



WILDFLOWER SOCIETY OF WESTERN AUSTRALIA (Inc)

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Department of Water and Environmental Regulation
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CPS 10068/1 Surf Park, Princep Road Jandakot

The Wildflower Society of Western Australia (hereafter the Society) makes this submission to the Department of Water and Environmental Regulation (DWER) in consideration of its review of a proposal to construct the Perth Surf Park on 5.75 ha of land on Lots 800 and 9001 in Jandakot.

The Society objects to the granting of a Clearing Permit to PSP Properties Pty Ltd (PSP) as trustee for the Perth Surf Park Property Trust for the purpose of construction of the Surf Park. We object based on the impact it will have on a Threatened Ecological Community, Matters of National Environmental Significance, "Conservation" wetlands and the cumulative impact it will have on the loss of natural bush in the City of Cockburn and surrounding areas. The Society sees no justification for the further destruction to these communities and species. We implore the department to assess this application based on the conservation advice provided from decades of research, and the EP Act which outlines only one principle must be at variance for native vegetation to not be cleared.

This application has not examined the potential to avoid, minimise or rehabilitate, as is the basis described in the EPA's mitigation hierarchy for environmental factors (EPA, 2021). It merely proposes an offset. The attached document (Attachment 1) identifies a site in an abandoned sand quarry that has at least the area proposed for clearing. This site can be used with only minimal clearing of any vegetation required. Similar sites can also be identified to the west of the Prinsep Road site if the proponent cared to look.

Flora and Vegetation

The proposal is at variance to:

- Principle (a) Native vegetation should not be cleared if it comprises a high level of biological diversity;
- Principle (e) if it is significant as a remnant of native vegetation in an area that has been extensively cleared; and
- Principle (d) if it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community.

The classification of the vegetation covering this site, the Banksia woodlands of the Swan Coastal Plain (SCP), as a Threatened Ecological Community (TEC), listed as 'endangered' under the Environmental Protection and Biodiversity Conservation (EPBC) Act, means that this community is threatened with



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extinction and it comprises the whole or part of a threatened ecological community. Therefore, Principle (d) applies.

The site lies within the area described a vegetation system Bassendean 1001. Table 4-4 (ATR JAN01, 2023) presents vegetation system association Bassendean 1001 (Landgate 2023) at state, regional and local level. This table shows the extent of the remaining vegetation type has been cleared by over 70% of its pre-European extent. Translating to less 30% remains at each level, which is below the level required to maintain biodiversity of this association. Only 3.01% is protected for conservation in the state.

Table 4-5 (ATR JAN01, 2023) represents the extent remaining of the Bassendean Complex Central and South (Landgate 2023) which comprises the proposal site, with again over 73% cleared across all levels, and therefore less than 30% remains in existence. Only 2.15% is protected in WA, and 0% is protected with in the City of Cockburn. Ten per cent is the minimum quantity and the last resort, however, the proponents are under the impression that clearing of native vegetation including endangered TECs can be a 'free-for-all' until this 10% is reached. However, the proposal is at variance with Principle (e) as the remnant of this native vegetation type has been cleared beyond the 30% or pre-European vegetation cover and in the local area there is no area of this type in the conservation estate. The Bush Forever areas claimed by the proponents are not held within the protection and management of the declared conservation estate.

Most of the vegetation condition is rated as 'Good – Very Good', 3.07ha and 2.85ha respectively. With the only cause for degraded condition being previous human disturbances including introduction of invasive species causing resource competition. No development proposal should be applied for in any TEC or remnant, critical bushland, and habitat, especially in majority 'Good – Very Good' condition, only degraded due to previous human disturbance. "A targeted flora survey for *Caladenia huegelii* was undertaken by FVC within areas of suitable habitat on 27 September 2017 and no flowering individuals were observed or recorded." (ATR JAN01, 2023). This is not a cause for exclusion of this species within the proposed area *C. huegelii* is a terrestrial geophyte and does not emerge unless the environment is conducive. This environment is identified habitat for *C. huegelii* and its removal will result in a certainty of the species' absence. The Society believes the quality of the vegetation and the presence of an increasingly rare orchid species is sufficient to conclude the area for which the clearing permit is sought has a high level of biological diversity. As a result Clearing Principle (a) applies to this area.

The EPBC Act Approved Conservation Advice for this TEC is to:

- (1) PROTECT the ecological community to prevent further loss of extent and condition
- (2) RESTORE... by active abatement of threats, re-vegetation and other conservation initiatives and
- (3) COMMUNICATE WITH AND SUPPORT researchers etc.

The granting of a clearing permit is contrary to the approved conservation advice for this TEC. Current land development proposals requesting clearing permits in the south-western corridor of Perth within 12 km of this site cumulatively are proposing considerably more clearing of this TEC. Evidence of this clearing is apparent in the area west of the Kwinana Freeway and north and south of Rowley Road and Wattleup Roads. In the immediate vicinity of the area land clearing continues for the development of



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a light industrial precinct and the commercialisation of the Jandakot area precinct. Application of the EPBC Act has resulted in Jandakot Airport Holdings being refused permission to clear areas of Banksia woodland within the Airport precinct. Therefore, the precedent has been created by the Federal agencies to withhold permission to clear this TEC and DWER needs to follow that precedent. Approval of this clearing application directly opposes the first advice to “PROTECT the ecological community to prevent further loss of extent and condition”.

The Approved Conservation Advice requires “Communicate with and support researchers...”. Immeasurable attempts and pleas by scientists and researchers, supported by the community, have been made to DWER to stop the clearing of TEC Banksia Woodland and high conservation (or any) Black Cockatoo habitat, yet granting of clearing permits of Black Cockatoo habitat continues. If DWER is to grant this clearing permit it is not heeding the Approved Conservation Advice and is acting in contempt of the EPBC Act.

Fauna and Habitat Fragmentation

The proposal is 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; and
- Clearing Principle (h) the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.

The discussion below describes how this proposal is at variance with these principles.

In section ‘4.7 Ecological Linkages’ (ATR JAN01, 2023) it concludes that this site has none of the possible ecological linkages and corridors pass through or are near the Site (City of Cockburn 2018). The Society agrees that this is a highly fragmented section of bushland, which has been isolated because of extreme development and poor planning in the surrounding region and the whole of the Perth Metropolitan area. This results in fauna having extremely limited and in some cases no escape to linked habitat when clearing commences and results in direct death. The relocation of fauna when clearing commences will likely support an extremely small fraction of fauna and their relocation will likely cause competition for habitat and resources in the new area, as extensive clearing has severely limited access for fauna in surrounding areas.

The nearby Bush Forever sites will be under immense threat of pathogen and weed introduction from the development area, causing a decline in vegetation and habitat value. Google satellite images (Attachment 2) does show there is remnant Banksia woodland connected to the proposal site, and the clearing would further fragment remaining habitat and vegetation to the north-east and south-east of the DE.

This site does however act as a ‘steppingstone’ specifically for avifauna. The conservation value for Black Cockatoos cannot be reduced to a minimum score as it does not contain roosting or breeding habitat. The foraging habitat is critical to their survival, and the removal will force these species to fly further from roosting and breeding sites, straining their survival exponentially. There is no guarantee the 9000 ha of Black Cockatoo habitat that lies within 12km will remain in perpetuity. Nor has a survey



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of this 9000 ha relating to Black Cockatoo habitat value been assessed and completed. This is demonstrated by the recent clearing of land in Jandakot Airport and further applications to clear, as well as clearing in Perth Airport and residential land development south of this area.

Three conservation listed fauna are presently occupying and dependant on this habitat; Carnaby's Cockatoo, Forest Red-tailed Black Cockatoo and Quenda. A further two species are highly likely to be present on Site; Rainbow Bee eater and Perth Slider. Additionally, habitat may occur for Baudin's Cockatoo and Black-striped Snake (PGV Environmental 2023). Due to the extensive clearing in the corner of the Southwest of Australia, Baudin's Black Cockatoo's distribution is forcefully lengthening, and are becoming reliant on habitat they once did not occupy. This also applies to the Forest Red-tailed Black Cockatoo, from the east.

PGV Environmental (pg 20-23) states the proposal will not have effect on the population of the Black Cockatoo species for various reasons which we have summarised and responded to below.

The proposal will cause a decline in species and breeding rates as studies have shown a direct correlation between distance travelled and fledgling success rates, where the further the distance required to travel for quality foraging habitat; results in lower rates of fledgling success. The cumulative habitat destruction, fragmentation and quality decline has caused devastating decline in all three species of Black Cockatoos. Looking purely at the habitat size in this proposal is an excusable method; where the cumulative total habitat loss which has occurred to date as well as future projects must be assessed and included in the assessment to the three Black Cockatoo species individually and together.

An important note to make is that the wetland in the DE has not been included in the Carnaby's Black Cockatoo habitat. This is a vital element to a high value foraging area and should not be dismissed, this must be re-evaluated prior to further proceeding.

The proposal is at variance to:

- Principle (g) the clearing of the vegetation is likely to cause appreciable land degradation; and
- Principle (i) the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.

The removal of 5.75 ha of native vegetation and stripping of its topsoil, will result in the near certain of introducing invasive weeds and pathogens, such as *Phytophthora cinnamomi*. The water table will rise as a result from the absent relationship of the Banksia woodlands within the soil, and result in the salinity levels increasing. Therefore this proposal will undoubtedly cause land degradation and a decline in water quality, which is at variance with Clearing Principles (g) and (i) .

Offsets/Mitigations

The Society objects to the ideology of offsets as it results in the net loss of native vegetation with significant conservation and habitat value which cannot be replaced for decades, if



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ever. The concept of replacing like with like, at best secures some areas for inclusion in the conservation estate yet the offset requirements do not place any responsibility on the proponent to support the management of the acquired land financially, thereby placing the responsibility on the community to the economic benefit of the proponent.

Offsetting vegetation loss through revegetation does not consider the immediate impacts of the vegetation loss which also leads to a loss of habitat for native fauna.

It is increasingly difficult, if not impossible, to find the equivalent acquisition offsets for the Banksia Woodlands TEC, especially in the immediate vicinity of the DE. The Banksia Woodlands along the SCP are highly fragmented and very little remains; the offsets are highly unlikely to be obtained in the area in which it is cleared, defeating the purpose as habitat will be removed in that area.

Perth is considered one of the longest cities in the world and is the longest city in Australia, stretching for almost 150km from Two Rocks to Dawesville. This is an embarrassing title to possess, and while we should be striving for no further development extending across the land, the pathway is not to permanently eradicate the remaining vegetation within the Perth Metropolitan area.

Offsets are required when a clearing application is determined to be at variance with one or more of the biodiversity related clearing principles (principles a - f, h) and a significant residual impact remains following application of the mitigation hierarchy. The clearing principles clearly state; "Native vegetation should not be cleared if; ..." (Schedule 5 of the EP Act.). This application is variance with at least nine of the ten clearing principles. Therefore, it is the responsibility of DWER to assess and deny applications which are at variance to any of the ten principles, as only one principle must be at variance for the application to be rejected. Otherwise, what is the point of these Acts and Guidelines that represent how DWER approaches assessment if they carry no weight or significance, and will not be followed?

The extent of native vegetation cleared with in the Southwest of Australia is an appalling, horrendous quantity, and the result from this clearing is beyond evident today through climate change and global warming, local and global extinction of both flora and fauna species. It is why this area is listed as a biodiversity hotspot, not because of that existed unique and diverse flora before European development trends occurred so extensively over post World War 2. DWER's actions relating to permitting the clearing of natural vegetation should be seeking to halt that trend, which was the ultimate objective behind the introduction of the Clearing Regulations.

In section 1.6.2 Ongoing Consultation (ATR JAN01, 2023) in the Coterra Report, it promotes the community engagement and support of this project to justify the reasons it is acceptable to clear this quantity of native vegetation. It is highly unlikely the proponents displayed true transparency of the required recourses of the construction to the public. The statistics they present for community support are of bias and deceitful origin, unrepresentative of opinions with full knowledge and understanding of the project. Section 2.5 Location Selection (ATR JAN01, 2023) explains how Lot 800



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Princep Road, Jandakot was identified as the preferred location, considering only the positive aspects for this choice in land, while conveniently avoiding any acknowledgement of the existing purpose and value this land currently holds. Remnant TEC listed Banksia Woodlands is not a label which translates to 'free land for development'. This vegetation community which supports a biodiverse ecosystem is supposed to be under the second highest level of protection at State and Commonwealth level.

Summary

The Society has outlined only the surface of what this proposal threatens. It is the responsibility of the Department of Environment and Water Regulation to reject this proposal and any further proposals which are at variance to at least one Clearing Principle. If this proposal that threatens the continuing existence of threatened species, which are listed under the second highest protection category, is accepted, the Society will again question the purpose of the EP Act and the Clearing Regulations given the strong support for this project to be formally assessed under the EP Act (and that request was ignored) and if DWER does not truly enforce the purpose of the Clearing Principles described in the Clearing Regulations.

'Death by a thousand cuts' is a perfect analogy that represents the current situation, however DWER has the option to protect our global biodiversity hotspot, and not let further destruction and extinction occur. Application of the intent of the Clearing Regulations by DWER will have the strong support of the community on this and other occasions if projects with the outcomes demonstrated here have clearing permit applications rejected.

This application for approval to clear this natural bushland in Princep Road, Jandakot, is at variance with the Clearing Principles described in the Clearing Regulations, and as such should be refused.



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

Attachment:

1. Alternative Site.pdf
2. Site photo

Reference:

ATR JAN01, 2023. *Native Vegetation Clearing Permit Application Supporting Information – Perth Surf Park*. Revision 1 prepared by Coterra Environment. February 2023.

EPA, 2021. *Statement of environmental principles, factors, objectives and aims of EIA*. Environmental Protection Authority, October 2021.

Focused Vision Consulting (FVC) 2019. Cockburn Central East Local Structure Plan Area, Level 1 Flora and Fauna Assessment and Addendum – Targeted *Caladenia huegelii* survey. Prepared for City of Cockburn Version 2, 28 February 2019.

PGV Environmental, 2023. *Cockburn Surf Park – vegetation assessment*. Prepared by PGV Environmental. January 2023.

Attachment 1: Alternative Site



Attachment 2: Google satellite image of surrounding bushland to the DE

