact.

Habitat critical to the survival of the species, and important populations

Given that *Eremophila resinosa* is ranked as Endangered, but is known from 24 locations, some of which have few or no recently recorded plants, it is considered that all known habitat for extant wild and translocated populations is critical to the survival of the species, and that extant wild and translocated populations are important populations. Important populations, which also contain habitat critical to the survival of the species, are identified in the above table. Populations not considered important are 7, 8, 19 and 20 which have not recently had any extant plants recorded. Habitat critical to the survival of *E. resinosa* includes the area of occupancy of extant populations, areas of similar habitat (i.e. sandy loams, clays, and loams supporting open mallee woodland with mixed *Acacia* scrub understorey) surrounding important populations (this is necessary to provide habitat for pollinators and future population expansion) and additional occurrences of similar habitat that may contain the species or be suitable for future translocations.

Benefits to other species or ecological communities

Recovery actions implemented to improve the quality or security of the habitat for *Eremophila resinosa* will also improve the status of associated vegetation. One other threatened flora species is located in the area of

Eremophila resinosa (see table below).

Conservation-listed flora species occurring in habitat of *Eremophila resinosa*

Species name	Conservation Status (Western Australia)	Conservation Status (EPBC Act)
<i>Cyphanthera odgersii</i> subsp. <i>occidentalis</i>	DRF, Critically Endangered	Endangered

DRF – Declared Rare Flora.

International obligations

This plan is fully consistent with the aims and recommendations of the Convention on Biological Diversity, ratified by Australia in June 1993, and will assist in implementing Australia's responsibilities under that convention. *Eremophila resinosa* is not listed under any specific international treaty however, and therefore this Interim Recovery Plan does not affect Australia's obligations under any other international agreements.

Role and interests of indigenous people

The Department of Indigenous Affairs Aboriginal Heritage Sites Register lists no sites of Aboriginal significance at or near populations of the species covered by this IRP. However, the involvement of the Indigenous community is currently being sought to determine whether there are any issues or interests identified in the plan. If no role is identified for indigenous communities in the recovery of this species, opportunities may exist through cultural interpretation and awareness of the species.

The advice of the South West Aboriginal Land and Sea Council (SWALSC) and Department of Indigenous Affairs is being sought to assist in the identification of potential indigenous management responsibilities for land occupied by threatened species, or groups with a cultural connection to land that is important for the species' conservation.

Continued liaison between DEC and the indigenous community will identify areas in which collaboration will assist implementation of recovery actions.'

Social and economic impact

The implementation of this recovery plan is unlikely to cause significant adverse social and economic impact. However, as some populations of *Eremophila resinosa* occur on, or adjacent to, private property the protection of them may potentially affect farming activities. Populations on road and rail reserves, and mining tenements, will require protection during management activities, and hence the occurrence of *Eremophila resinosa* in those areas may have an impact on those land managers. Actions will involve continued liaison and cooperation with all stakeholders with regard to these areas.

Affected interests

Stakeholders potentially affected by the implementation of this plan include the Shires of Westonia, Mukinbudin, Nungarin, Koorda and Mt Marshall, Main Roads WA, WestNet Rail and owners of private property.

Evaluation of the plan's performance

The Department of Environment and Conservation (DEC), in conjunction with the Yilgarn District Threatened Flora Recovery Team (YDTFRT) will evaluate the performance of this IRP. In addition to annual reporting on progress and evaluation against the criteria for success and failure, the plan will be reviewed within five years of implementation.

2. RECOVERY OBJECTIVE AND CRITERIA

Objectives

The objective of this IRP is to abate identified threats and maintain or enhance viable *in situ* populations to ensure the long-term preservation of the species in the wild.

Criteria for success: The number of populations have increased and/or the number of mature individuals have increased by ten percent or more over the five year term of the plan.

Criteria for failure: The number of populations have decreased and/or the number of mature individuals have decreased by ten percent or more over the five year term of the plan.

3. RECOVERY ACTIONS

Completed recovery actions

Land managers, including private landowners, the Shires of Westonia, Wyalkatchem, Mukinbudin, Nungarin and Koorda, Main Roads WA and WestNet Rail have been made aware of the threatened nature of the species, its location and their legal obligations to protect it.

Declared Rare Flora (DRF) markers have been placed at most road verge populations.

In 2004 expanded operations at Westonia Mines necessitated the taking of five *Eremophila resinosa*. Cuttings and seed collected were used to establish a translocated population.

In January 1997 and 2004 the BGPA collected seed from six populations of *Eremophila resinosa* and currently hold 275.5g of seed in their seed store. DEC's TFSC have 2774 seeds collected from Populations 3, 12, 14, 23 and Subpopulation 16a.

Car bodies dumped on a Shire Reserve occupied by Subpopulation 16a have been removed and measures taken to restrict vehicle access.

Ongoing and future recovery actions

The Yilgarn District Threatened Flora Recovery Team (YDTFRT) is overseeing the implementation of this IRP and will include information on progress in their annual reports to DEC's Corporate Executive and funding bodies.

Staff from DEC's Yilgarn District office monitor all populations.

Where recovery actions are implemented on lands other than those managed by DEC, permission has been or will be sought from the appropriate land managers prior to actions being undertaken. The following recovery actions are roughly in order of descending priority, influenced by their timing over the term of the plan. However this should not constrain addressing any of the priorities if funding is available for 'lower' priorities and other opportunities arise.

1. Coordinate recovery actions

The YDTFRT is coordinating the implementation of recovery actions for *Eremophila resinosa* and will include information on progress in their annual reports to DEC's Corporate Executive and funding bodies.

Action: Coordinate recovery actions

Responsibility: The YDTFRT

Cost: \$1,600 per year

2. Conduct further surveys

Expanded surveys of remnant bushland in the area of existing populations is recommended. It is suggested that surveys be conducted with the help of volunteers from the local community, wildflower societies and naturalist clubs during the species' flowering period between October and November.

Action: Conduct further surveys
Responsibility: DEC (Yilgarn District) through the YDTFRT
Cost: \$1,900 in year 2 and 3

3. Liaise with land managers

Staff from DEC's Yilgarn District will continue to liaise with appropriate land owners and managers to ensure that populations are not accidentally damaged or destroyed. Input and involvement will also be sought from Aboriginal groups that have an active interest in areas that are habitat for *Eremophila resinosa*.

Action: Liaise with land managers
Responsibility: DEC (Yilgarn District) through the YDTFRT
Cost: \$1,200 per year

4. Install DRF markers

Declared Rare Flora (DRF) markers are required at Populations 6 and 7 and at Subpopulations 1a, 2a-c, 4ab and 14a .

Action: Install DRF Markers
Responsibility: DEC (Yilgarn District) through the YDTFRT
Cost: \$3,300 in the first year

5. Conduct further translocations

Translocation has been deemed desirable for the conservation of this species as surveys have failed to locate any substantial new populations and many existing populations are small and on narrow road reserves or in areas subject to mining. In 2004 Westonia Mining Ltd. developed a translocation proposal and 321 plants were subsequently raised by the Botanic Gardens and Parks Authority (BGPA) and planted into the translocation area. In winter 2005 a further 257 plants were raised by BGPA and planted in the same area. As at 2006 the translocated population numbered 509 individuals. Further supplementary translocation will be conducted during the timeframe of this plan.

Information on the translocation of threatened plants and animals in the wild is provided in DEC's Policy Statement No. 29 *Translocation of Threatened Flora and Fauna* (CALM 1995), and follow the national translocation protocols (Vallee et al., 2004). All translocation proposals require endorsement by DEC's Director of Nature Conservation. Monitoring of translocations is essential and will be included in the timetable developed for the Translocation Proposal.

Action: Conduct further translocations
Responsibility: DEC (Yilgarn District) and BGPA through the YDTFRT
Cost: \$2,500 in years 3 and 5

6. Monitor populations

Monitoring of weed encroachment, habitat degradation, population stability (expansion or decline), pollination activity, seed production, recruitment, and longevity is essential.

Action: Monitor populations
Responsibility: DEC (Yilgarn District) through the YDTFRT
Cost: \$1,400 in years 1,3,and 5.

7. Undertake weed control

As weeds are a major threat to several populations, the following actions will be implemented.

1. Select appropriate herbicides after determining which weeds are present.
2. Control invasive weeds by hand removal or spot spraying around *Eremophila resinosa* plants when weeds first emerge.
3. Schedule weed control to include spraying at other threatened flora populations within the district.

The tolerance of associated native plant species to herbicides at the site of *Eremophila resinosa* is not known and weed control programs will be undertaken in conjunction with research.

Action: Undertake weed control
Responsibility: DEC (Yilgarn District, Science Division) through the YDTFRT
Cost: \$1,500 per year

8. Fencing

Population 7 on Private Property requires an extension of protective fencing.

Action: Fencing
Responsibility: DEC (Yilgarn District) through the YDTFRT
Cost: \$600 in the first year

9. Obtain biological and ecological information

Research designed to increase understanding of the biology and ecology of the species will provide a scientific base for management of *Eremophila resinosa* in the wild. Research will include:

1. Pollination biology of the species and the requirements of pollinators.
2. Seed dispersal mechanisms.
3. Role of disturbance in reproduction of *E. resinosa*.
4. Response of *E. resinosa* to fire intensity and frequency.
5. Response of *E. resinosa* to applications of various herbicides.

Action: Obtain biological and ecological information
Responsibility: DEC (Science Division, Yilgarn District) through the YDTFRT
Cost: \$7,500 in years 2 and 3.

10. Collect and store seed

Collection of seed is essential to guard against extinction if wild populations are lost. Some seed has been collected and stored by DEC's TFSC and the BGPA, however additional collections should be made from a wider range of populations. The "Germplasm Conservation Guidelines for Australia" produced by the

Australian Network for Plant Conservation (ANPC) should be used to guide this process (Offord & Meagher 2009).

Actions: Collect and store seed
Responsibility: DEC (Yilgarn District, TFSC), and BGPA through the YDTFRT
Cost: \$2,300 in years 1, 3 and 5.

11. Promote awareness

The importance of biodiversity conservation and the protection of *Eremophila resinosa* will be promoted to the public. This will be achieved through an information campaign using the local print and electronic media and by setting up poster displays. An A4 sized information sheet, which includes a description of the plant, its habitat type, status, threats, management actions and photos, will be developed for *Eremophila resinosa* and distributed to local land owners, relevant authorities and volunteer organizations, libraries and schools. Formal links with local naturalist groups and interested individuals are encouraged. It is hoped that these actions will result in the discovery of new populations.

Action: Promote awareness
Responsibility: DEC (Yilgarn District, Species and Communities Branch (SCB) and Strategic Development and Corporate Affairs Division) through the YDTFRT
Cost: \$1,600 in the first year, \$1,000 in years 3 and 5.

12. Map habitat critical to the survival of *Eremophila resinosa*

Although habitat critical to the survival of the species is mentioned in Section 1, the areas described have not been fully mapped and this will be addressed under this action. If additional populations are located, habitat critical to their survival will also be determined and mapped.

Action: Map habitat critical to the survival of *Eremophila resinosa*
Responsibility: DEC (Yilgarn District) through the YDTFRT
Cost: \$2,000 in the first year

12. Review the plan and need for further recovery actions

At the end of its five-year term this IRP will be reviewed and the need for further recovery actions assessed.

Action: Review the need for further recovery actions
Responsibility: DEC (Yilgarn District, Species and Communities Branch) through the YDTFRT
Cost: \$1,500 in the fourth year.

Summary of recovery actions

Recovery Actions	Priority	Responsibility	Completion date
Coordinate recovery actions	High	YDTFRT	Ongoing
Conduct further surveys	High	DEC (Yilgarn District) through the YDTFRT	2011
Liaise with relevant land managers	High	DEC (Yilgarn District) through the YDTFRT	Ongoing
Install DRF markers	High	DEC (Yilgarn District) through the YDTFRT	2009
Conduct further translocations	High	DEC (Yilgarn District) and BGPA through the YDTFRT	
Monitor populations	High	DEC (Yilgarn District) through the YDTFRT	Ongoing
Undertake weed control	High	DEC (Yilgarn District, Science Division) through the YDTFRT	Ongoing
Fencing	Medium	DEC (Yilgarn District) through the YDTFRT	2009
Obtain biological and ecological information	Medium	DEC (Science Division, Yilgarn District) through the YDTFRT	2011

Collect and store seed	Medium	DEC (Yilgarn District, TFSC), and BGPA through the YDTFRT	2013
Promote awareness	Medium	DEC (Yilgarn District, Species and Communities Branch (SCB) and Strategic Development and Corporate Affairs Division) through the YDTFRT	2013
Map habitat critical to the survival of <i>Eremophila resinosa</i>	Medium	DEC (Yilgarn District) through the YDTFRT	2009
Review the plan and need for further recovery actions	Medium	DEC (Yilgarn District, Species and Communities Branch) through the YDTFRT	2013

4. TERM OF PLAN

Western Australia

This IRP will operate from April 2008 to March 2013 but will remain in force until withdrawn or replaced. If *Eremophila resinosa* is still ranked EN after five years, this IRP will be reviewed and, if necessary, further recovery actions put in place.

Commonwealth

In accordance with the provisions of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* this adopted recovery plan will remain in force until revoked.

The recovery plan must be reviewed at intervals of not longer than five years.

5. REFERENCES

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- Mueller, F. (1859). On the Genus *Eremophila*. *Proceedings of the Royal Society of Tasmania*. pp 291-7.
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- Vallee L, Hogbin T, Monks L, Makinson B, Matthes M and Rossetto, M (2004). *Guidelines for the Translocation of Threatened Plants in Australia - Second Edition*. Australian Network for Plant Conservation. Canberra

6. TAXONOMIC DESCRIPTION

Excerpt from: Bentham, G. (1870). *Flora Australiensis: A description of the plants of the Australian Territory*. London, L. Reeve and Co. 5: 11-12; Ewart, A.J., White, J. and Tovey, J.R. (1908). Contributions to the flora of Australia. *Journal and Proceedings of the Royal Society of New South Wales*. 42: 186-187 and; Brown, A. (2005). *The Eremophila of Western Australia*. In Press.

Spreading *shrub* 40-80 cm tall, 60-100 cm wide. *Branches* densely covered in short white tomentum (short woolly hairs) and sprinkled with resinous tubercles. *Leaves* 4-8 mm long by 2-3 mm wide; alternate, obovate, obtuse with a minute point, rather thick, flat, hoary with stellate hairs on both sides. *Peduncles* axillary, solitary, exceedingly short. *Calyx-segments*, linear-lanceolate. *Corolla* 15 mm long, funnel-shaped, the tube scarcely exceeding the calyx, the throat dilated with 5 free lobes, each 5 mm long, all pointed, the upper ones recurved, the lower ones spreading, all sprinkled outside with stellate tomentum; *throat* covered in long sparse hairs with a ring of numerous hairs occurring at the base. *Flowers* blue or purple, spotted inside; when young corolla is white. Four *stamens* not exceeding the length of the corolla. *Ovary* densely tomentose, 4 celled, with 1 ovule in each cell.

SUMMARY OF RECOVERY ACTIONS AND COSTS

Recovery action	Year 1			Year 2			Year 3			Year 4			Year 5		
	DEC	Other	Ext.	DEC	Other	Ext.	DEC	Other	Ext.	DEC	Other	Ext.	DEC	Other	Ext.
Coordinate recovery actions	1,000	500	100	1,000	500	100	1,000	500	100	1,000	500	100	1,000	500	100
Conduct further surveys				1,300	300	300	1,300	300	300						
Liaise with relevant managers	800		400	800		400	800		400	800		400	800		400
Install / Replace DRF markers			3,300												
Conduct further translocations							1000	5000					1000	5000	
Monitor populations	800	300	300				800	300	300				800	300	300
Fence populations	500		100												
Undertake weed control and follow up with regular monitoring and additional control if required	800	500	200	800	500	200	800	500	200	800	500	200	800	500	200
Obtain biological and ecological information				1,000	2,500	4,000	1,000	2,500	4,000						
Collect seed and other material to preserve genetic diversity	1,300		1,000				1,300			1,300			1,300		1,000
Promote awareness	1,000		600												
Map habitat critical to the survival of <i>Eremophila resinosa</i> .	1,300		700												
Review the need for further recovery actions										1,500					
Total	7,500	1,300	6,700	4,900	3,800	5,000	8,000	9,100	7,300	4,100	1,000	700	5,700	6,300	3,000
Yearly Total		15,500			13,700			24,400			5,800			15,000	

Ext. = External funding (funding to be sought), Other = funds contributed by in kind contribution and BGPA

Total DEC: \$ 30,200
Total Other: \$ 21,500
Total External Funding: \$ 22,700
Total Costs: \$ 74,400



Council Outstanding Resolutions Status Report

Resolutions not included here can be assumed to have been satisfactorily completed or have become redundant by virtue of a more current resolution or action. Councillors aware of an outstanding resolution not completed that should be placed in this outstanding resolution report

should contact the CEO. Red – New ~~Strikethrough – Delete~~

MEETING	ITEM/RESOLUTION	ACTION REQUIRED	RESPONSE	RESPONSIBLE OFFICER	TIME FRAME
October 2018	12/10-18	WATER CORPORATION PRICING POLICY – COUNCIL OWNED STANDPIPES	<p>That Council</p> <ol style="list-style-type: none"> 1. Discusses any public submissions received from the community; 2. Seeks an extension of time to respond to the Water Corporations Action Plan for Council Controlled Standpipes; 3. Request the Chief Executive Officer to attend the Rural Water Council meeting in Northam on Friday 19th October to raise Council's issues with the new fee structure; 4. Reaffirm September motion to write to the WA Water Corporation opposing their proposed fee structure in remote parts of the eastern wheatbelt; 5. Reaffirm September motion to write to the Department of Water and suggest that as a result of the increased Standpipe water costs that they re-introduce the Farm Water Grants to allow effected landholders the ability to create on-farm water storage and water connections; 	CEO	June 19



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MEETING	ITEM/RESOLUTION	ACTION REQUIRED	RESPONSE	RESPONSIBLE OFFICER	TIME FRAME
Feb 2019	05/02-19	CEO – JP Nomination	Application submitted in Feb 2019, Approved by Hon Mia Davies, awaiting approval from the Attorney Generals Office. CEO's Application approved past first stage, invited to submit full application to Attorney Generals Office.	CEO	Dec 19
July 2018	12/07-18	Standpipe Controller	That Council agree to install two (2) two solar powered standpipe controllers in Carrabin and Walgoolan, with Council transferring the \$20k from the Trust account (George Road Water Extension) and contributes the difference of approximately \$12k from Municipal Funds to complete the two stand pipes Council investigating alternative, cheaper solutions	CEO, WS	Dec 18
Sept 2018	10/09-18	WATER CORPORATION PRICING POLICY – COUNCIL OWNED STANDPIPES	That Council 1. Write to the WA Water Corporation opposing their proposed fee structure; 2. Write to the Department of Water and suggest that as a result of the increased Standpipe water costs that they re-introduce the Farm Water Grants to allow effected landholders the ability to create on-farm water storage and water connections; 3. Inform all ratepayers/farmers of the proposed changes to the WA Water Corporations fee structure and seek comment on the Shire proposed rationalisations by 15th October 2018. Issue raised with WALGA to be taken to Minister level	CEO	Nov 2018



Council Outstanding Resolutions Status Report

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MEETING	ITEM/RESOLUTION	ACTION REQUIRED	RESPONSE	RESPONSIBLE OFFICER	TIME FRAME
Dec 2017	10/12-17	Warrachuppin Road Realignment	<p>That Council</p> <ol style="list-style-type: none"> 1. Welcomes Ramelius Resources proposal to commence operations with the Greenfinch project in the mid to later stages of 2018. 2. Authorises the Chief Executive Officer to instigate the process for a resumption of land under the Land Administration Act in Reserve 14983. 3. Authorises expenditure to the Chief Executive Officer to commence the survey of the proposed road reserve, possible relocation of utility services (Telstra, Water) and possible new road design (if required) to enable a cost to be provided to Ramelius Resources for comment. <p>Council have engaged the services of RoadsWest engineering to draw up plans and road design. Land resumption process has been commenced, waiting on Ministers desk. Delays in environmental approval.</p> <p style="color: red;">Approval DENIED from State Govt, Modified clearing application to be submitted by Ramelius to State Government.</p>	CEO	Dec 19



Council Outstanding Resolutions Status Report

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should contact the CEO. **Red – New** ~~Strikethrough – Delete~~

MEETING	ITEM/RESOLUTION	ACTION REQUIRED	RESPONSE	RESPONSIBLE OFFICER	TIME FRAME
Sept 2017	10/09-17	Westonia Airstrip	That Council authorise the Chief Executive Officer to negotiate a fair price for the two areas of land to incorporate into the Westonia Airstrip and report back to Council at the October meeting. Offer and Paperwork to be discussed and finalized. The CEO has recently held discussions with Paul Sawyer of AD Astral Aviation in relation to some substantial development & improvements to the Westonia Airstrip to allow commercial flights in and out of Westonia. Waiting on response from Ramelius Resources. Additional discussion held with Ramelius regarding airstrip	CEO	July 19
Apr 2017	17/04-17	Town Planning Scheme	Currently seeking input from town planners in relation to low cost solution Held discussions with Dept of Planning – there are willing to assist, spoke with Planner in Kellerberrin who is willing to assist. Result – reduced cost plan. Dept of Planning attended June Meeting to discuss TPS with work to commence in 2018/19. Planning Commission met with Council in March 2019 with partially completed TPS & Strategies for review by Council.	CEO	Dec 19
Apr 2017	16/04-17	Westonia Airstrip	Currently investigating, coincide with Kaolin St Renaming.	CEO	July 19
Apr 2017	15/04-17	Renaming of Egg Rock Road & Kaolin Street	Currently seeking input from families prior to advertising as per requirements	CEO	July 19



Council Outstanding Resolutions Status Report

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MEETING	ITEM/RESOLUTION	ACTION REQUIRED	RESPONSE	RESPONSIBLE OFFICER	TIME FRAME
Mar 2017	13/03-17	Review of Integrated Planning Suite	Awaiting commencement date for Integrated Planning Suite review. Review undertaken from April 2018, presentation in Dec 2018. Community Strategic Plan due for adoption in April 2019. Commence Workforce Plan in April 2019.	CEO	Ongoing
Oct 16	10/10-16	Adopted sea container policy formulated by the Chief Executive Officer on the provision of sea containers in the Westonia Townsite.	CEO awaiting advise from new Health/Building Surveyor in relation to extent of paperwork required in submitting “Building Application” for approval. Local Planning Policies via Town Planning Scheme to address issue. TPS due for adoption in December 2019.	CEO/Building	Dec 19

OUTWARD CORRESPONDENCE

February/March 2019

1. **PARKS AND WILDLIFE SERVICE** ES1.2.1
RE: WHEATBELT REGIONAL PARKS AND RESERVES DRAFT MANAGEMENT PLAN 2019
ADDITIONAL COMMENTS

2. **VARIOUS** R1.1.1
RE: RATES INCENTIVE PRIZE (COUNTRY SHIRE COUNCIL)
INCENTIVE PRIZE REQUEST

3. **REGISTRAR OF TITLES** R1.1.1
RE: UNRATED LAND – 20 PYRITE ST, WESTONIA
UNRATED LAND

4. **BANKWEST – HOLLY CARLSON** F1.2.3
RE: TRANSFER OF MONIES
TERM DEPOSIT TRANSFER

5. **DEPARTMENT OF THE ATTORNEY GENERAL** ST1.2.6
RE: JUSTICE OF THE PEACE
JAMIE CRIDDLE - APPLICATION

6. **EMMA GAUNT** ES1.6.2
RE: APPEAL CONVENOR
SUPPORT TO GREENFINCH PROJECT

WORK SUPERVISOR'S REPORT

1. PLANT REPAIRS & MAINTENANCE

The following repairs and maintenance were carried out since the last meeting.

- JD Grader – 250Hr service. Replace shims and slides on moldboard.
- Canter – 15000km service.
- Water Tanker – repairs to solenoid switches and spray bars.
- Cat Grader – replace smashed back window.
- JCB Telehandler – 250Hr service.
- Iveco Truck – 15,000Km service.
- Crewcab Ute – 15,000Km service.
- Maintenance Ute – 15,000Km service.

2. CAPITAL ROAD WORKS

- Completed reconstruction of 2.2km section of M040 (RRG) project.
- Reseal of 5.5km section of M040 (RRG) project completed.
- Seal of section of Cement and Galena Streets.
- Gravel sheet 4km section of Echo Valley Road.

3. GENERAL ROAD MAINTENANCE

- Summer grading of sections of Begley, Barnett, South Walgoolan, 4 Mile, Boodarockin and Graham Roads.

4. PRIVATE WORKS

- Loader Hire A Smith
- Grader Hire DPAW

5. TOWN MAINTENANCE

- Cut firewood for grannies.
- Install drainage pipe to crossover laydown area.
- Trim street trees around Tennis Courts parking area, COOP storage area and lifestyle homes.
- Hedging of plants in street gardens.
- Burning of green waste at tipsite and vacant blocks.

6. OTHER.

- Crew had a 10 day break over the Easter Period.
- Gravel push-up at Geier's Pit in preparation for gravel re-sheeting project on Echo Valley Road.
- Trip to Perth to pick up Grader Blades, Solar Panels, Fridge and Vacuum Cleaner.
- Depot clean up.
- Complete new road program for 2019/20 budget consideration.

7. PLANT HOURS

The following is a list of plant and vehicle kilometre and hour readings for the period ending 1.5.19

Item		1.4.19	1.5.19
P1	JOHN DEERE 770G GRADER	6,251hrs	6,328hrs
P2	CAT 12M	2,791hrs	2,901hrs
P3	PRIME MOVER (IVECO)	195,937kms	199,095kms
P4	ROAD TRAIN (FREIGHTLINER)	96,125kms	98,668kms
P5	JOHN DEERE LOADER	1,008hrs	1,075hrs
P6	MULTI PAC	8,271hrs	8,307hrs
P7	MINI-EXCAVATOR	317hrs	317hrs
P8	TELEHANDLER JCB	1,026hrs	1,078hrs
P9	TOYOTA (MTCE UTE)	16,543kms	17,315kms
P10	mitsubishi CANTER	29,874kms	31,788kms
P11	TOYOTA HILUX (GARDENER) WT 35	50,555kms	50,734kms
P12	JOHN DEERE (5100)	1,824hrs	1,866hrs
P14	TOYOTA LANDCRUISER GXL (CEO)	7,988kms	12,101kms
P15	TOYOTA PRADO GXL (W/SUPER)	5,102kms	7,952kms
P16	TOYOTA RAV4 (ADMIN)	48,507kms	49,198kms
P17	TOYOTA HILUX DUAL CAB	25,467kms	27,403kms
P19	FAST ATTACK	5,688kms	5,688kms
P20	FIRE TRUCK	4,486kms	4,486kms
P18	WESSY BUS	104,209kms	104,209kms
P21	DYNAPAC FLAT DRUM	1,129hrs	1,174hrs
P22	RAMSEY RIDE ON MOWER (OVAL)	146hrs	148hrs
P23	TOYOTA MINI BUS (WT COM V)	14,320kms	14,444kms
P24	HAMM ROLLER	982hrs	1,044hrs

TOURISM REPORT

WESTONIA SHIRE CARAVAN PARK:

The caravan park has been extremely busy since easter which is awesome The Big Rigs club (roughly 12 – 15 rigs stayed at the Overflow tent area off Kaolin street) thoroughly enjoyed their stay in Westonia and will be back in two years time. They were especially happy with the attention to detail, the visit from Shire representatives and the addition of the Fire Pit and wood the Shire supplied during their stay. The third tent pad has been installed just in time for Easter and is a welcome addition to the park thank you to Bill and his Crew. This week we had the Explorex Caravan Group here in Westonia they too were parked on the overflow tent area and had a fantastic time.



REPAIRS & MAINTENANCE

- Bollard Lights – Phasing old bollards out and introducing new ones gradually cont...
- Various minor repairs and maintenance ongoing.

1. FUTURE PROJECTS

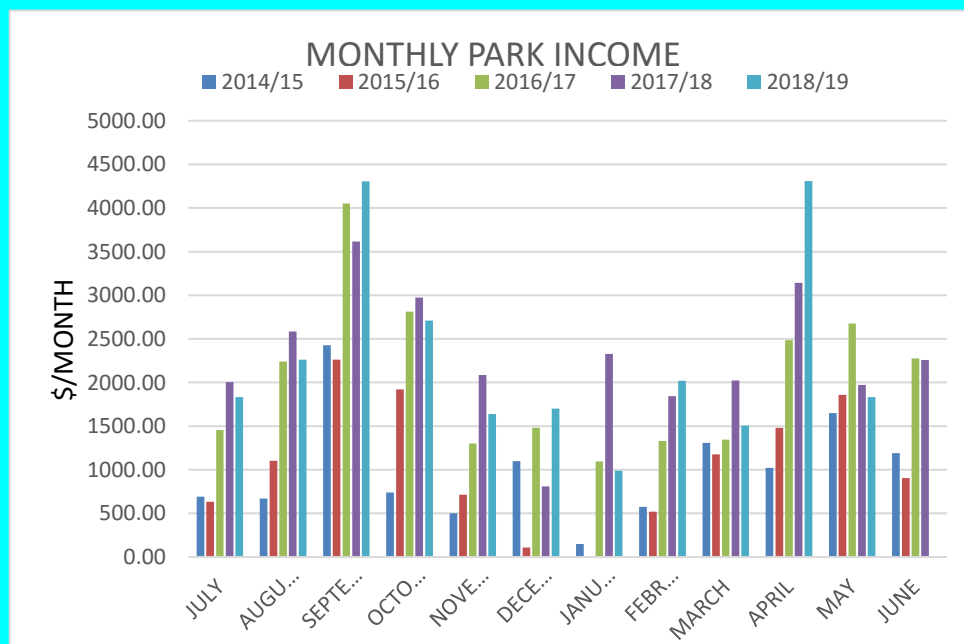
- Unpowered Overflow/ Tent area – Weed matting and out lined sites



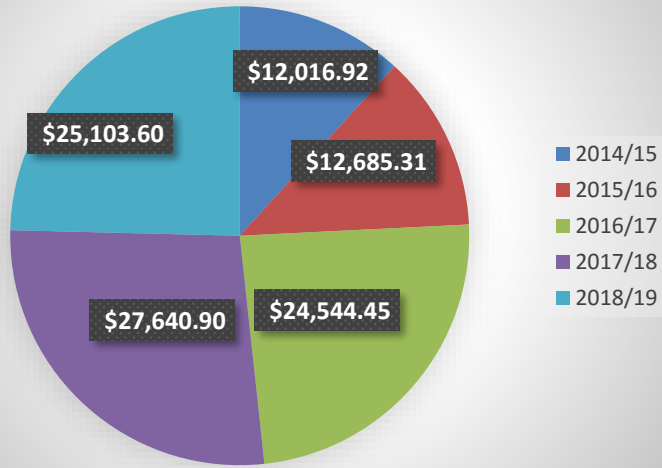
2. VISITOR FEEDBACK

- Visitors are still loving the Caravan Park and town/ facilities.
- Great value for money, best facilities!
- Exposure with Car & Drone promotional Video's and Photographs. It will be interesting to see the impact the video's have on tourism in Westonia this year. It may however impact our Rock's, Reserves and free campgrounds more. We are applying for funding to get materials required to define camping areas at Baladjie and Elachbutting.

3. STATISTICS



ANNUAL PARK INCOME



HOOD-PENN MUSEUM:

Quite a large number of visitors have visited the museum over the past few weeks and as always, their experience was one of amazement.

1. REPAIRS & MAINTENANCE

- Merredin Telephones have been back to fix the CCTV computer and it has not missed a beat since. It is now recording away happily.
- Footpaths and Carpark hot mix needs to go down before we can start getting the Volunteers to use the new door and close off the old one to become a façade'.

2. RECENT PROJECTS

- Lighting solutions.

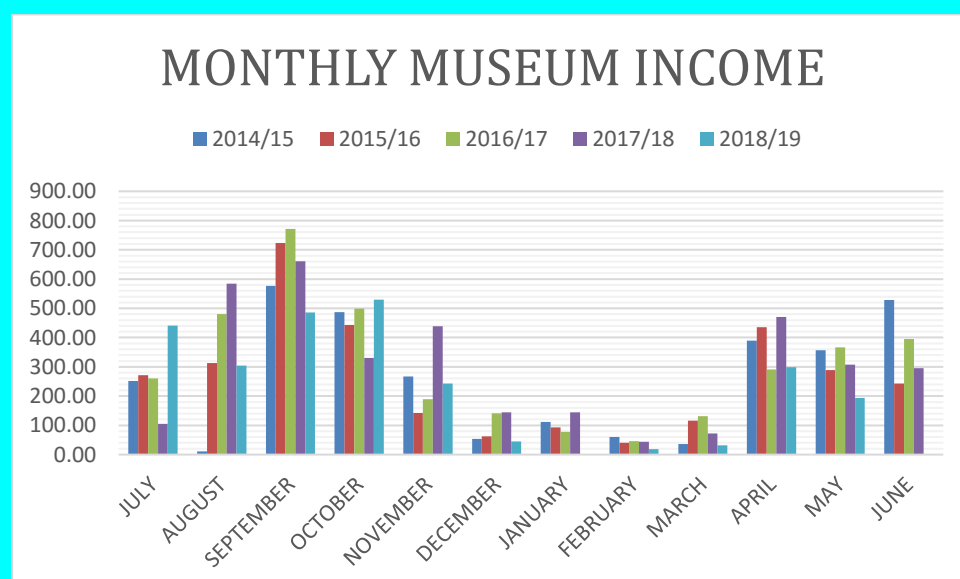
3. FUTURE PROJECTS

- New scenes to be created in the existing space of the old storage room to tell the stories of our primary industries of which Westonia was founded on.
- Dr Scene, offer of a donation from Dr Olga Ward to buy a new mannequin and donations of various Drs implements etc from Dr Hans Grobbelaar (via Olga). Since the success of the Lottery West/Westonia Progress Association grant the Museum, will now have room for the new Mannequins, applications funding have been submitted for the remainder of the Mannequins. Including a possible project to have period costumes made for all mannequins in the museum.

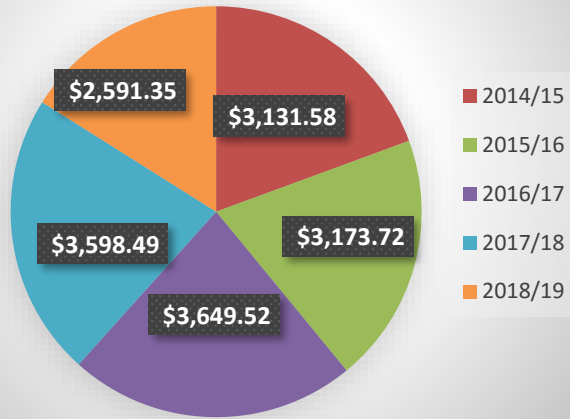
4. VISITOR FEEDBACK (Verbal and Visitor register)

- A couple caravan clubs have been through and loved it and have promised to pass the word around.
- Fantastic displays / Amazing
- Clean and tidy
- Very interesting / Not like any other museum they have visited
- Amazing
- Visitor's hearing about museum in Merredin at the visitor's centre, railway & military museums
- Wheatbelt way and word of mouth still a big performer for us (getting quite a few through from Kalgoorlie)

5. STATISTICS



ANNUAL MUSEUM INCOME



Nats secure expanded public consultation for voluntary assisted dying laws

More regional people will be able to participate in face-to-face consultation on Voluntary Assisted Dying (VAD) reforms after The Nationals WA fought to extend the number of public meetings across the State.

Last month the State Government's Taskforce announced meetings in Kalgoorlie, Geraldton, Broome, Bunbury and Mandurah, leaving people in the Pilbara, Great Southern, Gascoyne and Wheatbelt with no opportunity to engage with the experts tasked with formulating the legislation.

Leader Mia Davies said The Nationals WA had immediately written to the Minister for Health and asked the Minister in-person for additional public hearings.

"It's vitally important that people living in regional WA are given the opportunity to have their thoughts and concerns heard, and ask questions of the expert panel," Ms Davies said.

"This consultation series will guide the creation of some of the most important legislation to go through WA Parliament in years, and regional residents deserve to have a voice at that table.

"I welcome the announcement by the Minister for Health that there will now be additional public forums and information sessions in Carnarvon, Karratha, Northam and Albany.

"We thank him for recognising the importance of allowing regional families and communities a chance to have their say on VAD reforms."

Ms Davies encouraged as many residents to attend the forum as possible.

"For those that can't attend we've requested the Minister consider using the Community Resource Centre network to at least broadcast the meetings," Ms Davies said.

"Sharing your personal stories and community experiences will help to ensure the development of well informed, safe and compassionate VAD reforms.

"Those who are unable to attend a session in person are also able to make a written submission, which will be considered by the Ministerial Expert Panel."

Upcoming regional VAD public consultation sessions:

- **Broome:** [11am-2pm, Thursday 2 May](#), Broome Civic Centre, [7 Weld Street](#).
- **Bunbury:** [11am-2pm, Monday 6 May](#), Quality Hotel Lighthouse (Koombana Room) 2 Marlston Drive.
- **Mandurah:** [4:30pm-7:30pm, Monday 13 May](#). The Sebel Hotel, 1 Marco Polo Drive.
- Public forums will also be held in Carnarvon, Karratha and Northam. Full registration and venue details are still to be confirmed.
- Targeted information sessions to assist with providing written feedback will be scheduled in Albany. Full details are still to be confirmed.

To register to attend a public consultation session, or to access more information on Voluntary Assisted Dying reforms visit www.health.wa.gov.au/voluntaryassisteddying. Written submissions must be lodged by [May 24, 2019](#).



mia.davies@losp.wa.gov.au

www.miadavies.com.au

Leader; Spokesperson for Regional Development, State Development, Public Sector Management, Jobs and Trade, Federal-State Relations



National Redress and Local Government **Directions Paper**

April 2019

Contact:

Kirstie Davis

Policy Manager Community

WALGA

ONE70, LV 1, 170 Railway Parade West Leederville

Phone: (08) 9213 2044

Fax: (08) 9213 2077

Mobile: 0438 231 710

Email: kdavis@walga.asn.au

Website: www.walga.asn.au

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1.1 National Redress and Local Government

Local Governments are being consulted on their preference and capacity to join the National Redress Scheme, with one option being to join as a State Government agency under the definitions contained within the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth). In considering preferred options there are three critical considerations that need to be discussed regarding a Local Governments capacity as a participating organisation:

1. Sourcing and providing records within prescribed timeframes
2. Delivering a Direct Personal Response in the requested manner
3. Financially compensating the claim.

This Directions Paper outlines the consultation outcomes to date, key considerations for Local Government Administration and provides direction on possible recommendations.

1.2 Background

The Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) was established in January 2013, to investigate systemic failures of public and private institutions, and to protect, report and respond to child sexual abuse.

The Royal Commission released three reports throughout the inquiry: *Working with Children Checks* (August 2015), *Redress and Civil Litigation* (September 2015) and *Criminal Justice* (August 2017). The Final Report (Final Report) incorporated findings and recommendations of the previously released reports and was handed down on 15 December 2017¹.

Local Government was engaged in two stages of consultations as outlined below.

Stage 1: Child Safety Officers

The Royal Commission made 409 recommendations of which 310 were applicable to the Western Australian State Government and one specific recommendation was directed at Local Government. Many recommendations will directly or indirectly impact on the organisations that Local Government works with and supports within the community².

Stage one consultations related directly to the recommendation which read as follows:

Recommendation 6.12

With support from governments at the national, state and territory levels, Local Governments should designate child safety officer positions from existing staff profiles to carry out the following functions:

¹ To access a full version of the Royal Commission's Findings and the Final Report, follow the link at <https://www.childabuseroyalcommission.gov.au/>.

² The State Government's response was released on 27 June 2018. The WA Government's response to the Royal Commission recommendations can be accessed at: <http://www.dpc.wa.gov.au/childabuseroyalcommission>

- a. *developing child safe messages in Local Government venues, grounds and facilities*
- b. *assisting local institutions to access online child safe resources*
- c. *providing child safety information and support to local institutions on a needs basis*
- d. *supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds.*

DLGSC consulted with Local Governments, through WALGA, between July and September 2018 on this recommendation and other related recommendations through the distribution of an Information and Discussion Paper (31 July 2018), webinars (August 2018) and an invitation for submissions that concluded in September 2018. Key feedback from Local Governments included:

- ✓ The principles of the recommendation are fundamentally sound in that it determines the role of Local Government as a capacity building function with resources, training and associated materials to be the responsibility of State Government, led by the Department of Communities in partnership with DLGSC.
- ✓ Local Governments expressed generalised support, with concerns regarding the implementation of reforms in relation to:
 - o impact on the Local Government workforce
 - o increasing levels of service expectation
 - o strategic alignment and a whole of government approach
 - o deliberative consultation and good governance moving forward
 - o data collection
 - o financial management policy and process
 - o volunteer and community groups, and
 - o rural and remote communities.

The findings have been finalised and will inform the State Government's development of key policies, reforms and program initiatives throughout 2019. Clarity will be provided around Local Governments role in responding to the Royal Commission recommendation to implement Child Safety Officers from existing workforce profiles and contributed to reforms in other areas (child safeguarding) once development is completed.

In the meantime, Local Governments are encouraged to continue due diligence on Working with Children checks and working to promote child safeguarding within the broader community.

Stage 2: National Redress Scheme

The Royal Commission's *Redress and Civil Litigation (September 2015)* Report recommended the establishment of a single national redress scheme.

The National Redress Scheme involves:

- ✓ People who have experienced institutional child sexual abuse who can apply for redress
- ✓ The National Redress Scheme team — Commonwealth Government staff who help promote the Scheme and process applications
- ✓ Redress Support Services — free, confidential emotional support and legal and financial counselling for people thinking about or applying to the Scheme
- ✓ Participating Institutions that have agreed to provide redress to people who experienced institutional child sexual abuse, and
- ✓ Independent Decision Makers who will consider applications and make recommendations and conduct reviews.

The National Redress Scheme formally commenced operation on 1 July 2018 and offers eligible applicants three elements of redress:

- ✓ A direct personal response from the responsible institution, if requested
- ✓ Funds to access counselling and psychological care, and
- ✓ A monetary payment of up to \$150,000 (average payment expected to be approximately \$76,000).

The Scheme is being administered by the Commonwealth Government and all State and Territory Governments have formally joined the Scheme. Institutions that agree to join the Scheme are required to adhere to the legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth).

The WA Parliament passed the legislation required to allow the Government and WA based non-government institutions to participate in the Scheme. The *National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Act 2018* (WA) took effect on 21 November 2018.

The WA Government commenced participation in the Scheme from 1 January 2019.

The State Government's Redress Coordination Unit has been established within the Office of the Commissioner for Victims of Crime, Department of Justice and will:

- ✓ Act as the State Government's single point of contact with the Scheme
- ✓ Coordinate information from State Government agencies to the Scheme, and
- ✓ Coordinate the delivery of Direct Personal Responses (DPR) to redress recipients (at their request) by responsible State Government agencies to redress recipients.

DLGSC is currently in the process of consulting with the Local Government sector through the Zone meeting schedule together with attendance and presentations at key network meetings.

DLGSC provided Local Governments with a second Information and Discussion Paper (December 2018) focused on Redress that confirmed the current consultation phase and intent.

This consultation provides an opportunity for discussion and agreement to be reached on whether Local Governments will participate in the Scheme and, if so, whether participation will be with the State Government. Outcomes will then be subject to State Government approval.

The following section is a discussion around the current consultation phase that requests a response from Local Governments on capacity to join the Scheme.

2.1 Key considerations for Local Government

To effectively respond to the current open consultation Local Governments should consider their capacity as a participating organisation to:

1. Source and provide records within prescribed timeframes
2. Deliver a Direct Personal Response in the requested manner
3. Financially compensate the claim.

2.2 To join or not to join

Local Governments have the opportunity to either join the National Redress Scheme and limit their liability exposure to the elements defined in the Redress Scheme, or to opt out and risk the full extent of a civil litigation process in the event an application is made against them. Whilst there is no obligation to join, the following table outlines some key considerations in making this initial decision.

Join Scheme (National Redress Scheme)

Opportunities

- ✓ Clearly defined eligibility criteria
- ✓ Consistency and capping of compensation payments
- ✓ Releases institution from civil liability
- ✓ Minimising likelihood of re-traumatisation for victim/survivor
- ✓ Increased perception of justice and procedural fairness
- ✓ Display of accountability and transparency of Local Government
- ✓ National consistency and legislative safeguarding

Challenges

- ✓ Ratepayers don't get a say
- ✓ WA Criminal Code may produce conflicting complexity.

<ul style="list-style-type: none"> ✓ Supports the principle of accountability promoted by the Royal Commission 	
Do Not Join Scheme (Civil Litigation Process)	
Opportunities	Challenges
<ul style="list-style-type: none"> ✓ Potential for negotiated settlement ✓ Independence in achieving resolutions ✓ Unlimited timeframes for action ✓ WA Redress Scheme may have addressed some claims. 	<ul style="list-style-type: none"> ✓ A potentially more difficult process for survivors/victims ✓ Additional legal and other expenses ✓ No capped financial claim amount (could exceed \$150k) ✓ Eligibility criteria and standard of proof unrestricted ✓ Unlimited timeframes for action therefore may incur higher legal fees ✓ Potential for socio-political consequences.

Recommendation 1: That Local Governments join the National Redress Scheme.

2.3 Records Management

Local Governments are guided by the *Local Government Act 1995*, previously the *Local Government Act 1960*, and further by the *State Records Act 2000*, as to what information to collect and report. In the immediate environment, if an application is made for a service provided by a Local Government the following may help guide Local Governments on the nature, type and level of detail that could be incorporated into the application review process.

It is expected that Local Government will be able to provide information from the following sources:

- ✓ Ordinary Council Meeting minutes and agendas
- ✓ Financial Reports
- ✓ Annual Report
- ✓ Rate records
- ✓ Documents of ownership and/or occupancy
- ✓ Certificates and licences for authorisation or approval for example planning/building
- ✓ Audit reports of systems, policies, practices and procedures.

Other possible sources for information:

- ✓ Library archives and membership records from other services (i.e. Recreation Centre)
- ✓ Ranger services fees and charges
- ✓ Vehicle log books

- ✓ Submissions, community consultation reports
- ✓ Local newspaper records, clippings or newsletters
- ✓ Attendance records at swimming, childcare, youth camp, other child services
- ✓ Photographs
- ✓ Historical Societies and other groups may be of assistance.

Certain information about a person or an institution is protected information and can only be obtained, recorded, disclosed or used if this Act authorises that to happen. The *National Redress Scheme for Intentional Child Sexual Abuse Act 2018* [S91-101] guides compliance in this area.

Recommendation 2: Local Government is responsible for sourcing and providing records within prescribed timeframes.

2.4 Direct Personal Response

The *National Redress Scheme for Intentional Child Sexual Abuse Act 2018* [S5691-7]) provides a set of general principles required for the delivery of a direct personal response which include engagement with the survivor and specifically the delivery should be:

(6) by people who have received training about the nature and impact of child sexual abuse and the needs of survivors, including cultural awareness and sensitivity training where relevant.

As outlined on page six above, the State Government's Redress Coordination Unit is responsible for coordinating the delivery of direct personal responses which should include training, mentoring and support from suitable qualified professionals and development of specific protocols and approached to assist in achieving the most successful outcomes for each individual case. This paper considers it appropriate for the locally identified individual to utilise these services to deliver the apology. This is proposed for the primarily reasons of:

- ✓ Existing relationships with individuals and communities that is built on dignity and respect
- ✓ Developing and further supporting the wider community a Local Government serves
- ✓ Capacity building and professional development of Local Government to access State Government providing training and support that builds the social capital of a Local Government to respond.

In a world where social complexities are becoming extremely diverse, the opportunity to broaden, improve and maintain skills, knowledge and expertise and to develop the qualities required in unique settings is an opportunity now available to Local Government.

Recommendation 3: Local Government is responsible to deliver a Direct Personal Response in the requested manner, supported by the State Governments Redress Coordination Unit.

2.5 Financial Compensation

The *National Redress Scheme for Intentional Child Sexual Abuse Act 2018* [S48-50] provides guidance around a redress payment.

It has been suggested that the State Government could cover the costs of payment through the *Criminal Property Confiscation Act 2000*, or specifically allocated State Government budget to respond to National Redress. In the event neither of these options is a successful source of payment, other State Government funded sources will be discussed and considered.³

These suggestions are based on the following considerations:

- Under the *Local Government Act 1995*, no Local Government can be deemed bankrupt, however the shifting burden of cost is passed through to the ratepayers of the day
- Based on the anticipation that public liability and insurance costs for Local Government from their primary provider will inevitably rise, regardless of whether an application is made against a Local Government or not
- 80% of Local Governments are in regional areas and some in very remote locations, which directly correlates to a declining capacity to finance a claim should it arise
- To assist with the tightening fiscal environment, and with consideration to the likelihood of applications against a Local Government to be relatively low and minimal.

It is reasonable to acknowledge that the WA Redress Scheme established from 2008 to 31 December 2011 processed a total of 5,212 payments totaling \$117,740,167. This significant redress reform has impacted on the current status quo in Western Australia.

State Government fiscal responsibility is the preferred and only recommendation of this Directions Paper.

Recommendation 4: State Government is responsible for financial compensation of claims.

³ Note the *National Redress Scheme for Intentional Child Sexual Abuse Act 2018* [S6.8(9)] provides guidance to Local Government to raise an expense outside of the municipal budget process in the incident of a Redress payment.

3.1 FAQs for Executives and Elected Members

1. Direct Personal Response specific protocols / approaches

Direct Personal Responses is outlined in section 2.3 above and guided through the *National Redress Scheme for Intentional Child Sexual Abuse Act 2018* [S5691-7].

The State Government's Redress Coordination Unit is responsible for coordinating the delivery of direct personal responses which should include training, mentoring and support from suitable qualified professionals and development of specific protocols and approached to assist in achieving the most successful outcomes for each individual case.

2. Protocols for complying with information requirements

Records management is outlined in section 2.2 above with compliance provisions outlined in the *National Redress Scheme for Intentional Child Sexual Abuse Act 2018* [S91-101]. Consultation with DLGSC has consistently stated that all applications made by Commonwealth will be made on the information provided at that point in time. Refer to [S96(6-7)] for specific guidance on what is deemed to be an offense.

3. Personal support for staff dealing with Redress matters

The State Government's Redress Coordination Unit is responsible for coordinating the delivery of direct personal responses which should include training, mentoring and support from suitable qualified professionals and development of specific protocols and approached to assist in achieving the most successful outcomes for each individual case.

4. Case examples / findings of where Redress has been supported by the Scheme Operator related to a Local Government (to further assess process / outcomes and impacts, including level of information provided as part of claims leading to redress).

Local Government specific case studies are not yet available. At the time of this publication a total of 189 applications have been made to the State Government, with no cases made against a Local Government. WALGA will continue to liaise with other State Associations to ensure the most up to date information, best practice and other knowledge is distributed to members when it becomes available.

The National Redress website lists a vast range of resources including Case Studies⁴ that may provide insight into redress from a variety of perspectives for example YMCA, Salvation Army and Aboriginal Children's Services to name a few.

⁴ <https://www.childabuseroyalcommission.gov.au/case-studies>

5. Better understanding of the Burden of Proof determination. What are the parameters for this?

Burden of proof in redress is relatively low in comparison to a civil litigation process.

Records management is outlined in section 2.2 above with compliance provisions outlined in the *National Redress Scheme for Intentional Child Sexual Abuse Act 2018* [S91-101]. Consultation with DLGSC has consistently stated that all applications made by Commonwealth will be made on the information provided at that point in time. Refer to [S96(6-7)] for specific guidance on what is deemed to be an offence.

6. Can decisions made by the Scheme Operator be appealed / reviewed within the Scheme?

There is no appeal process available through National Redress, the confirmed process is outlined in the Act.

7. Through the Scheme, will any legal advice be provided to Local Governments?

WALGA has been working closely with DLGSC and Department of Premier and Cabinet who have engaged legal services to help guide and develop the process to address legislative queries around National Redress and Local Government.

Once an application has been made, all legal advice through National Redress is offered to the applicant. It is up to each Local Government to determine if they would like to seek their own legal advice.

8. Clarification about limitation periods associated with claims?

The National Redress Scheme has been defined to run for a period of two years from starting date of 1 July 2018, and is subject to review. Applications can be lodged from as far back as is necessary, noting that for more historical applications, information provision will be harder to provide, making the likelihood of an application a lot harder.

9. Can a Local Government opt out of the Scheme at any stage? [S116(1-2)]

An institution ceases to be a participating institution once the declaration made under subsection 115(2) in relation to the institution is revoked under subsection (2), (3), (4) or (5) of this section.

The Minister may, by notifiable instrument, revoke a declaration made under subsection 115(2) in relation to an institution.

10. Is Local Government still liable for redress application to an institution that no longer exists?

A defunct institution may be a government or non-government institution and under the clause of provider of last resort you may be considered in the application of redress under these circumstances.

11. What does funder of last resort mean to Local Government?

There will be cases in which abuse occurred in institutions that no longer exist. There will also be cases where institutions that still exist have no assets from which to fund redress.

Funding for redress for survivors of abuse in these institutions will need to come from elsewhere.

The community is entitled to look to governments to meet an identified community need from their revenue sources rather than impose the obligations of one institution either on another institution or on individual survivors.

Local Government are satisfied with the response that State Governments should act as funders of last resort on the basis of their social, regulatory and guardianship responsibilities as discussed above.

4.0 Conclusion

The Association recommends that Local Government act decisively with regard to acts of sexual abuse toward children and that joining the National Redress Scheme is a good organisational approach to risk management of child abuse both historically and for the future protection of communities.



WDC E-NEWS

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Wheatbelt Development Commission E-News May 2019

Dear Jamie

April was an exciting month for the WDC; we welcomed interim CEO Gavin Robins and Hon Alannah MacTiernan MLC, Minister for Regional Development, Agriculture and Food, who visited the region to announce the WA Internet of Things DecisionAg and Regional Economic Development grant funding.

In a region already renowned for its ability to develop innovative solutions to complex problems, support through programs such as these will bring exciting new developments in Wheatbelt industries into the future. Kochii Australian Eucalyptus Oil and the associated Rainbow Bee Eater Group's biomass power generation concept in Kalannie is just one example of the Wheatbelt's ingenuity.

The McGowan Government's Regional Traineeship Program recipients were also announced in April. The ability to continue to develop a skilled workforce within the region is vital to our future. This funding will enable Community Resource Centres and local governments across the Wheatbelt to provide training, skills development and employment opportunities.

While most areas are still waiting on season breaking rain, the machinery has started rolling, with seeding commencing across large parts of the region. Fingers crossed for a good ground-soaking rain soon.

Regards,
Rebecca Tomkinson
Chair, Wheatbelt Development Commission



New WA Internet of Things program funding announced

Wheatbelt organisations secure funding through the WA Internet of Things DecisionAg Grant Program.

[*Find out more...*](#)



Environmental Community Stewardship Grants now open

Funding is available to protect and restore Western Australia's unique natural resources.

[*Find out how to apply...*](#)

Wheatbelt organisations benefit from traineeship program

Twenty-one Wheatbelt Local Governments and Community Resource Centres have received traineeship funding.

[Find out more...](#)



Eucalyptus oil and bioenergy production in the Wheatbelt

The small town of Kalannie is landing big punches in the oil and biomass industry with aspirations to create a bioeconomy.

[Find out what was built...](#)



\$70 million funding announced for Wheatbelt roads

Forty two local governments working together results in the 'Wheatbelt Secondary Freight Route' project receiving Federal Funding.

[Find out more...](#)



Building Better Regions Funding recipients announced

Seven Wheatbelt organisations are set to benefit from funding received from the Federal Government.

[Find out more...](#)



Wheatbelt Winners

Northam locals shine at State Awards.

[Find out who won...](#)



Time to get Wheatbelt businesses and people recognised

Now is the time to nominate for various awards to recognise the fabulous Wheatbelt businesses, community groups, achievers and educators.

[Find out more...](#)

I DIDN'T KNOW THAT!

The Shire of Northam will host the 2021 Women's Hot Air Ballooning World Cup. For more information see the [Avon Valley and Wheatbelt Advocate article](#).



www.wheatbelt.wa.gov.au | info@wheatbelt.wa.gov.au

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Wheatbelt Development Commission · PO Box 250 · Northam, WA 6401 · Australia





Wednesday, 7 August 2019 | 11:00am - 12:30pm (Three sessions of 25 minutes per Department)
Perth Convention and Exhibition Centre

Following the State and Local Government Forum on Wednesday, 7 August, WALGA has organised Roundtable Discussions with a number of State Government Departments.

Based on feedback from the sector, these roundtable style discussions will replace the traditional rotational dialogues with Directors General. To facilitate these discussions,

please indicate which Department(s) you would like to speak with. Each roundtable discussions will be open to representatives from 3-4 Councils. Given the timeframe, we will have three roundtable discussions of 25 minutes.

Please note: This opportunity is intended for Mayors, Presidents (or their Deputies), and Council Chief Executive Officers and is limited to two (2) attendees per Council.

Expression of Interest

Submission deadline Friday, 7 June 2019

I wish to nominate for the following roundtable (please number up to two (2) in order of preference):

Please note: a Discussion Issue Brief MUST be provided for each nominated Department – see page 2 and 3 of this document.

Should you be unsure about the portfolios incorporated within a Department, please click on the Department links below, which will direct you to the website of each Department.

Department of Local Government, Sport and Cultural Industries www.dlgsc.wa.gov.au

Department of Primary Industries and Regional Development www.dpir.wa.gov.au

Department of Planning, Lands and Heritage www.dplh.wa.gov.au

Department of Transport/ Main Roads WA www.transport.wa.gov.au
www.mainroads.wa.gov.au

~~X~~ Department of Water and Environmental Regulation/ Water Corporation www.dwer.wa.gov.au
www.watercorporation.com.au

Places on the Roundtables are limited and therefore subject to availability and WALGA will endeavour to meet your request - details of your allocation(s) will be confirmed by email by the end of June.

Title: Mr First Name: Jamie Last Name: Criddle
Position: Chief Executive Officer Council/Organisation: Shire of Westonia
Telephone: 0427467063 Email for communications: ceo@westonia.wa.gov.au

Please ensure you fill in the next page(s) before submitting.



Wednesday, 7 August 2019 | 11:00am - 12:30pm (Three sessions of 25 minutes per Department)
Perth Convention and Exhibition Centre

Discussion Issue Brief

A separate Issue Brief is required for each Roundtable discussion. Submission deadline is **Friday, 7 June 2019**.

Each Roundtable Discussion is limited to 25 minutes and will be attended by three to four Councils, so to ensure the best possible response from the Director General, it is imperative this Brief clearly frames the intentioned discussion.

My preferred discussion is with:

Dept Water & Environment Regulation

The Issue is:

Ramelius Resources were recently rejected in their application for a clearing permit and subsequent Appeal for the Greenfinch Mining expansion at the Edna May Operations. This has now resulted in 100 jobs being made redundant and it seems the Department's information and recent comment by the Premier & Minister are ill informed. We would like to set the record straight and offer additional information to the Department to assist in the Mines re-application for a clearing permit for this project.

Council:

Shire of Westonia

Representative(s):

***(Maximum of two (2) attendees
per Council)***

Jamie Criddle
Bill Huxtable

Email for Communications:

ceo@westonia.wa.gov.au

This is an electronic form. You can fill in the form directly on the computer, save it to your desktop (go to File - Save As), then attach it to the email.

Email form to **Ulrike Prill** via uprill@walga.asn.au