



15 December 2016

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**Comments on: – Application for a permit to kill, injure, take, trade, keep or move a listed threatened species or community in a Commonwealth Area under Part 13, Section 200 of the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Application is to kill Banksia Woodlands of the Swan Coastal Plain ecological community for the construction of a Direct Factory Outlet (DFO) at Perth Airport, WA. Banksia Woodlands of the Swan Coastal Plain ecological community is listed as endangered under the EPBC Act.**

Dear Sir/Madam,

The Urban Bushland Council WA Inc. (UBC) is a peak community conservation body with 76 member groups. The UBC focusses on the protection and appropriate environmental management of remnant native vegetation in and around the Perth Metropolitan Area. The group has been active for over two decades and has been involved in research projects and community education in addition to its core advocacy activities.

### **Context**

At the outset the UBC wishes to express its alarm at the extent of bushland clearing that has occurred over the past two decades in and around Perth and is even more alarmed at the lack of government action at both the State and Commonwealth level to draw a line under this ecologically ruinous practice.

The Swan Coastal Plain is the biogeographic region that has been suffering the heaviest ecological losses from habitat destruction in the Perth Metropolitan Region over the past two decades and this destruction continues to the present day.

The Urban Bushland Council has a particular interest in Banksia woodlands as this was the dominant ecological community both on the Swan Coastal Plain as a whole and in the area now occupied by the Perth Metropolitan Region. If there is to be any recovery of the fundamental natural ecology of the original Swan Coastal Plain environment, it can only be achieved through the protection and regeneration of Banksia woodland vegetation throughout the region. It is the Urban Bushland Council's very strong view that clearing of Banksia Woodlands of the Swan Coastal Plain (recently declared a Threatened Ecological Community under the EPBC Act 1999) should only be permitted for essential purposes and in the most

exceptional circumstances. These would certainly not include the construction of a factory direct retail outlet at an airport.

The Urban Bushland Council has been extremely dissatisfied with the Commonwealth's approach to the protection of high conservation value vegetation and habitat at Perth Airport since its privatisation and we will put the Factory Direct proposal in some context before directly addressing the Permit Application. Suffice to say at this point that the Urban Bushland Council insists that the granting of a Permit to Kill Banksia Woodlands of the Swan Coastal Plain ecological community for the construction of a DFO at Perth Airport would be entirely unacceptable. The Council expresses its disgust at the Minister's decision to approve the MDP and finds offensive the obvious impression conveyed in his decision notification dated 11 November 2016 that he regards the granting of a Permit under the EPBC Act as little more than a formality.

It is the UBC's strong view that the overall picture of how Perth Airport's natural areas are faring under the care and oversight of the Commonwealth is a very serious environmental problem in itself and that issues pertaining to this broader context are entirely relevant to the Permit Application. It is not our role to pretend decisions leading to the degradation and destruction of our natural heritage and to the deprivation of future generations of Australians of the ability to experience and enjoy that natural heritage are good for the nation and we take every opportunity to express our dismay and outrage at the reluctance of both State and Commonwealth governments to take appropriate action to prevent further degradation and destruction of our unique flora and fauna and the landscapes that sustain them.

The UBC has been warning both State and Federal Government agencies for decades that the remnant vegetation of the Swan Coastal Plain is being cleared at such a rate and on such a scale that a point will be reached where there will be little hope of recovering – let alone retaining – even some basic semblance of the original vegetation types, ecological communities, floristic community types, and species of the Coastal Plain and the ecosystem functions that sustained them. If any genuine interest in protecting our natural heritage on the part of government had been manifest over this period, perhaps we could have avoided seeing such a familiar and emblematic community as Banksia woodlands reaching the precarious state in which it is found today.

### **Perth Airport**

The Urban Bushland Council has taken a close interest in the protection and management of the remnant bushland and wetland remnants at Perth Airport since the group's establishment in the mid 1990's. Regrettably, there has, in fact, been a massive deterioration in the outlook for Perth Airport's natural areas since the release of the *2014 Perth Airport Master Plan*, which saw the leaseholder simply abandon former commitments to protect about 310 hectares of the site in Conservation Precincts. This outrageous, inexcusable, retrograde and utterly inappropriate state of affairs is entirely attributable to the Commonwealth Government – given that the *Master Plan* is a document that can only be approved by the Federal Minister responsible. It is our understanding that the narrative underpinning the willingness of the Commonwealth to approve this destruction of native vegetation at Perth Airport – to the very great potential financial advantage of the leaseholder – is an entirely spurious argument relating to the alleged increased risk of "bird strike" that is posed by the existence of native vegetation in the vicinity of the airfield. How extraordinary that this purported hazard only occurred to the leaseholder and the Commonwealth after the Conservation Precincts had been in the *Perth Airport Master Plan* for 15 years. Our representatives are aware of some highly dubious and unscientific linking of native vegetation to some bird strike incidents at Perth Airport but we have seen nothing that could not be discounted as self-serving presumption.

Our representatives have been advised that relevant WA Government authorities – who have demonstrated their level of competence through allowing such a fundamental environmental asset as Banksia woodlands of the Swan Coastal Plain to slide into the category of a Threatened Ecological Community – are happy to be the beneficiaries of much of this prospective clearing through offsetting processes. The Western Australian authorities, who have never been known for straining themselves to protect environmental assets outside of their own estate, apparently find the “bird hazard” argument conveniently convincing. It is the UBC’s view that unless incontrovertible scientific evidence is produced to the contrary we will maintain our view that the typically small and shy native birds that live in the airport’s woodlands – and which typically avoid open spaces - are exceedingly unlikely to pose any significant hazard to aviation at Perth Airport.

### **Black Cockatoos**

Quite remarkably, the leaseholder has actually used the presence of habitat suitable for the Endangered Carnaby’s Black Cockatoo – specifically Banksia woodlands - as an attempted justification for clearing habitat on the basis that the species is a hazard to aviation. It is our understanding that instances of planes striking Black Cockatoos on or near Perth Airport have involved only the Forest Red-Tailed Black Cockatoo. And any necessary linkage of the presence of that species in the airport area to the existence of potential feeding habitat on the airport site is dubious as the species roams far and wide across the urbanised parts of the metropolitan area largely in search of Cape Lilac trees and other non-indigenous species. Our members have seen flocks of Forest Red-tailed Cockatoos crossing Perth Airport for the same reason that the chicken crossed the road – to get to the other side. The birds are generally not even visiting the native vegetation at Perth Airport – they are travelling from the heavily wooded scarp a few kilometres to the east of the airport out onto the Coastal Plain and back. On the Coastal Plain they feed predominantly on non-indigenous trees in home gardens and parks. This is a fact and superficially plausible claims about native vegetation significantly increasing the bird-strike hazard for aviation from species such as Black Cockatoos should have no place in assessment documents. They certainly have no place “informing” approvals for clearing operations.

The UBC has studied bird strike records for Australian Airports and seen the relevant data for Perth Airport and we are well aware that the primary candidates for being involved in bird strike incidents are birds naturally attracted to large, grassy open spaces – spaces like airfields themselves. As for Carnaby’s Black Cockatoo, there is no evidence of which we are aware that they pose a serious aviation hazard, and one of our representatives attended a forum some years ago at which an airport official providing a presentation on the subject of bird hazards at Perth Airport admitted as much. The UBC has member groups monitoring Carnaby’s Black Cockatoo closely in the metropolitan area, and it is their firm view that the species is continuing to experience serious decline. The on-going “serious decline” of the species is acknowledged in the *Approved Conservation Advice (incorporating listing advice) for the Banksia Woodlands of the Swan Coastal Plain ecological community (Conservation Advice approved 26 August 2016) (for convenience “CA”)* on page 114. The average flock sizes are way down and this has been noticeable for years.

The Major Development Plan (MDP) for the Factory Direct proposal attaches little importance to the existence of natural feeding habitat for Carnaby’s Black Cockatoo within the proposed development site and the UBC objects to this trivialisation of the impact of habitat destruction on such a vulnerable species. The MDP contains the following assertion:

Based on mapping of remnant vegetation, State Department of Conservation (DEC) has calculated that, in 2009, approximately 63,250 hectares of potential Black Cockatoo habitat remained within the Swan Coastal Plain portion of the Perth Metropolitan Region Scheme area. Perth Airport considers the clearing of approximately 3.8 hectares of potential habitat and 25 potential breeding trees as not significant to the species (MDP, p. 51).

We are quite accustomed to seeing assessment documents containing such claims regarding the relatively small proportion of the total Black Cockatoo habitat available that would be lost by this or that “modest” clearing proposal but the argument is environmentally invalid and should not be accorded any credibility. What if Carnaby’s Black Cockatoo is already experiencing a deficit in its available feeding and breeding habitat? What if most of the remnant feeding habitat on the Coastal Plain exists in a highly fragmented state – such that any particular clearing proposal could be said to constitute only a small fraction of the total available? What of the cumulative effect if every proposal is approved on the basis that it the area concerned is apparently small and only a fraction of the total available – particularly when that total was calculated 6 years earlier in a time of rapid urban expansion? What about the ecological context of the subject block? The remnant vegetation affected by this proposal is the closest within Perth Airport to the Swan River – itself a major wildlife corridor and subject to enormous environmental rehabilitation expenditures. To the west of the native vegetation affected by the clearing proposal is a huge swathe of urban development extending right across the Coastal Plain to the coast which contains very little in the way of remnant of native vegetation. The remnant bushland at Perth Airport is one of the last native habitats of any size and diversity within the urbanised parts of the Coastal Plain and yet the Commonwealth is permitting its wholesale destruction.

**Objections to Permit to Kill Banksia Woodlands of the Swan Coastal Plain ecological community for construction of a DFO at Perth Airport being granted.**

**MDP**

The MDP provides a very limited amount of detail concerning the flora and fauna of the native vegetation affected by the proposal. It was prepared before Banksia Woodland of the Swan Coastal Plain was officially listed as a TEC (16 September, 2016) and it appears to have been submitted with the Permit Application as the primary source of environmental information. We note that the Minister’s decision on the MDP is dated 10 November 2016, so there was sufficient time for the TEC status of the native vegetation on the site to be taken into account by the Minister and assisting/advising officers. Suffice to say, it appears to have made no impression on him whatsoever.

It is our view that if the MDP was accorded such status as to obviate the need for an EPBC Act assessment then it should have been considerably more detailed in its coverage of the environmental impacts on native vegetation and fauna. It clearly impacts on Carnaby’s Black Cockatoo habitat and even relatively small patches of such habitat now require protection in our view. The proposal is also on Commonwealth land. The “on Commonwealth land” trigger for assessment never seems to have applied at Perth Airport but considering the excellent condition of much of the native vegetation concerned, its provision of habitat for the Southern Brown Bandicoot, and its context in a highly cleared landscape, it would be entirely reasonable to subject the proposal to formal EPBC Act assessment without regard to the fact that it also impacts on habitat required by the Endangered Carnaby’s Black Cockatoo.

As far as we can determine, the MDP supplied with the Permit Application has not been altered in light of the listing of Banksia Woodland of the Swan Coastal Plain as a TEC. However, an additional “Banksia Woodlands Map” has been supplied with the Permit Application. This map is quite interesting in that it is quite inconsistent with the vegetation maps in the MDP. We do not wish to describe every difference in detail but it is obvious that the condition of vegetation that is clearly Banksia Woodland has been downgraded from “Excellent” to “Very Good” and some vegetation that we would insist was Banksia Woodland in composition and structure is not even classified as such in the Banksia Woodlands mapping supplied with the Permit.

The UBC has members who have been familiar with the bushland remnants at Perth Airport for decades and it is our view that nearly all of the native vegetation to be impacted by the FDO would meet the criteria for being classified as Banksia Woodlands as described in the *Approved Conservation Advice (incorporating listing advice) for the Banksia Woodlands of the Swan Coastal Plain ecological community (Conservation Advice approved 26 August 2016)*. We would refer you to page 18, “Key diagnostic characteristics.” Banksia does not have to be the dominant tree for the Banksia Woodland classification to apply.

It is also our very strong view that by far the greater part of the Banksia Woodland (as defined in the CA) on the FDO site is indeed in “Excellent” condition. The vegetation appears healthy and vigorous, there are few weeds, it is species rich, there does not appear to be any clear evidence of dieback and it does not appear to have been subjected to frequent fire. Additionally, it clearly provides habitat for the Southern Brown Bandicoot and numerous native bird species not typically seen in suburban gardens. Its habitat values are strengthened by its proximity to the airport main drain. This is certainly not a natural watercourse in itself but its capacity to provide water year round for fauna makes its proximity to the site an environmental advantage. Of course, the bushland also supplements the habitat of fauna associated more closely with water such as frogs and waterbirds. Waterbirds such as ducks will nest in bushland adjacent to watercourses and frogs actually spend a good proportion of their lives feeding in native vegetation adjacent to watercourses.

In Supplementary Form C, Part 4, the proponent claims the 1.9 ha not included in the Banksia Woodlands SCP TEC are (sic) “either degraded, do not meet the BWSCP structure and composition qualification and do not meet patch size definition.” It is our view that much of that 1.9 ha would meet the Conservation Advice definition in terms of structure and composition. It is also puzzling that mention should be made of “patch size” in this context as the Conservation Advice appears to us to be at pains to preclude opportunities for proponents to separate what is essentially one patch into minor ones. The CA states:

A patch may include small-scale (less than 30m) variations, gaps, and disturbances, such as tracks, paths or breaks (including exposed soil, leaf litter, cryptograms, and watercourse/drainage lines), or localised variations in vegetation that do not significantly alter the overall functionality of the ecological community.....(p. 24)

And furthermore:

Variation in canopy cover, quality or condition of vegetation across a patch should not initially be considered to be evidence of multiple patches (p.24).

It is the UBC’s strong view that all the native vegetation affected by this proposal should be considered to be one patch – a patch being defined in the CA as “a discrete and mostly continuous area of the ecological community” (p.23). The proponent provides a “breakdown” regarding the condition of the vegetation they regard as meeting the definition of the BWSCP TEC. We would refer you again to the inconsistency between the mapping in the MDP and the claims made in the Permit Application with regard to the areas in “Excellent” condition etc. We would also reiterate our view that the BWSCP TEC vegetation we have seen on the site would meet the criteria for “Excellent” condition.

Even more disturbing is the following claim that appears in the Permit Application (Section 4):

The removal of this portion of the TEC is unlikely to have a significant impact on the TEC as a whole, as it represents only 0.00074% of the remainder of the TEC within the SCP (see further details Qu 14)

Question 14 goes on to provide an absurd spatial analysis of the likely impact of the proposal – an assessment device which is well and truly clichéd, inappropriate and quite inconsistent with the tenor of the Conservation Advice document. The CA is at pains to point out that BWSCP TEC is very highly fragmented:

Patch size distribution indicates the ecological community now has a highly fragmented geographic distribution with most patches (about 82%) under ten hectares and facing demonstrable threats. The median patch size has reduced from an estimated pre-European value of 146 ha to a current size of only 1.6 ha (CA p.31)

It is clearly the case, therefore, that any individual proponent – particularly in the urbanised parts of the Coastal Plain – is likely to be able to claim their proposal only affects a tiny percentage of the remaining BWSCP TEC. Does this mean the impacts are all innocuous and acceptable? Claiming your proposal only affects a relatively small block and is therefore acceptable is misleading in this context. If there are further losses of the BWSCP TEC, they are likely to be incurred incrementally and in a cumulative fashion.

Any individual proponent might, therefore, be able to claim an apparently innocuous impact will be the outcome of their own clearing proposal in the broader context but the total effect of multiple proposals is disastrous. Which is exactly why BWSCP has reached the current crisis point. And, of course, it is not only the total area that matters – it is also how spatially distributed patches are across the original range. If the BWSCP TEC is to support the native bird species, it should across the full extent of the Coastal Plain, then the constituent patches have to be sufficiently adjacent to at least one other to allow the various species to traverse the urbanised or otherwise unsympathetic intervening environments without starving or succumbing to predators. If environmental rehabilitation works are to be undertaken to develop and enhance corridors for the protection of native flora and fauna then local provenance seed must be available to be harvested from existing patches.

### Offsets

The practice of employing “environmental offsets” has been particularly ruinous for the ecology of the BWSCP. Environmental authorities have seen fit to trade relatively high land value blocks in the more urbanised parts of the Coastal Plain carrying important native vegetation and habitat for relatively low land value land carrying native vegetation far removed from the city. And if the offset was aimed at protecting some Carnaby’s Cockatoo habitat – as it generally has been – it didn’t have to be Banksia woodland. The upshot of this hugely environmentally irresponsible practice is that large areas of the city are now virtually devoid of any patches of native vegetation at all – particularly Banksia woodland. It appears very clear to us that the tenor of the Conservation Advice document is that offsetting is to be an absolute last resort and that if it does occur it must involve like-for-like with the offset being in close proximity to the impact (see CA p.42).

It is puzzling to the UBC that not only did the Minister approve the MDP; he did not even require that environmental offsets be provided by the leaseholder. The UBC has been a long term critic of the environmental offsets approach to protecting natural heritage but its application is probably preferable to proponents being given permission to clear high conservation value native vegetation and habitat with no compensatory obligations whatsoever. But that is the lesser of two evils. **The thing most needed – in fact it is quite urgent - is the will of governments to simply deny proponents permission to undertake environmentally harmful clearing.** The idiotic notion that no proposal is beyond being rendered environmentally acceptable – which appears to underpin the offsetting aberration – has to be abandoned.

The Conservation Advice is very strongly biased away from offsetting and towards the protection of native vegetation in situ simply by means of avoiding clearing. On the matter of offsets the CA provides the following advice:

Offsets are defined as measures that compensate for the residual adverse impacts of an action on the environment. Further clearance and damage to this ecological community should not occur. Therefore, offsetting is a last resort (p. 42).

Perth Airport's leaseholder does not hide the fact that it is their objective to remove virtually all of the existing native vegetation and habitat on the Perth Airport site and offset it with the cooperation of WA Government authorities. How any Commonwealth Government or Minister or Department charged with the responsibility of protecting our natural heritage in the national interest can find this objective acceptable is beyond any explanation other than that our environmental protection system is seriously dysfunctional and ineffective.

### **Conclusion**

The Urban Bushland Council has welcomed the listing of Banksia Woodlands of the Swan Coastal Plain as a Threatened Ecological Community although it is entirely regrettable that the plight of this typical vegetation type of the Swan Coastal Plain has been allowed to deteriorate to the point where such measures are required. The UBC welcomes the attendant Conservation Advice document and fully supports its "Priority protection and restoration actions" (p.33) and its "three key approaches to achieve the conservation objective..."(p.33)- these being "PROTECT" ..,"RESTORE..." ,"COMMUNICATE WITH AND SUPPORT.." (p.33).

Of major concern to the UBC, however, is whether the Commonwealth Government is going to demonstrate a serious commitment to the protection of this iconic ecological community of the Swan Coastal Plain. Its approach to the DFO proposal at Perth Airport will provide an early indication of whether the listing constitutes little more than another routine bureaucratic step for developers with no material effect or something of substance. The UBC is of the very strong view that a Permit to kill Banksia Woodlands of the Swan Coastal Plain ecological community for the construction of a DFO at Perth Airport should not be granted and that the proponent should be required to locate the development on a site already devoid of native vegetation should they choose to proceed.

Yours faithfully

President  
Urban Bushland Council WA Inc.