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The Urban Bushland Council WA Inc appeals the conditional granting of Clearing Permit 9804 to clear 6.495ha of native vegetation by Meteor Stone Pty Ltd for limestone extraction – Nowergup [Due 16 October 2024]

Dear Officer

The Urban Bushland Council submits this appeal against the granting of the clearing permit by the CEO for this proposal.

The UBC's grounds of appeal are;

- 1.) The significant impact on the endangered species - Carnaby's Cockatoo – was accepted by the CEO. Ultimately the CEO considered the good reasons for granting the permit that over-rode the significance. New advice is given.
- 2.) Loss of linkage as noted in the Clearing Decision Report 3.2.3
- 3.) Cumulative impacts (p8 Decision Report)
- 4.) Fragmentation and edge effect.
- 5.) Limestone is a finite resource.
- 6.) Claim that the vegetation ecological community of Cottesloe complex-central and south has approximately 32% remaining is possibly incorrect

1. The significant impact on the endangered species underestimated- Carnaby's Cockatoo


'...the Delegated Officer determined the proposed clearing is likely to have long-term adverse impacts on Carnaby's cockatoo and is seriously at variance to clearing principle (b)'. (p2 Decision Report)

The UBC appreciates the clarity of the reasons given for the decision to grant the clearing permit under section 51E of the EP Act 1986. However, the UBC believes that the CEO, even while determining that *the proposed clearing is likely to have long-term adverse impacts on Carnaby's cockatoo....and is seriously at variance to principle (b)*, is not aware of the new data that demonstrates the extremely serious and worsening status of Carnaby's cockatoo.

- 2024 looks to be a catastrophic breeding year for Carnaby's Cockatoo. In the last 54 years of record-keeping, 2024 is the latest start to the breeding season. To September 2024 there are 'simply almost no black cockatoos breeding'. (Carnaby's Crusaders')
- In 2015 the Perth Zoo 'Assessed and treated 229 (180 as new admission and 49 as re-admissions) injured and sick wild black cockatoos as part of an ongoing rehabilitation program for these threatened birds (Zoological Parks Authority 2015 Annual Report.) Over 2024, '...huge numbers of emaciated and starving birds are presenting to the Perth Zoo'. 'The issue being the heat and drought killed food trees and late rainfall meant seeds did not get a chance to set'.
- Extinction for this species began under state and federal governments that continue to destroy habitat. Under this scenario, either we manage the species to extinction, or we act with urgency by keeping the habitat we have - including the critical pine trees and the Banksia Woodlands. Pines are critical habitat because the cones mature at the end of January when the birds are returning from

their breeding areas with a new, hungry chick, and Banksia Woodlands provide a range of food plants providing seed and nectar.

- In a paper by Teagan R. Johnston, William D. Stock and Peter R Mawson, published 28 January 2020, it is stated that *Banksia sessilis* (Parrot Bush) remains one of the most important food sources for Carnaby's Cockatoo. In this study, *Banksia sessilis* had the largest number of infructescence and follicles manipulated by Carnaby's cockatoos. To meet the daily needs of a Carnaby's Cockatoo, intake of *Banksia sessilis* seeds was 3821...compared with *Banksia grandis* with an intake of 14. *Banksia sessilis* has a large number of seeds so it is economically worthwhile for Carnaby's to forage in that species. ('Implications of *Banksia* seed reward for conservation and management of Carnaby's cockatoo on the Swan coastal plain, Western Australia'.

Teagan R. Johnston ^{A D}, William D. Stock ^B and Peter R. Mawson  ^{A C})

The CEO had the choice of NOT approving an application for clearing that is likely to have long-term adverse impacts on Carnaby's cockatoo and is seriously at variance to Clearing principle (b). However, the clearing permit was approved.

The Decision Report states that the Delegated Officer has had regard to:

- the precautionary principle
- the principle of intergenerational equity
- the principle of the conservation of biological diversity and ecological integrity.

The precautionary principle

'In the application of the precautionary principle, decision should be guided by:

...an assessment of the risk-weighted consequences of various options'. (EPA: Statement of Environmental Principles, Factors and Objectives')

In the decision taken in this proposal, the CEO stated that *'the proposed clearing is likely to have long-term adverse impacts on Carnaby's cockatoo'*. There is no ambivalence in this statement. Therefore, the precautionary principle, has not been upheld.

The principle of Intergenerational equity

'The present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations'.

With Carnaby's Cockatoos on an acknowledged path to extinction, our children and grandchildren will probably not have the opportunity to see these birds other than in a zoo or in a museum. Therefore, the principle of intergenerational equity has not been upheld.

Significance

In relation to 'significance', the EPA states that it 'may have regard' to eight listed matters (p5 *EPA Statement of Environmental Principles, Factors and Objectives*). Each of these matters in relation to this proposal, indicates the significance of the impact on habitat and on Carnaby's Cockatoo.

The UBC's view is that the significance of 'long-term adverse impacts on Carnaby's Cockatoo' means that the proposal should not be approved.

2. Loss of linkage as noted in the Clearing Decision Report 3.2.3

Linkage 9 links Bush Forever sites 290 and 293. The Decision Report states:

While it is acknowledged that the application area is within the above mapped linkage and the clearing will remove a portion of this linkage, it is considered that the proposed clearing will not entirely remove this linkage and that there is sufficient vegetation remaining outside the application area to allow for fauna and flora movement within the landscape. Nevertheless, the proposed clearing will impact on

vegetation that is a part of a linkage between vegetation immediately to the north and Lake Joondalup to the south.

The UBC opposes loss of any part of the linkage. Larger areas support more species.

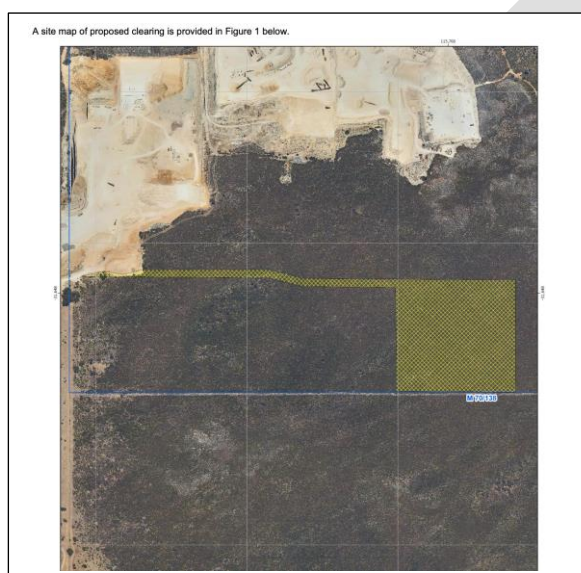
3. Cumulative impacts

The EP Act has been revised such that the EPA requires proponents to report on cumulative impacts.

'The proposed clearing footprint has been minimised to reduce the amount of clearing of this remnant. Whilst the majority of the remnant will be retained, there are two additional clearing permit applications (CPS 8020/1 and CPS 9197/1) which propose to clear 1.967 hectares and 15.54 hectares respectively. Therefore, this remnant faces threats from cumulative impacts. Taking into consideration the total clearing of all three applications, the remnant will still retain sufficient vegetation to act as an ecological linkage and will maintain ecological function'. (p9 Decision Report)

This proposal together with the two upcoming additional clearing permit applications is a perfect example of why the Act was changed and the State Government's concern about cumulative impacts.

4. Fragmentation and edge effects



The UBC understands that the siting of the 6.49ha area proposed by Meteor Stone Pty Ltd for mining limestone is avoiding the two vegetation associations: viz (1) *Banksia sessilis/Hakea trifurcata/Xanthorrhoea preissii* Tall Open Scrub over *Hibbertia hypericoides/Calothamnus quadrifidus/Acacia pulchella* Open Low Heath and (2) *Melaleuca systena /Melaleuca huegelii* Open Heath.

However the access road and the area proposed for mining, if implemented, would fragment the 'Northern Spearwood shrublands and woodlands ecological community which is considered a Priority Ecological Community'. There are various criteria for a community to be listed as a PEC. One criterion is ecological communities that are under consideration for listing as a TEC. In any event the status of this patch of 'Northern Spearwood shrublands and woodlands ecological community ' is under consideration' and 'requires regular monitoring.'

This being the case, the loss of 6.495 hectares is significant and cannot be offset.

5. Limestone is a finite resource.

'Limestone deposits close to where they are needed are becoming exhausted, while demand continues to grow (Gozzard, 2010).'

Looking to the future, or the future is probably now, sources of limestone are either sterilised or have been extracted to extinction. Is there an economical alternative to using limestone for all the projects listed in dot-points on page 2 of the Decision Report? The decision must be taken that alternatives to mining of diminishing resources must be found.

Certainly, to continue to clear significant habitat of endangered species is not sustainable.

6. Claim that the vegetation ecological community of Cottesloe complex-central and south has approximately 32% remaining

Nine years ago in 2015 it was reported that 33.6% of Cottesloe Central and South vegetation complex remained. However, what remained in the Perth and Peel area that was 'secure for conservation' was only 9%. (EPA July 2015 *'Perth and Peel @ 3.5 million Environmental impacts, risks and remedies' Interim strategic advice of the EPA to the Minister for environment under section 16(e) of the Environmental Protection Act 1986.*)

The area of protection is below the 10% minimum criteria for vegetation complexes.

The statement *'These vegetation units are all above the 30 percent threshold of the Government of Western Australia (2019)'* is probably not correct.

As the clearing permit decision states: below 30%... *'species loss appears to accelerate exponentially at an ecosystem level (Commonwealth of Australia, 2001)'* (p8 Decision Report)

A minimum protection of 30% is the preferred minimum target.

Conclusion

The UBC recommends that because of new information and known information that has not been adequately considered, the conditional approval be withdrawn.

Thank you for the opportunity to comment.

Yours faithfully

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