



OUR RIVER NEEDS
MOORE FRIENDS

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The Hon Melissa Price MP
Minister for the Environment
Parliament House
CANBERRA ACT 2600
17 September 2018

Dear Minister Price

I write on behalf of Friends of Moore River Estuary Inc., an association which seeks to protect the natural landscapes and environment of the Moore River Estuary, and would like to draw your attention to a proposal that seeks to subdivide the Moore River South Area consisting of Lots 2424, 2802, 2914, 2952, 3099 and 3156 Barragoon Road, Caraban, located on the south bank of the Moore River opposite the township of Guilderton approximately 75 kilometres north of Perth.

The structure plan for this development, Moore River South, was approved by WAPC on 30 October 2013, and subdivision was subsequently approved on 22 September 2014 with the proponent being required to obtain separate approvals from various state authorities prior to undertaking any subdivisional works onsite, mainly with respect to a licensed supplier for potable water and waste water services. With a water licence close to completion, the proponent has now submitted a revised structure plan for renewal of planning approval.

The proponent was requested in 2013 to submit a referral for assessment under the EPBC Act by both the Gingin Shire Council and the Compliance and Enforcement Branch of the former Department of Sustainability, Environment, Water, Population and Communities, given that endangered species have been located on the subject land, namely the Carnaby's Black Cockatoo. No referral has been made.

Since the original approval of the structure plan and subsequent subdivision, Banksia Woodlands of the Swan Coastal Plain have been listed as an endangered Threatened Ecological Community, and Tuart Woodlands and Forests are in the process of being listed. These Threatened Ecological Communities have not been included in the field survey. Three of the four key species which make up the Banksia Woodlands of the Swan Coastal Plain, and 29 significant Tuart trees have been recorded on the subject site.

State Planning Policy 3.7 (SP3.7) was gazetted in December 2015, and Moore River South and the areas adjacent have been assessed as being Bush Fire Prone, as such, the Moore River South subject site will require large scale additional clearing if development proceeds.

Conditions have changed since 2013, and we are seeking an intervention for the subdivision to be called in and re-assessed under current conditions

Further details of these issues are included with this correspondence.

Yours sincerely,

Gillian Lamont, Friends of Moore River Estuary Committee
Cc Christian Porter MP, Federal Member for Pearce; Shane Love MLA, Member for Moore.

Concerns regarding the Moore River South Development

Figure 1 indicates the location of the proposed Moore River South development.



Figure 1. Moore River South development

The Moore River South subject site broadly comprises, Banksia Woodlands, Melaleuca Swamps and Woodlands of Tuarts, Jarrah and Marri. The proponent, Moore River Company, and its' consultant, Cardno, maintained that the development is to be placed mostly on degraded land. This statement is not truthful. According to their Environmental Assessment and Justification Report, half the subject site is classified as Pristine-Excellent, Excellent, Very Good, Very Good-Good and Good. Of this half of the site, the majority is in Pristine-Excellent condition.

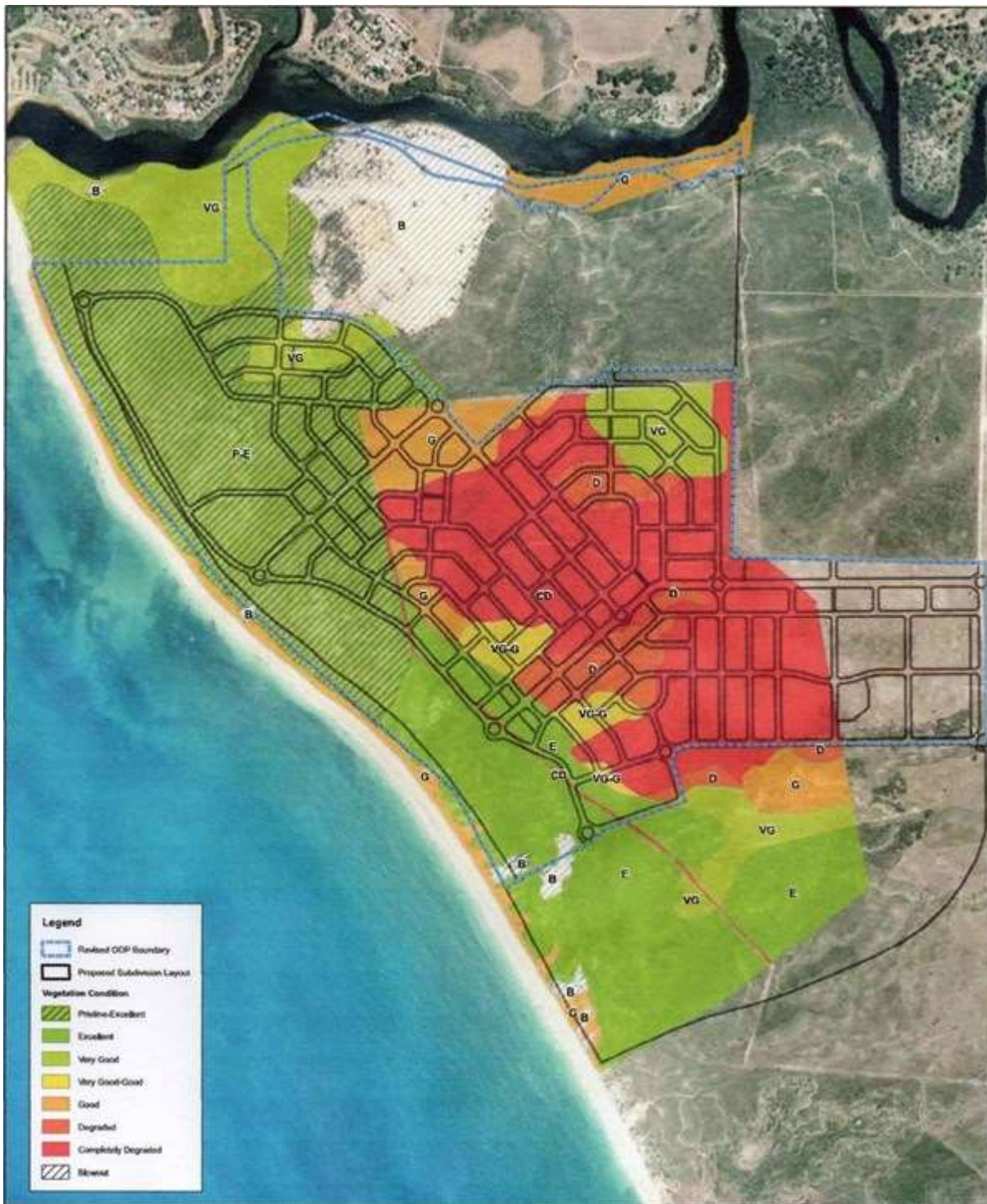


Figure 2. Vegetation Condition within the Revised ODP Area (Moore River South - Environmental Assessment and Justification Report)

The objective of concentrating development on cleared and degraded land and retaining remnant vegetation, habitat trees and wildlife corridors, has not been achieved by the Revised Subdivision Plan.

The average lot sizes between 200-220 and 450-500 square metres, one third of which are positioned on pristine-excellent vegetation, will leave very little remnant vegetation uncleared. The Tourist Resort at the northern end of the development, positioned on pristine-excellent vegetation, is undefined, but likely to comprise resort style accommodation with conference facilities, and a caravan park with camping and further accommodation units. Beach car parking lots are also positioned on pristine-excellent vegetation.

Generous allocation of Public Open Space will not ensure retention of this very special remnant vegetation. Cardno envisaged that the retention of habitat trees, the use of building envelopes to protect remnant vegetation and habitat trees within private lots, and the use of suitable foraging species within road reserves and parkland areas will ensure the development has no negative impacts on the population of Carnaby's Black Cockatoos. We do not agree.

Impact on Carnaby's Black Cockatoos

Large flocks of Carnaby's Black Cockatoos are habitually present in the Moore River Estuary area. Figure 3 shows a flock of Carnaby's flying from the direction of Moore River South, and Figure 4 shows Carnaby's black cockatoos flying low coming in to roost in Tuart trees on Silver Creek Road, Guilderton, within 1,000 metres from the subject site of Moore River South. On the occasion this photo was taken, 640 birds were counted coming in to roost at dusk.



Figure 3. Carnaby's Black Cockatoos flying from the direction of Moore River South.

The subject site of Moore River South, comprising Tuart woodlands and Banksia heathlands, provides potential breeding trees and foraging habitat for the Carnaby's Black Cockatoo.

Seventeen significant potential breeding trees have been identified within the subject site by the developer's zoologist, Greg Harewood, seven of which are within the medium and high-density housing lots (Figure 5).



Figure 4. Carnaby's Black Cockatoos roosting near Moore River South

Cardno considered none of these trees to be significant because the hollows are too small for a Carnaby's Black Cockatoo to enter and nest. We are given to understand that the EPBC considers any potential breeding tree to be significant if it has a hollow capable of growing to a size sufficient for breeding within the next 20 years. Since the 2009 survey, it is likely that some of these hollows will have grown substantially. Cardno listed 29 "significant" trees within the study area.

Carnaby's Black Cockatoo potential foraging plants identified on the site include *Eucalyptus gomphocephala*, *Allocasuarina lehmanniana*, *Banksia attenuata*, *Banksia prionotes*, *Banksia sessilis*, and *Hakea lissocarpa*.

Harewood recorded good evidence of Carnaby's Black Cockatoos feeding within the subject site. Cardno considered that the large areas of Public Open Space and Reserves will compensate for the removal of Carnaby's Black Cockatoo habitat. Once again, it is our understanding that the EPBC considers the removal of any Carnaby's Black Cockatoo habitat to be significant and to have impact on their survival, and that leaving much diminished remnant vegetation is not enough.

Harewood made apology for the assessment being limited due to budget and time restraints (set by the developer), and that he had to rely on data supplied by the client. He stated that no assessment has been made of habitat trees outside the area of the original ODP now within the area of the revised ODP, that the Carnaby's Black Cockatoo survey was carried out over a period of three days in October when breeding birds have returned to the wheat belt, and that the Carnaby's Black Cockatoo roosting survey was conducted over the course of one evening. Clearly this assessment provides an inadequate basis for decision making. A new and proper field survey is required.

The clearing of this habitat will have a significant impact on the Carnaby's Black Cockatoo. As we understand, the Commonwealth Government threshold for referral is more than a few potential breeding trees or clearing of more than one hectare of habitat. Approximately 60% of the subject site of 457ha is made up of the Carnaby's Black Cockatoos preferred foraging habitat. The proximity of potential breeding trees and foraging habitat in the subject site is very significant for the future breeding and survival of the Carnaby's Black Cockatoo. Irresponsible development in strips along the Swan Coastal Plain has already resulted in the removal of more than 60% of remnant vegetation, and the Carnaby's Black Cockatoos are now facing lack of breeding potential and foraging habitat in this area.

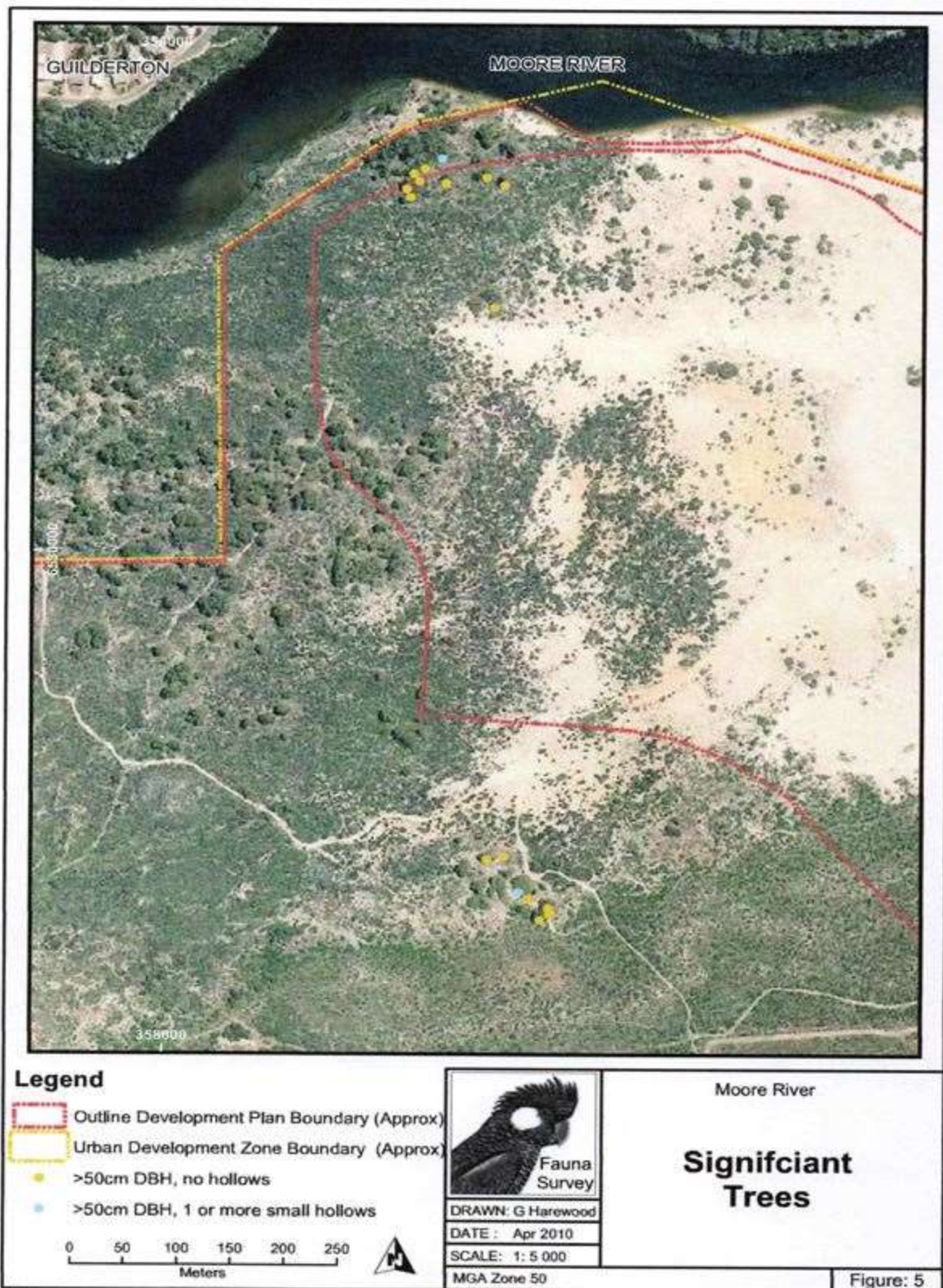


Figure 5. Significant trees (potential breeding trees for Carnaby's Black Cockatoos) on the Moore River South development site.

Impact on Migratory Species

The Great Egret, Cattle Egret, the Rainbow Bee-eater, Fork-tailed Swift, White-bellied Sea-Eagle and Osprey have been recorded as being present within the subject site of the Revised ODP. Their presence also acts as a trigger for environmental impact assessment. Cardno concluded that the subject area does not represent important habitat for any of the migratory species listed as potentially utilising the site, and that the development would not have an impact on these species. An Osprey has been returning to the estuary to breed every year for the last 50 years or so.

Impact on Other Fauna

A further 192 fauna species have been recorded on the subject site and surrounding area, including the Peregrine Falcon, Australian Bustard, Western Brush Wallaby, Chuditch, Black-Striped Snake Southern Carpet Python, and Graceful Sun Moth, all of state and/or national significance. The subject site of the Revised Subdivision Plan lies across important wildlife corridors connecting the Wilbinga Reserve to the Moore River. No consideration has been given to this important connection that will be eradicated.

Threatened Ecological Communities

Since the Moore River South structure plan was endorsed, the Banksia Woodlands of the Swan Coastal Plain have been listed as a Threatened Ecological Community, and the Tuart Woodlands and Forests are in the process of being listed. Three of the four key species which make up the Banksia Woodlands of the Swan Coastal Plain, *Banksia attenuata*, *Banksia menziesii*, and *Banksia prionotes*, have been recorded on the subject site. Tuart trees have also been recorded. The subject site of Moore River South now needs to be reassessed with inclusion of these two Threatened Ecological Communities.

Bush Fire Prone Zoning

State Planning Policy 3.7 (SP3.7) was gazetted in December 2015, after the endorsement of the Moore River South structure plan. The subject site of Moore River South and the areas adjacent have been assessed as being Bush Fire Prone (Figure 6). The Moore River South Structure Plan is surrounded by bushland to the south and east and has only one egress route in and out.

The proponent has prepared a Bushfire Management Plan to reduce the Bushfire Attack Levels to a maximum rating of 12.5. This will require every habitable dwelling to be surrounded by a 25 metre Asset Protection Zone, and a 100 metre Asset Protection Zone between every habitable dwelling and Public Open Space or natural bushland, which will result in additional large-scale clearing of vegetation. This will have a devastating effect on the listed species which inhabit the site and the wildlife corridors.

The proponent will not be able to satisfy his objective of minimizing the clearing of vegetation to reduce the impact of the subdivision on listed threatened species.



Figure 6. The Moore River South development is bushfire-prone (red).

Public Open Space

The proponent has submitted no information in respect of provision of Public Open Space, including areas of land where vegetation is to be cleared and/or retained, and amenities to be provided in each location. Nor have detailed plans for the Caravan Park and Holiday Resort been submitted, both of which are located within areas of pristine condition vegetation and on a sensitive coastal dunal system which is a main topographical feature of the site. The proponent promised to provide detailed plans at the subdivision planning stage when the outline development plan was endorsed, but this has not materialised.

Government Department Submissions

In 2013, the former Department of Environment and Conservation (DEC) and the Environmental Protection Authority (EPA) expressed several serious concerns regarding the impact of this proposed development on both the Carnaby's Black Cockatoo and the Graceful Sun Moth (no longer listed) and did not consider the mitigation measures outlined as part of this development would avoid significant impacts on these species.

Of concern to DEC was

- “the large area of ‘Pristine’ condition vegetation and Carnaby Cockatoo foraging habitat that will be cleared for the Holiday Resort and Caravan Park;
- commitment had not been shown by the proponent to retain vegetation within allocated POS areas to be ceded as part of this development, such as, the infrastructure of the proposed beach facilities (coastal promenade, car parks, grassed area and toilets) planned in areas of high vegetation condition;
- concerns with respect to an extreme bushfire hazard rating and the approved Fire Management Plan, which requires substantial vegetation clearing, in particular additional clearing to fulfil the

100-metre bushfire hazard protection zone between the residences and the POS and surrounding bushland, and a second access road;

- direct impacts through the alignment of the access roads which would traverse 5 km of bushland potentially requiring forest excision;
- indirect impacts through public pressure on the sensitive dunal ecosystems through illegal off-road vehicle use, camping and other recreational purposes.”

The EPA recommended that the holiday resort development footprint should be re-evaluated to accommodate adequate protection of the vegetation and would have liked to have seen the foreshore buffer and public open space extended in the northern areas of vegetation in pristine and excellent conditions.

None of these concerns have been addressed in the Revised Subdivision Plan.

State Planning Policy 2.6

State Planning Policy 2.6 (2012) Section 5.1(i) states:

“Encourage urban development to be concentrated in and around existing settlements, particularly those with established infrastructure and services. Continuous linear urban development along the coast should be discouraged or, where it has occurred, carefully controlled. Proposed major urban development outside existing settlements will only be supported where a genuine community need has been demonstrated and the environmental capability has been properly assessed.”

Moore River South Subdivision is in an isolated cul-de-sac situated between the Moore River Estuary to the north, the Indian Ocean to the west and natural bushland to the south and east, where no infrastructure or services exist. There is no genuine community need for this development, nor has the proponent demonstrated that the environmental impact has been properly assessed.

Summary

The surveys and research material relied on by the proponent are outdated and inadequate. The Cardno assessment comprised a desktop analysis, relying on ecological databases and publications made in the 1980s and 1990s, and a site reconnaissance survey that included opportunistic fauna observations over a total of around twelve hours in October when the breeding Carnaby’s Black Cockatoo would have been absent. It is likely that some significant trees with tree hollows would not have been detected. No seasonal sampling has been conducted. Banksia species identified as components of a Threatened Ecological Community have not been mapped, nor has a complete study of the Tuart trees been made. All of this exemplifies the need for re-assessment.

The proponent’s consultant, Cardno, concluded that the development will not have an impact on listed threatened or endangered species, stating, “although the ODP area contains foraging habitat for Carnaby’s Black Cockatoo, the extent of the proposed clearing is relatively small, and significant areas of similar habitat are present in adjacent areas, and that it is unlikely the level of clearing will impact on either the foraging or habitat trees to warrant referral to the Commonwealth Department of the Environment”. We have, in this submission, presented a cogent case for the need for referral and assessment under the EPBC Act.

The Moore River South Subdivision will have a significant impact on the Carnaby’s Black Cockatoo, migratory birds, namely the Great Egret, the Fork-tailed Swift, the White-bellied Sea Eagle and the Osprey,

all of which frequent the Moore River Estuary and have been sighted on the Moore River South ODP subject site, as well as possible Threatened Ecological Communities.

In addition, the Bushfire Management Plan to address State Planning Policy 3.7 will result in additional large-scale clearing of remnant vegetation and significant habitat. This impact has not been assessed.

Conditions have changed since 2013 when the Moore River South Revised Outline Development Plan was endorsed, and we are seeking an intervention for the subdivision to be called in and re-assessed under current conditions.

[The Revised Moore River South ODP and the Appendices A-H can be accessed on the FOMRE website by following the link below:

[Revised Moore River South ODP September 2013](#)

Appendix E, Environmental Justification and assessment, Appendix F, Flora Study, and Appendix G, Fauna Study provide more detail.]