



4 March 2017

The Director
Major Projects West Section
Assessments and Air Branch
Environmental Standards Division
Department of the Environment and Energy
GPO Box 787
Canberra ACT 2601
Email EPBC.permits@environment.gov.au

Dear Sir/ Madam,

Submission: Regarding an Application for a permit to clear Banksia Woodlands of the Swan Coastal Plain ecological community for the development of the Living Stream Project, Perth Airport, Western Australia (E2017-0128)

The Urban Bushland Council (UBC) presents the following submission regarding the abovementioned Application for a permit to clear Banksia Woodlands of the Swan Coastal Plain. The UBC is a peak community conservation body with over 70 member groups. The council acts as an advocate for the conservation and appropriate environmental management of remnant bushland and habitat in and around Perth and other urban centres in Western Australia. The UBC has been active since the mid 1990's. The council has taken a strong interest in the protection of Perth Airport's natural areas since the group's inception and is well aware of its environmental history over the past two decades. We need hardly point out it is a lamentable history and the Commonwealth's refusal to protect beautiful, rare and endangered native vegetation and habitat at Perth Airport in favour of the leaseholder's development agenda is nothing short of a national disgrace.

The UBC provided comments on another Application for a Permit to clear Banksia Woodlands of the Swan Coastal Plain (Application for a permit to Kill Banksia Woodlands of the Swan Coastal Plain ecological community for the construction of a DFO at Perth Airport WA (E2016-1025)) which pertained to native vegetation contiguous with the native vegetation which is the subject of this Permit Application. Our submission was dated 13 December, 2016. We note the formal address supplied on the website for comments to be directed regarding the present comments opportunity (E2017-0128) is different from that supplied for the previous one (E2016-1025) and it was our suspicion at the time that the formal address supplied was possibly erroneous. Why Perth Airport would come under the purview of the "Queensland Assessment and Sea Dumping Section" is not clear to us.

It is also with some consternation that we see the (E2016-1025) Permit Application presented on the Department's Website under the heading "Closed for public comment – pending decision." Our representatives noticed **the clearing was carried out well before the notification of the Permit Application had even been removed from the "Open for comment" section of the Department's Website.** Our representatives made inquiries of Perth Airport Pty Ltd and were advised the Permit Application had been approved on 22 December, 2016. And yet it is still presented on the website at 4 March, 2017, under

“Closed for public comment - pending decision.” The Department appears to be far more interested in issuing Permits with alacrity than providing reliable information for other parties who have expressed an interest in Application outcomes through public comment processes. It is our very strong view that this website should be kept up-to-date. If it is not, it is simply providing inaccurate information. It is the UBC’s very strong view that the public is entitled to know when Clearing Permits have been issued so that they have an opportunity to observe clearing operations and the manner in which they are undertaken and to possibly record such operations to assist in alerting the public as to the brutality and destructiveness of such activities.

With regard to the Permit Application (E2017 – 0128) that is the subject of this submission our disposition towards the proposed clearing is of a very similar nature. It is our very strong view that Permit Application (E2016-1025) should not have been granted and it is our very strong view that Permit Application (E2017-0128) should not be granted.

The UBC expresses its irritation at the proponent being free to refer to this drainage diversion proposal using the tendentious title of “Living Stream Project” in formal assessment and permit application processes. An organization seeking permission to construct an abattoir would generally not be allowed to refer to their proposal as an “animal hospital”. While it may suit Perth Airport to refer to its massive drainage diversion works as a “Living Stream” proposal, it is our view that proponents should not be given the opportunity to use clearly public relations-oriented terms in describing the practical purposes of their projects in formal assessment or permit application processes. In using the term “Living Stream Project” in the title of the Permit Application the Department of Environment and Energy would appear to be accepting the proponent’s means of interpreting the project to its own public relations advantage rather than requiring a realistic label for the actual purpose of the project such as drainage diversion and convenient land development.

If this project merited a description such as “Living Stream” – with all the positive environmental connotations such a term conveys - it would not involve the clearing of Threatened Ecological Community vegetation in an area that has been massively cleared, it would not involve the destruction of important habitat for native fauna, and it would not involve the convenient re-routing of flows from the Southern Main Drain.

Is pipeline drainage proposed?

In fact, it is not entirely clear to us from the documentation provided by the proponent whether it is proposed that some of the water currently carried in an open channel to the east of the Factory Direct site in the Southern Main Drain might simply be transferred to underground pipes. In different places the proponent’s documentation refers to the “Living Stream” as a diversion of the Southern Main Drain and in other places as an “overflow” system. It is our assumption that the proposal involves the entire Southern Main Drain discharge being diverted into the “Living Stream” system but it has occurred to us that it could serve merely as an overflow for a piped system flowing underground to the east of the Factory Direct site. This would have implications for the amount of surface water that would be available to fauna during the year in the “Living Stream” system. This speculation has been prompted in part by observations of extensive pipe works being undertaken to the northeast of the Factory Direct site.

The UBC is aware that extensive clearing of vegetation along the Southern Main Drain channel has been undertaken to the south and east of the Factory Direct site. It is noted that most of the fauna hitherto relying on this open drain’s water supply will presumably lose this resource and fauna not killed in the construction process will be displaced. It is quite wrong to assume disturbed native vegetation and other plant life along drainage channels has no ecological value for native fauna and the extensive clearing of this

vegetation in the vicinity of the Factory Direct site has been noted. This work was subject to no environmental assessment to our knowledge despite its obvious potential for deleterious environmental impacts. Such fauna as tortoises and frogs live in the drain and water birds nest in close proximity. Large areas of Perth Airport were once wetlands and the Southern Main Drain is an ecological resource even if it is an artificially constructed channel.

Living stream hydrological functioning unclear

Under the proposed development it is not actually clear to us just how much water would find its way into the bulk of the “Living Stream” project area in an average year. If it is anticipated that it would only take overflows from piped sections of the Southern Main Drain, then the “Living Stream” would be fairly dry for most of the year.

There are indeed some very dry elements of the “Living Stream” system and one of those is an enormous rectangular sump constructed just to the south of the Tonkin Highway bridge several hundred metres from the Factory Direct site. This vast basin – the construction of which involved the removal of large amounts of good quality native vegetation – had no surface water in it for the entire 2015 winter and received no overflows from the Southern Main Drain after the recent unseasonal flooding rains. It might appear on a maps and figures as a wetland feature but it is nothing of the sort. So while it is our assumption that it is proposed that the current flows of the Southern Main drain are fully diverted into the “Living Stream” channel, if that flow is largely intended to enter a piped system with the “Living Stream” area simply to serve as an overflow channel for that system then that would make an exceedingly environmentally undesirable project even more objectionable.

The UBC objects to open drainage systems being converted to piped systems because the latter have virtually no ecological value. Open drainage systems – even if infested with weeds – provided habitat and water resources for a diverse range of fauna.

Ecological alternative

The conversion of the Southern Main Drain to the “Living Stream” design could easily be accomplished by modifying the present channel on the eastern side of the Factory Direct project. In this location it would not require the removal of priceless native vegetation. But, as we are painfully aware, this project is not about environmental enhancement; it is about leaving the eastern side of the Factory Direct site available for development. That is precisely why it is proposed that the “Living Stream” development should occur around the periphery of the airport boundary and next to Tonkin Highway – to locate it away from proposed future development sites. It is the very strong view of the UBC that any developments occurring in this area could and should be planned and undertaken in such a way as to **avoid the necessity to clear native vegetation – particularly Threatened Ecological Community vegetation.** This is a perfectly reasonable expectation and we have no doubt that this would be in line with community expectations in general. The question is why the Commonwealth persists in allowing the destruction of very high conservation value native vegetation and habitat at Perth Airport for non-essential purposes. It is not for aviation purposes; it is not reasonable; it is not responsible; and it is not acceptable.

Banksia Woodlands of Swan Coastal Plain Threatened Ecological Community Poorly Protected

The Urban Bushland Council, and other interested parties, have been calling for greater protection of the native vegetation and habitat at Perth Airport for decades. There are large areas of Banksia woodlands at Perth Airport and they are generally contiguous with wetland habitats as well. The decision of the Commonwealth Government to approve the *2014 Perth Airport Master Plan* wherein the leaseholder simply erased two large Conservation Precincts totalling 310 hectares that had been included in every *Perth Airport Master Plan* since the airport’s privatisation in the late 1990’s is totally unacceptable, is

disheartening and shows the Commonwealth's degenerating capacity to understand, appreciate and adequately address serious environmental issues we have encountered to date.

We are no under no obligation to pretend the Commonwealth has shown any substantive inclination to protect our natural heritage on the Swan Coastal Plain in general. Virtually every project triggering an EPBC Act assessment that the UBC has commented on since the Act came into being has been approved, and a great many projects have been approved without satisfactory conditions and with inappropriate offset provisions. Many assessments have only been triggered because of their implications for such Rare and Endangered species as Carnaby's Black Cockatoo. But the net loss of their habitat continues and the species continues to decline. At what point does the Commonwealth concede its approach to environmental protection is completely ineffectual?

Banksia woodlands of the Swan Coastal Plain was only declared a Threatened Ecological Community under the EPBC Act on 16 September, 2015. And yet its extensive clearance, poor reservation, and vulnerability to numerous threatening processes has been evident for decades. The conservation significance of Banksia woodlands of the Swan Coastal Plain has only received indirect recognition under the EPBC Act through its provision of feeding habitat for the Listed Carnaby's Black Cockatoo. But invariably when environmental assessments are undertaken, the subject habitat is destroyed anyway and a net loss is the outcome. So what is the point of these farcical assessment processes? The UBC is not calling for the abandoning of assessment processes but for rigorous assessment processes wherein the subject habitat receives at least some measure of protection in situ.

There has been extensive clearing of Banksia woodland vegetation at Perth Airport since the airport was privatised in the late 1990's. Perth Airport is recognised as being one of the larger bushland remnant areas within the urbanised portions of Perth and it is certainly one of the larger bushland remnant areas on the eastern side of the Swan Coastal Plain south of the Swan River. But it is a matter of enormous frustration to organizations such as the UBC who are committed to the cause of protecting our natural heritage that the Commonwealth has given every indication it is more interested in bowing to the development agenda of the leaseholder than it is in protecting the long term public interest by insisting substantial areas of the existing expanses of native vegetation and habitat at Perth Airport are retained in perpetuity.

The UBC is unimpressed by claims commercial development of unused land at Perth Airport is the heroic duty of the proponent. This is nothing more than land development for the purposes of generating yet more income for the airport leaseholder. Perth Airport's purported value to the community as an employment centre should be weighed against the undeniable fact that every single employer and prospective employer on the site would be making every effort possible to reduce their staff numbers to as low a number as possible. And this shedding of staff will only increase with time. The coming revolution in automation will mean any business employing hordes of people in ten years' time simple won't be in business. And retail and logistics operations would be prime targets for such innovation.

But the UBC is not opposing development at Perth Airport – it simply strongly opposes the clearing of invaluable native vegetation and habitat for such purposes. There is plenty of cleared land available for development and when Perth Airport was privatised it was widely understood by government and prospective investors that the leaseholder would have significant environmental obligations regarding the existing native vegetation and habitat. Our representatives have first-hand knowledge of this fact and any claims to the contrary would be thoroughly misleading. Any perusal of the first Perth Airport Master Plan (1999) released after the airport's privatisation will reveal the level of expectation placed on the leaseholder with respect to protection of the airport's natural areas at that time. It is the Commonwealth government that has subsequently abrogated its environmental responsibilities and it is the Commonwealth government that has caved in to satisfy the commercial ambitions of the leaseholder – the

worst demonstration of this backsliding by far being the approval of the *2014 Perth Airport Master Plan*. It is disturbing and somewhat ominous to see environmental standards actually deteriorating significantly with time but this has been the achievement of the Commonwealth with respect to protection of the natural areas at Perth Airport. These outstanding and irreplaceable natural heritage assets are a long way from Canberra but this does not diminish the Commonwealth's responsibility to act in the best interests of present and succeeding generations when it comes to conserving landscapes and ecological communities of international environmental significance. Banksia woodlands of the Swan Coastal Plain are threatened in their own unique biogeographic context and that context, being the Swan Coastal Plain, is unique to the south west of Western Australia. This wider area is, of course, recognised as an area of international significance for its biodiversity and endemism. So if these woodlands are threatened at the regional level then they are threatened at the national and international level as well.

Significance of the Banksia woodlands subject to Permit Application

The Urban Bushland Council strongly objected to the proposed clearing of Banksia Woodland vegetation at Perth Airport for a Factory Direct Outlet in its comments regarding EPBC Act Permit Application (E2016-1025) lodged by the proponent late last year. The Council is of the very strong view that the Major Development Plan for this project should not have been approved on environmental grounds and questions the Commonwealth's commitment to protecting our natural heritage. The woodland area concerned is not large in size but this does not diminish its conservation value. The destruction of Threatened Ecological Community vegetation is not a trivial matter but this process appears to have been nothing but a formality in the eyes of the proponent and in the eyes of the Commonwealth. The Banksia woodland that has been destroyed for the construction of a retail outlet that could have been built on any number of other sites on or off the airport without the need for environmental destruction, was a very precious remnant in a district and region that has been heavily cleared of native vegetation generally.

The City of Belmont Local Government Area, in which the Banksia woodland remnant subject to the current Permit Application lies, **has the lowest tree canopy cover of any LGA in metropolitan Perth**. The City of Belmont actually draws attention to this fact when dealing with residents illegally removing unwanted trees from street verges. Furthermore, this Local Government Area has almost no remaining natural bushland outside of Perth Airport. It has one 4 hectare block of Banksia Woodland vegetation at Signal Hill and the rest is disturbed strips along roadsides. There is some native wetland vegetation in the vicinity of the Swan River but this is generally greatly modified, and disturbed.

So this is the ecologically barren context in which a patch of Banksia Woodland at Perth Airport in excellent condition is considered readily expendable instead of being treated as a very fortuitously preserved remnant of the area's natural heritage. Bulldozing bushland is easily accomplished and there is nothing particularly unique or special about warehouses and large retail outlets but irreplaceable TEC Banksia Woodland remnants in such an otherwise environmentally depleted region merit no protection at all. This is not environmentally enlightened planning to say the least.

Excellent condition of vegetation

The fact that the Banksia woodland vegetation subject to the clearing Permit Application is generally in excellent condition is significant. The UBC is in a position to know the general condition of Banksia woodland remnants around the Perth Metropolitan Area and remnants of this quality are rare. There is little weed infestation and there is no sign of *Phytophthora spp.* dieback. *The Direct Factory Outlet Draft Minor Variation – Extract for Part 13 Major Development Plan* included as an Attachment to the Permit Application makes the following observations its Conclusion:

The Living Stream project involves the clearing of 2.78 hectares of vegetation in the Airport West precinct of the estate, of which 2.06 hectares has been assessed to be

high value black cockatoo habitat and 0.61 hectares is medium value. No breeding being trees will be cleared.

The proposed construction of the Living Stream project would also result in a total of 1.99 hectares of BWSCP ecological community being cleared. There is evidence of degradation of the vegetation due to being located adjacent to Tonkin Highway. There have been observations of increased weed cover within this vegetation community since since upgrade and expansion works to Tonkin Highway were completed (p.26).

The reference to increased weed cover in the bushland being observed since the completion of works on Tonkin Highway is gratuitous. The bushland is still in excellent condition and any increased susceptibility to weed infestation would seem to us to have implications for the proponent's Living Stream project. Rehabilitation projects are likely to have a great deal more problems with weeds than established communities. The curious thing is that the Permit Application does not make clear what environmental rehabilitation the proponent actually proposes to undertake. The UBC would have thought it would be mandatory for the proponent to commit to using provenance seed to replant the drainage system with local native species. Historically Perth Airport has been in a position to harvest top soil, to collect seeds from intact bushland, to have cutting material grown on in nurseries under contract, and to use brush material containing propagules from cleared bushland. But we see no reference to any such activities being undertaken in regard to this project. We only see reference in the *Direct Factory Outlet Draft Minor Variation – Extract for Section 13 Major Development Plan Attachment* to the following use of vegetation:

Slowing the flow rates by increasing flow area, planting of sedges and rushes (sic) plus larger platforms of vegetation increases infiltration, which helps recharge natural groundwater systems (p.7).

Rehabilitation details essential

The proponent should be required to describe exactly what environmental rehabilitation works are planned and how they would be undertaken. The proponent should be required to establish vegetation that would be locally native and which was propagated from provenance seed. The Commonwealth allowed the Gateway project along Tonkin Highway to get away with minimal actual environmental rehabilitation works using local native species and seeds and now we have a very weedy, high-maintenance garden along the highway which is of very dubious ecological value. Does Perth Airport propose to harvest native seeds from the woodlands subject to the Permit Application to re-establish some of this vegetation around the periphery of the "Living Stream"? If not, why not?

MNES: Black Cockatoos

The *Direct Factory Outlet Draft Minor Variation – Extract for Part 13 Major Development Plan Attachment* contains some comments relating to Black Cockatoos to which we have previously objected and to which we continue to object. They run as follows:

Perth Airport considers the impacts from the Living Stream project to not be significant for black cockatoos as there are similar habitat suitable for black cockatoos located within a four kilometre radius of the estate. Also, to ensure the safety of the travelling public, Perth Airport is required to have a Bird and Animal Hazard Management Plan in place that seeks to reduce bird activity within the vicinity of the runways and on the estate, and due to the close proximity of the site to the cross runway 06/24, black cockatoos are not encouraged in this area (p.23).

The woodlands subject to the Permit Application do not provide much in the way of feeding habitat for the Forest Red-tailed Black Cockatoo, but the Banksia Woodland of the Swan Coastal Plain does provide feeding habitat for Carnaby's Black Cockatoo. It is our understanding that there has been an instance or instances of planes striking Forest Red-tailed Black Cockatoos at Perth Airport but this is likely to be the result of flocks flying across the airport just as they would fly across any other area of urban Perth. On the Swan Coastal Plain, which has not until relatively recently been part of its natural range, the species is mainly in search of exotic or non-indigenous tree species upon which to feed. Its presence on or near Perth Airport is probably largely a matter of chance.

Carnaby's Black Cockatoo certainly does utilise Banksia Woodlands of the Swan Coastal Plain as feeding habitat but, **to our knowledge, there is no evidence this species has ever been involved in bird strike incidents at Perth Airport. Our representatives have heard airport staff admit as much in consultation meetings.** The species is in serious decline and it is our view that a lack of suitable feeding habitat on the Swan Coastal Plain is a major threat to its recovery. Flocks of Carnaby's Black Cockatoo are getting smaller and individual flocks are now less frequently observed across the Swan Coastal Plain than they would have been twenty years ago. In light of these facts the attempts of Perth Airport to make a virtue of their anti-environmental practices by claiming they need to discourage the species from visiting the airport estate are grating. They should not appear in assessment documents.

Clearing of Carnaby's Cockatoo habitat is unacceptable and should not be permitted as it is contrary to the Recovery Plan for this species.

Offsets – an environmentally unacceptable option

The Urban Bushland Council is a long-standing opponent of the use of environmental offsets to justify the clearing of native vegetation on the Swan Coastal Plain. The urbanised portions of the Coastal Plain already have a severe dearth of remnant bushland and habitat and it is affecting profoundly the chances of many species of native fauna to continue to exist in this region. The practice of having proponents pay for the purchase of cheap land far removed from the central urbanised parts of the Coastal Plain to "compensate" for native vegetation and habitat loss incurred closer to the city is ecologically nonsensical. **The solution to the decline in our native species and communities is to simply accept facts and stop the clearing.**

The Commonwealth's apparently sympathetic disposition towards the Perth Airport leaseholder's ambitions to clear virtually all of the native vegetation at Perth Airport for development purposes is contrary to the provisions of the EPBC Act and is thus irresponsible, and a betrayal of the public interest, and utterly without merit. Such an outcome would lead to a major impact on the sustainability of many flora and fauna species on the Coastal Plain – particularly south of the Swan River. Even the clearing of the Factory Direct site resulted in the displacement of small populations of native birds seldom able to hold on in urbanised parts of the Coastal Plain and destruction of the habitat of one of the innermost populations of the Southern Brown Bandicoot in Perth.

In Supplementary Form C of the Permit Application Question 14 poses the question(s):

Why do you believe that the taking of the action will not adversely affect the:

- i) Survival or recovery in nature of the species or ecological community?
- ii) Conservation status of a listed species or ecological community?

The proponent's response is as follows:

Offsets to compensate for any residual impacts of this proposal will be obtained in accordance with principles outlined in the Commonwealth Environmental Offsets policy. Perth Airport will work with the Commonwealth Department of Environment

and Energy and the Western Australian Department of Parks and Wildlife to identify and implement a suitable approach.

The Urban Bushland Council strongly rejects the use of offsets to attempt to justify the clearing of Banksia Woodland of the Swan Coastal Plain Threatened Ecological Community. The proposed development is not essential aviation infrastructure – it is a shopping centre. And the Urban Bushland Council strongly objects to the role of the WA Department of Parks and Wildlife in providing bogus justification for Perth Airport’s clearing operations while availing itself of funds to expand its own estate. The WA Department of Parks and Wildlife should be doing its best to bring about the best conservation outcomes by **opposing unnecessary clearing operations or at least refusing to engage in offset processes which result in a net loss of TECs and/or habitat for endangered species.**

There is no good reason why substantial areas of TEC Banksia Woodland vegetation and other native vegetation and habitat at Perth Airport should not be conserved as was envisaged at the time of the airport’s privatisation. The Banksia Woodland that is the subject of this Permit Application could and should be conserved. If poor planning has not made provision for this outcome then that is the fault of the planners.

Conclusion

The Urban Bushland Council is strongly opposed to the issuing of a Permit to clear Banksia Woodlands of the Swan Coastal Plain ecological community for the development of the Living Stream Project, Perth Airport, Western Australia (E2017- 0128) and expresses its on-going disgust at the Commonwealth’s failure to protect invaluable natural heritage at Perth Airport.

Yours faithfully

President
Urban Bushland Council WA Inc.

PO Box 326, West Perth WA 6872
Phone (08) 9420 7207

ubc@bushlandperth.org.au

www.bushlandperth.org.au