



WILDFLOWER SOCIETY OF WESTERN AUSTRALIA (Inc)

22nd December 2023

Appeals Convenor
Office of the Appeals Convenor
Level 22 Forrest Centre 221 St Georges Terrace
Perth WA 6000

CPS 9352/1 Co-operative Bulk Handling Limited application for a purpose permit to clear 1.7ha for construction of a rail siding and fixed loading facility within the Shire of Moora.

The Wildflower Society of Western Australia (the Society) submits this appeal to the approval of CPS 9352/1 to clear 1.7ha of the Critically Endangered (**CE**) (under the EPBC Act and P3 by DBCA) Threatened Ecological Community (**TEC**), the Eucalypt Woodlands of the Western Australian Wheatbelt rated Category A (roadside patch width being >5m; excellent to very good condition), Matter of National Environmental Significance (MNES), (under the EPBC Act); and critical habitat to the survival of the Endangered Carnaby's Black Cockatoo (**En CBC**). The clearing that has occurred in this region is exceptionally extensive, both historically and currently; and the effects from this are well known and significant, both from a surface water management and soil conservation perspective. This proposal will have significant impacts and cannot be appropriately 'offset'. The approval of this proposal disregards completely the approved conservation advice for both the CBCs and the Eucalypt Woodlands of the WA Wheatbelt, and the residual impacts and weight of further reduction of this vegetation community (and habitat) has not been considered when addressing this proposal. The Society does not agree to this approval and strongly urge for this proposal to be denied from the obvious consequences acknowledged in the approval form document, and for the reasons outlined below.

Mitigation Hierarchy

According to DER's 'A guide to the assessment of applications to clear native vegetation' (EP Act, 1986), "*Native vegetation clearing should only be considered after all other reasonable attempts to mitigate adverse impacts have been exhausted*". The Society has included an alternate option that reduces the extent of clearing and the impacts exponentially in comparison to the currently approved proposal. Due to the lack of information supplied regarding the specific intention for the areas proposed to be cleared, the Society has assumed where the proposed railway siding and new processing facilities will be constructed. (Appendix A. Fig. 1).

Alternative Option (AO)

- The Society proposes that the two rail siding connections are removed and only one connection between the existing railway and the proposed siding is implemented. The current siding connections propose to clear CE TEC and critical habitat for the Endangered CBC, by moving the rail connection in between the two proposed



WILDFLOWER SOCIETY OF WESTERN AUSTRALIA (Inc)

connections, it will be situated in the vegetation community EcG; *Eucalyptus camaldulensis* scattered trees on Grassland (see Appendix A, fig 1, 2, 3).

- The Society proposes that the option of a rail loop is implemented on the pasture land that CBH acquired for this project (fig. 4), adjacent to the existing facilities. This allows for freight trains to enter CBH's rail siding, load, and proceed to turn around on the rail loop, finally exiting back on to the existing railway through the singular connection track, inspired by CBH's Kwinana Terminal (fig.5).
- This AO will result in significantly smaller impacts to the Black Cockatoo species (specifically, En CBC); by only removing a total of two trees, one *Eucalyptus camaldulensis* (DBH<50cm, no hollow) and one *E. wandoo* (DBH >30cm, no hollow); as well as resulting in no clearing or direct impacts to the TEC Euc. Woodlands.
 - The vegetation community EcG is rated in lower condition than the TEC; in 'Good' condition and is not of conservation significance.

Offsets

Revegetation Offset

"Increase the area, condition and ecological function of the woodlands, e.g. by improving connectivity, diversity and other habitat values".

The proposed planting of 590 seedlings in large areas of Eucalypt Woodlands (TEC) where the majority is in "Very Good" condition with occasional weed control can hardly be considered an appropriate offset to clearing old growth Eucalyptus species of a CE TEC when its presence is vital to maintaining the already thinned out habitat corridor of roadside vegetation. The Society strongly protests that the 'rehabilitation seedlings' are increasing the area as the seedlings are to be planted **within** a large area containing the TEC. It is also disputed that the ecological function of the woodlands will be increased, as mature old growth Eucalypts possess far greater ecological values than the planted seedlings will at the end of the twenty-year time frame, particularly considering that the Eucalyptus species in this TEC can take upwards of a century to obtain their current ecological value. If the biomass lost by removal of the mature trees was to be replaced the Society estimates that at least 5000 seedlings would be required, and even then the ecological value of the mature trees would not be replaced.

Section 9. Fauna management – black cockatoo habitat, and; 13. Artificial black cockatoo nesting hollows

The offset to "improve breeding opportunities for Carnaby's Cockatoos in the offset areas" only proposes the implementation of five artificial breeding hollows (ABH). However, this proposal is to clear approximately 1.7 ha of breeding/nesting and roosting trees. For the number of mature trees cleared, there must be an ABH as a replacement within suitable habitat, this action must be done **prior** to any clearing. A shortage in ABHs is inexcusable to

PO BOX 519, FLOREAT WA 6014 TELEPHONE (08) 9383 7979

email: enquiry@wildflowersocietywa.org.au website: www.wildflowersocietywa.org.au



WILDFLOWER SOCIETY OF WESTERN AUSTRALIA (Inc)

allow a Critically Endangered species to have reduced habitat; if there is indeed a shortage in supply for ABHs then clearing should not proceed until all necessary ABHs are secured, installed, and functional. It is unclear how many appropriate hollow-bearing trees will be cleared by this proposal as it is not stated in any of the provided documents, however, even without this information offsets for the removal of mature breeding/nesting and roosting trees must be not only replaced but increased (*as described in the offset strategy 'improvement is the end goal not just replication'*).

The expansion of CBH's facility will cultivate an unwelcoming environment for the En CBC, through the resulting increase in vehicle load, noise, light, possible pesticide (or alike) crop sprays, etc. which must be accounted for in this offset as well. This includes the surrounding mature Eucalyptus species which will not be cleared, but possibly become an unwanted destination. The planting of CBC habitat species is useless for a long period of time until this revegetated area gains some value. The securing of remnant vegetation of suitable habitat species for CBCs does not result in any net gain, this vegetation and habitat is **already there**, and any purchasing of lands is still a **net loss** in a En species' habitat.

The Society desperately supports the rehabilitation of remnant vegetation, as it is a necessary action if we are to ever slow the declining rates of Western Australia's biodiversity. However, the maintenance and management proposed for Lot 4300 seems futile in the way that this CE TEC Woodland is of a lower quality than its original state due to the agricultural and industrial works surrounding it. The management of Lot 4300 is required from the proponent's own activities, and it is hardly sufficient to consider this an adequate action to allow further impact to this TEC. The proposed offset is simply, "*Improving the condition of Wheatbelt Woodland TEC community within Lot 4300 by mitigation planting and weed control*", where the reason and need for weed control and condition improvement is due to lack of previous and current mitigation efforts by CBH.

Tree Guards

Green triangular corflute tree guards are not a desired choice in revegetation due to the emissions produced from their manufacturing. There is no inclusion of the outcome of these tree guards post usefulness in revegetation, the reality is that these tree guards are not readily able to be recycled and will end up in landfill. With a conservative approximation of just below 700 tree guards required for this offset project, the emissions and waste is a large issue and requires addressing.

Section 12. Fencing

The type of fencing to be installed in revegetated areas is not specified and raises concerns over the potential impacts to native fauna. The use of certain fencing, for example the commonly used chicken coop wire fencing, results in the entanglement and incidental capture in the typical diamond gaps, of small reptiles such as; bobtails, snakes, larger skinks, and;

PO BOX 519, FLOREAT WA 6014 TELEPHONE (08) 9383 7979

email: enquiry@wildflowersocietywa.org.au website: www.wildflowersocietywa.org.au



WILDFLOWER SOCIETY OF WESTERN AUSTRALIA (Inc)

small marsupials. Suitable fencing that accommodates the exclusion of grazing livestock as well as the exclusion of native fauna entanglement must be sought, and therefore the condition 12 (b) must be amended. Considering the significant impacts to native fauna this proposal will cause, any action considered to 'offset' said significant impacts, must not cause further harm.

Clearing Principles

- The Eucalypt Woodland of the Western Australian Wheatbelt is known to be extremely diverse, particularly its understory, which is acknowledged in the approval report, "*The highly biodiverse nature of the wheatbelt landscape, where the composition of plant species can vary markedly from patch to patch...*" (Part 2-3, pg.8). Using the constant description of the TEC in this proposal, it is found to be at variance to **Clearing Principle (a) – Native vegetation should not be cleared if it comprises a high level of biological diversity.**
- Based on the clearing of critical habitat to the Endangered CBC, this proposal is significant and at variance to; **Clearing Principle (b) – Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia.**
- *Eremophila scaberula* (Rough Emu Bush) listed as Endangered (EN) under the EPBC Act and as Critically Endangered (CR) under the BC Act, was identified in the survey area in two separate populations. Vegetation categorised as *E. scaberula* habitat is defined as predominately; "*E. salmonophloia woodland over open low scrub of Scaevola spinescens, a variety of Acacia species, and grasses*" (IRP, 1999), which are the species and woodland proposed to be cleared in this permit. Although the records of *E. scaberula* are south of the clearing area, and therefore no individuals will be directly impacted, the vegetation being cleared is still habitat of *E. scaberula*. The Interim Recovery Plan for the CE species states, "***Habitat critical to the survival of the species, and important populations: Given that this taxon is listed as Critically Endangered Rare Flora it is considered that all known habitat is habitat critical...***" (IRP, 2004). Thus, the clearing proposed in this permit is clearing habitat critical to the survival of a rare flora species, and therefore this proposal is at variance to; **Clearing Principle (c) – Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.**
 - Clearing Principle (c) has been incorrectly concluded despite the acknowledgement that the proposed clearing is habitat to this rare flora species.
- Based on the clearing of the vegetation association, Victoria Plains 142, which is representative of the TEC Eucalypt Woodland of the Western Australian Wheatbelt with only 12.4% remaining of its pre-European extent, located in the Avon Wheatbelt IBRA Bioregion and AVW02 Katanning subregion; where the IBRA is the most



WILDFLOWER SOCIETY OF WESTERN AUSTRALIA (Inc)

underrepresented IBRA region in Western Australia with <5% of vegetation protected (CPAD, 2022); and the Katanning sub-IBRA region is also one of the most underrepresented with <5% of remaining vegetation protected (CPAD, 2022). The Shire of Moora has only 15% of its total pre-European vegetation extent. Therefore this proposal is at variance to both;

- **Clearing Principle (d)** – Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community, and;
- **Clearing Principle (e)** – Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.
- Deep-rooted species function sensitively with the hydrology and soil type of the Wheatbelt, and as this proposal will result in the removal of deep-rooted Eucalyptus species, as demonstrated by Dr Tom Hatton's work, will lead to a rise in the water table. The alteration in water table levels subsequently leads to increased salinity at a local scale, but also extending to a larger, regional scale; causing further land degradation and indirectly impacting critical habitat for rare flora, critical habitat for En species, CE TEC woodland. Thus, the Society amends the incorrect conclusion from the supplied documents; that this proposal is in fact at variance to
 - **Clearing Principle (g)** – Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation, and therefore also at variance to;
 - **Clearing Principle (i)** – Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.

Summary

The Society aims to ensure that Western Australia's unique and biodiverse environment has sufficient protection in the event it is proposed to be cleared, and after reviewing CPS 9352/1 we have determined that the significance of clearing has been grossly undervalued. The approval to clear;

- a Critically Endangered community;
- Critical Habitat to a Critically Endangered species;
- Critical Habitat to an Endangered species;
- MNES, and;
- ESA

in the most underrepresented IBRA in Western Australia which sub-bioregion and shire are drastically below the threshold to maintain biodiversity. The approval of this clearing permit particularly with the acceptance that the provided 'offsets' will counterbalance the significant impacts and therefore leave minimal residual effects is an **environmental crime**. The effects of excessive clearing are evident particularly in the Avon Wheatbelt and has caused population decline in hundreds of species and extinction. The Society strives to preserve



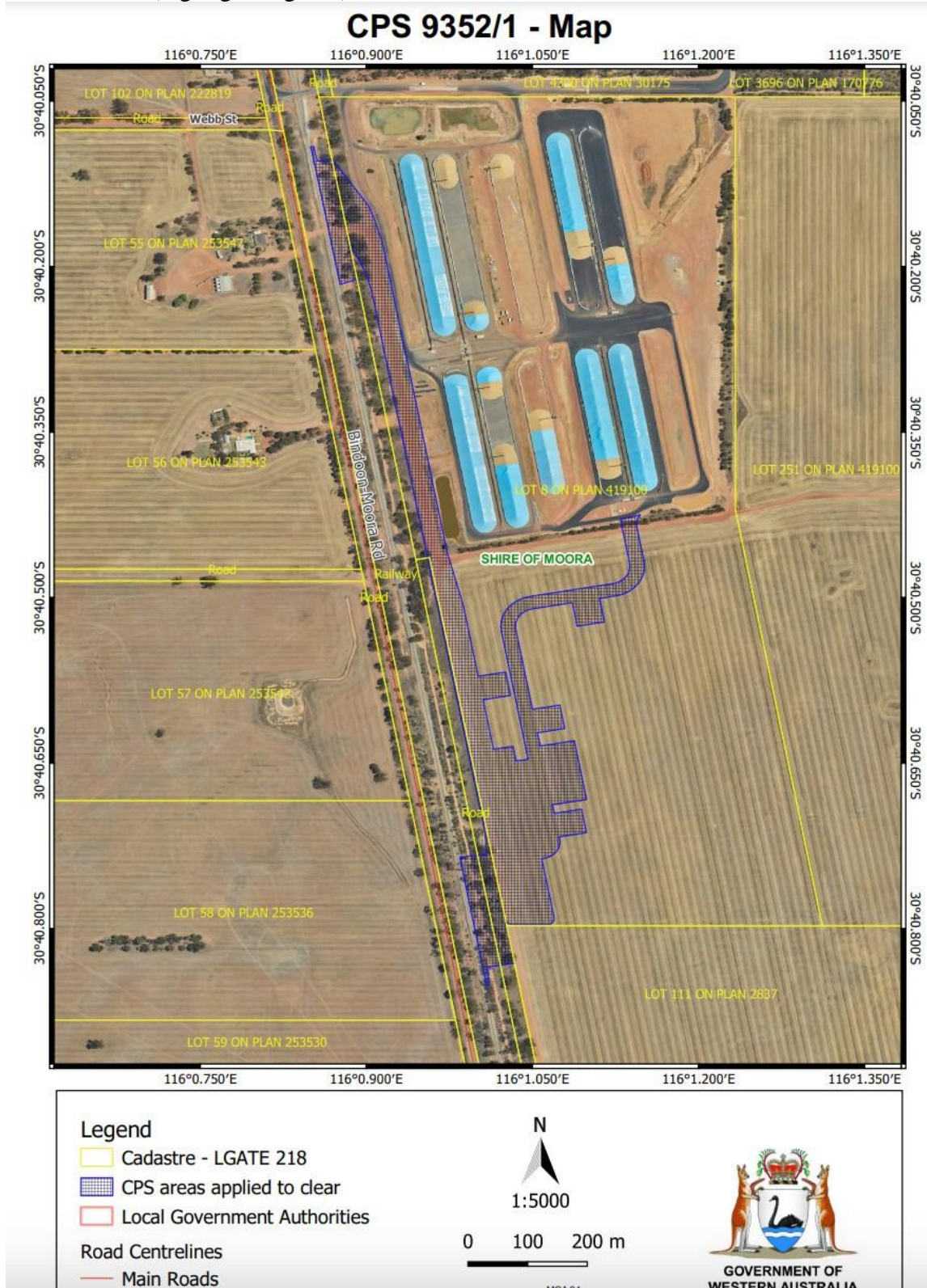
WILDFLOWER SOCIETY OF WESTERN AUSTRALIA (Inc)

remnant vegetation, and native species and communities, in an effort to conserve our natural environment, to hopefully one day increase biodiversity with in Western Australia; so future generations can enjoy what we have.



WILDFLOWER SOCIETY OF WESTERN AUSTRALIA (Inc)

Figure 1. New proposed clearing area (highlighted purple) and proposed removal of clearing area CE TEC (highlighted green).

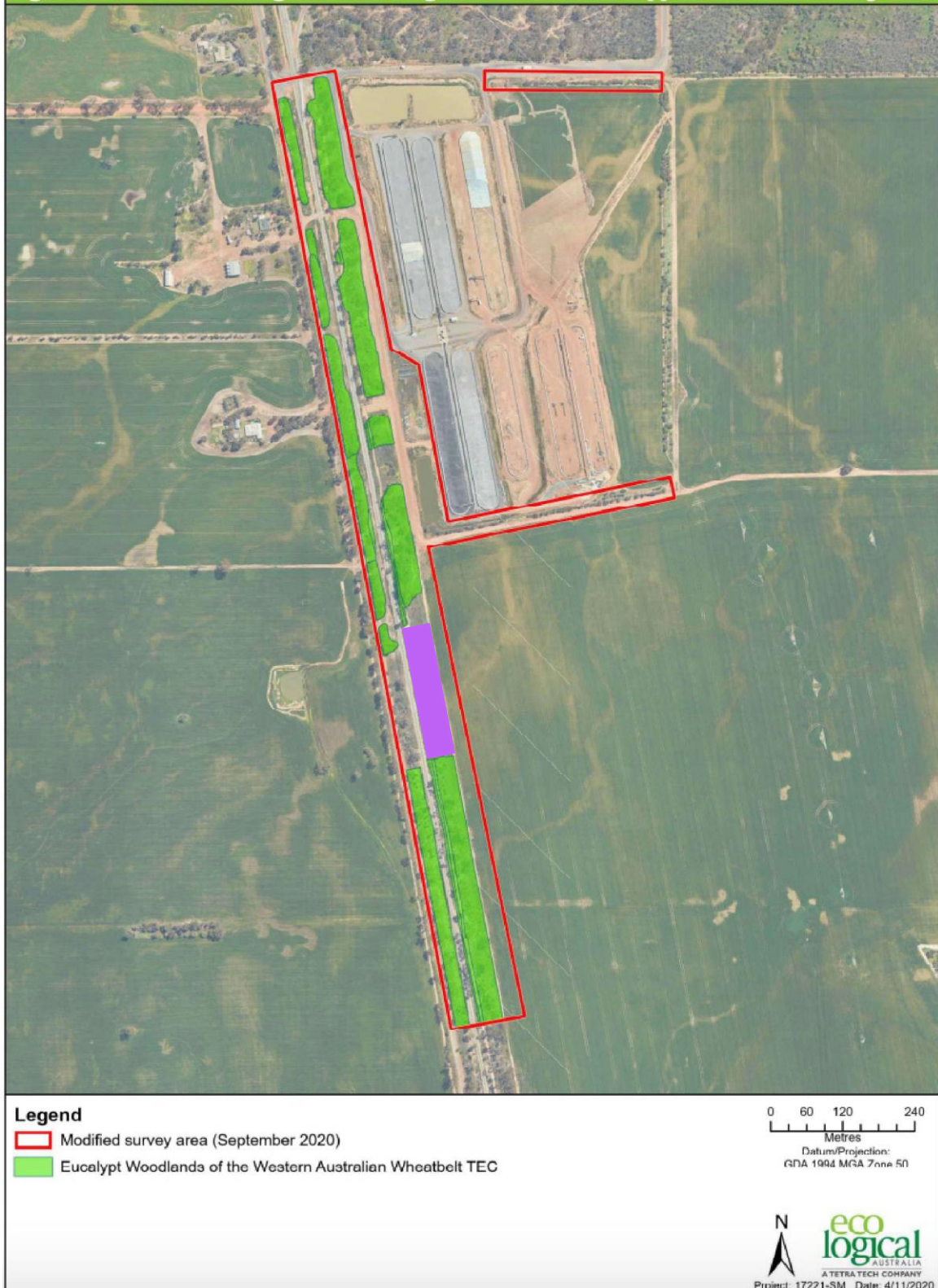




WILDFLOWER SOCIETY OF WESTERN AUSTRALIA (Inc)

Figure 2. New proposed clearing area (highlighted in purple) which includes vegetation community 'EcG', *Eucalyptus camaldulensis* scattered trees on Grassland, excluding TEC.

Figure 6: Conservation significant ecological communities mapped within the survey area

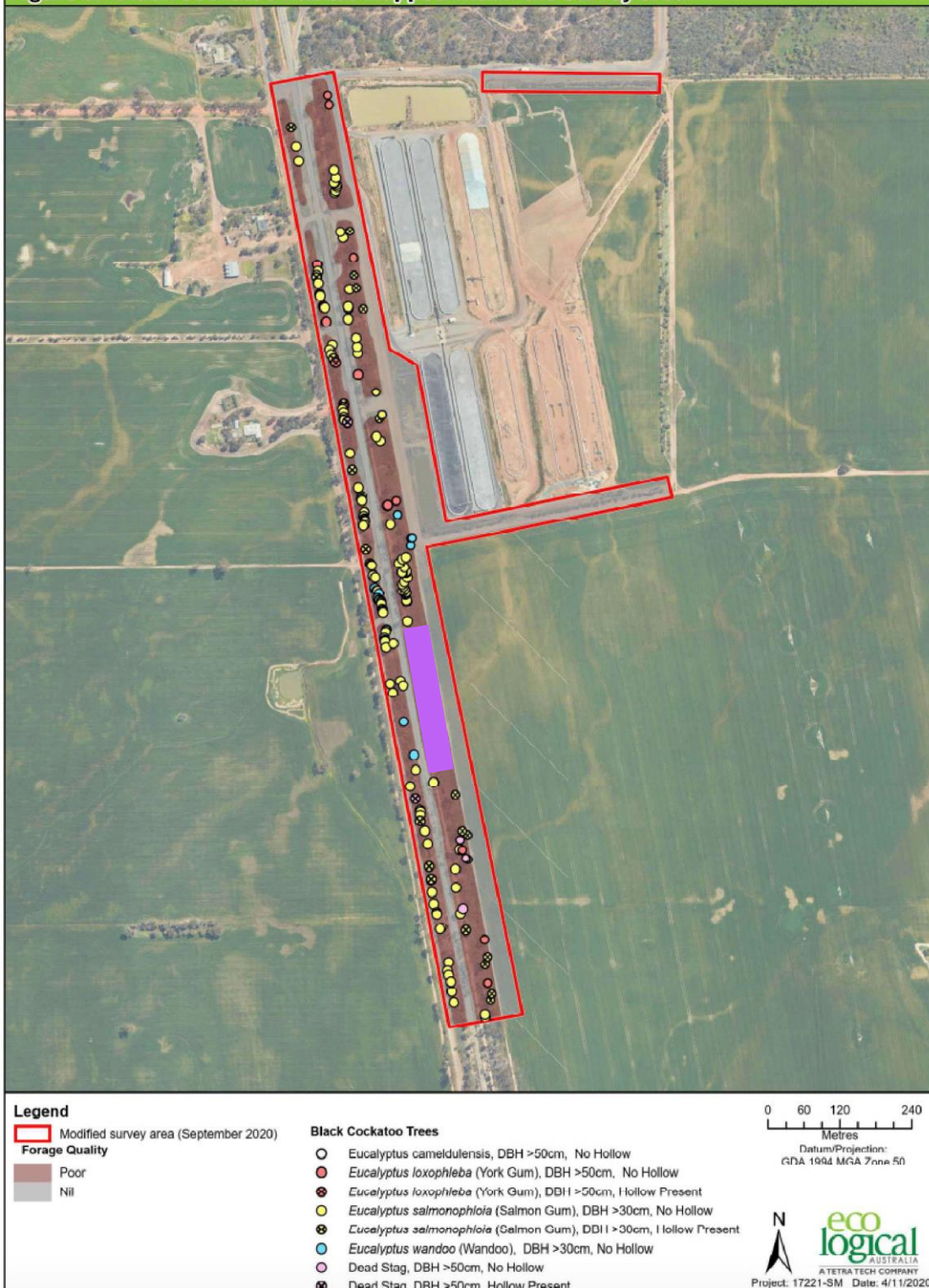




WILDFLOWER SOCIETY OF WESTERN AUSTRALIA (Inc)

Figure 3. New proposed clearing area (highlighted in purple) which includes only two nesting/breeding trees; *E. camaldulensis* (DBH<50cm, no hollow) and a *E. wandoo* (DBH >30cm, no hollow).

Figure 9: Black cockatoo habitat mapped within the survey area





WILDFLOWER SOCIETY OF WESTERN AUSTRALIA (Inc)

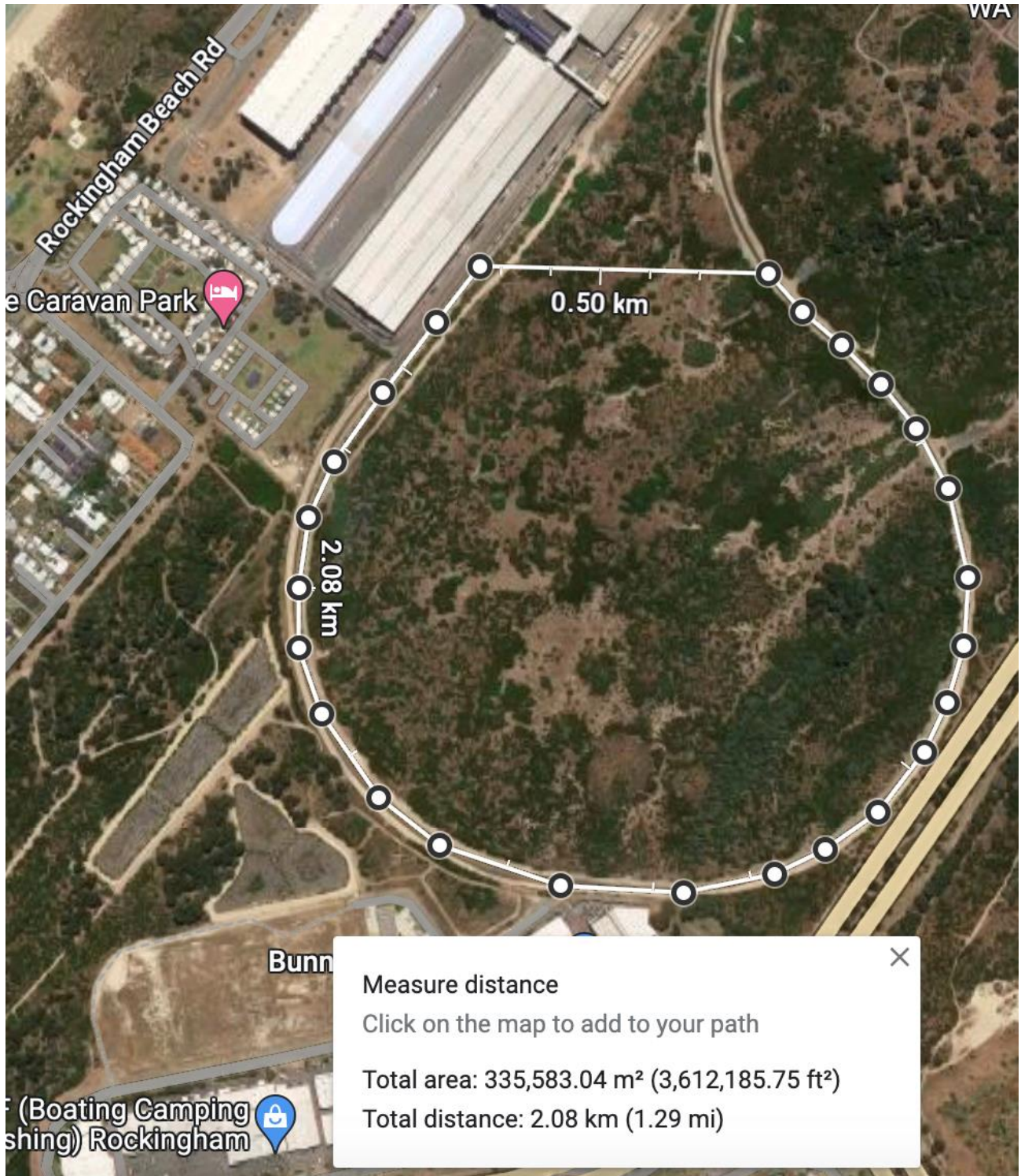
Figure 4. Alternative option to clearing TEC Eucalypt Woodland, where there is only a singular connection made feasible by the turning loop, instead of a straight rail siding requiring two connection points to the existing rail. Inspired by the CBH Kwinana Terminal, where it has been 'replicated' of a slightly larger size to visualise its feasibility (see fig. 5.).





WILDFLOWER SOCIETY OF WESTERN AUSTRALIA (Inc)

Figure 5. A satellite photo of CBH Kwinana Terminal where a rail loop is present. Inspiration for replication on cleared pastoral land in the Shire of Moora, avoiding CE TEC Woodland.





WILDFLOWER SOCIETY OF WESTERN AUSTRALIA (Inc)



<https://www.wildflowersocietywa.org.au/>

PO Box 519, Floreat WA 6014

Reference

- DCCEEW. Collaborative Australian Protected Areas Database. (2022). National Reserve System - Underrepresented Bioregions.
<https://www.dcceew.gov.au/sites/default/files/documents/ibra-underrep-capad-2022.pdf>
- DCCEEW. Collaborative Australian Protected Areas Database. (2022). National Reserve System - Underrepresented Subregions.
<https://www.dcceew.gov.au/sites/default/files/documents/ibra-underrep-subreg-capad-2022.pdf>
- DCLM & WATSCU. (1999). Interim Recovery Plan Rough Emu Bush (*Eremophila scaberula*) 1999-2002. Interim Recovery Plan No. 28. [IRP, 1999]
- DCLM & WATSCU. (2004). Interim Recovery Plan Rough Emu Bush (*Eremophila scaberula*) 2004-2009. Interim Recovery Plan No. 165. [IRP, 2004]
- DER. (2014). A guide to the assessment of applications to clear native vegetation. Under Part V Division 2 of the Environmental Protection Act 1986. DER201412950.
- DEC. A guide to the assessment of applications to clear native vegetation. Under Part V of the Environmental Protection Act 1986.