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Chief Executive Officer,
City of Cockburn,
PO Box 1215,
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Friday, 5 July 2013

Proposed Cockburn Central West Structure Plan - Objection

Dear Sir/Madam,

Please find attached our comment on the Proposed Cockburn Central West Structure Plan.

Our objection to the proposed Structure Plan is based on the clearing of wetland vegetation and filling of a Resource Enhancement Wetland.

There are a number of justifications made in the supporting documents for the Structure Plan providing reasons why the area should be cleared and developed. While we agree that Transport Orientated Hubs and medium/high density dwellings are an important way to reduce the impact on developing greenfield sites to address population growth, we strongly disagree that these developments should come at the cost of clearing existing remnant urban bushland and destroying wetlands.

The area proposed to be cleared has been identified by the City of Cockburn as an actively managed conservation area in the *City of Cockburn Natural Area Management Strategy 2012 – 2020*. In the guiding document *Directions 2031 and Beyond* the population growth expected must be “planned carefully to ensure we preserve the qualities and characteristics we most value”, including “wetlands”. Even the *Urban Stormwater: Best Practice Environmental Management Guidelines*, referred to in the proposal, list as the number one objective of water sensitive urban design as “Protect and enhance natural water systems within urban developments”.

The proposal is to clear and fill the natural water system (wetland), in complete denial of best practice management.

The proposal documents go to extreme lengths to downplay the importance and significance of the environmental values of the area. Descriptions of past land clearing and excavation of the wetland appear to describe a completely artificial wetland, which is far from the reality of the area. Descriptions of it being in a completely degraded condition and it being of lesser value as it has been dissected by a road are statements designed to devalue the habitat and ecological role the wetland currently plays and results from flora surveys.

Planning for sustainable urban developments must identify and protect environmentally values including Resource Enhancement Wetlands irrespective of the zoning. To propose filling a natural wetland and subsequently constructing an artificial wetland in an adjacent area is nothing less than bad planning, reckless environmental vandalism and a waste of public money.

President
Urban Bushland Council WA Inc.

COPY

Public Comment

Proposed Cockburn Central West Structure Plan

Urban Bushland Council WA Inc - Objection

Background

The City of Cockburn is seeking comments in respect of a proposed structure plan for the area known as 'Cockburn Central West' which is bounded by North Lake Road, Midgegooroo Avenue, Beeliar Drive and Poletti Road, Cockburn Central.

The Cockburn Central West Structure Plan proposes open space, recreational and mixed use (residential, commercial and retail) development consistent with an activity centre that promotes a mixture of compatible land uses. The proposed structure plan forms the basis for considering future subdivision and development applications over the subject land.

The urban Bushland Council WA Inc. is opposed to this draft structure plan in its current form due to the proposed clearing of remnant native vegetation and the outdated idea of filling-in a natural wetland.

The Proposal

The Proposal will involve:

- Clear and remove a REW wetland (which is at least 4 ha); and
- Clear and remove all 13 ha of native vegetation on site, of which 5.5 ha is in Very Good or Excellent condition (from RPS Environmental Report). Total site area is 32.5 ha.

Section 6.5 Principles for the Design Guidelines

Unfortunately there is no mention of protection or enhancement of the natural environment in the Principles for the Design Guidelines, even though wetlands are specifically mentioned in “Directions 2031 and beyond - metropolitan planning beyond the horizon” August 2010:

What should we plan for?

By 2031 the population of Perth and Peel is expected to have grown by between 35 and 40 per cent. This has significant implications for the city which must be planned carefully to ensure we preserve the qualities and characteristics we most value - the beaches, parks and bushland, the Swan River, lakes and wetland habitats, and the Darling Escarpment.

Section 1.2.2 Area and Land Use

This short section describes the area and land use thus:

“The Cockburn Central West Structure Plan Area comprises 32.5ha. It is currently vacant of any built structures and comprises remnant vegetation of varying quality.”

Disturbingly this brief description does not include the acknowledgement of the site containing a natural wetland which has been identified and recognised by its intrinsic environmental values by the local and state government. The wetland area is listed as:

- A Resource Enhancement Wetland (REW);
- An EPP Wetland (Protected under an Environmental Protection Policy); and
- An Environmentally Significant site by the EPA.

The City and State Government should not accept the loss of a REW wetland, and a large portion of the native veg in Very Good or better condition should be retained in the development.

The City of Cockburn expects other developers to retain, protect and rehabilitate REW wetlands. The City of Cockburn should be setting an example to other developers of best practice urban development, especially as stated in Section 2.4.2.3: *“Cockburn Central West is a key demonstration site for the delivery of the State Planning Policy 4.2 Activity Centres and the State Government’s Directions 2031 and Beyond planning framework”*.

The State Planning Policy 4.2 Activity Centres does not state that environmental considerations should be dismissed, rather the principle of environmental sustainability is referenced in Section 6.0 (my emphasis):

6.0 Resource conservation

Activity centre structure plans should ensure environmentally sustainable outcomes by incorporating innovative design, construction and management principles.

We strongly recommend that the wetland and areas of remnant native vegetation be integrated into the Structure Plan, as expected under SPP 4.2. Innovative design to incorporate these features will ensure the project becomes a demonstration site of best practice.

Section 2.4.2.3 Key Wetland Outcomes

This section lists a number of irrelevant points to justify the filling-in of the existing natural wetland on the site. There can be no justification for filling-in natural wetlands on the Swan Coastal Plain.

The text in italics is from Section 2.4.2.3:

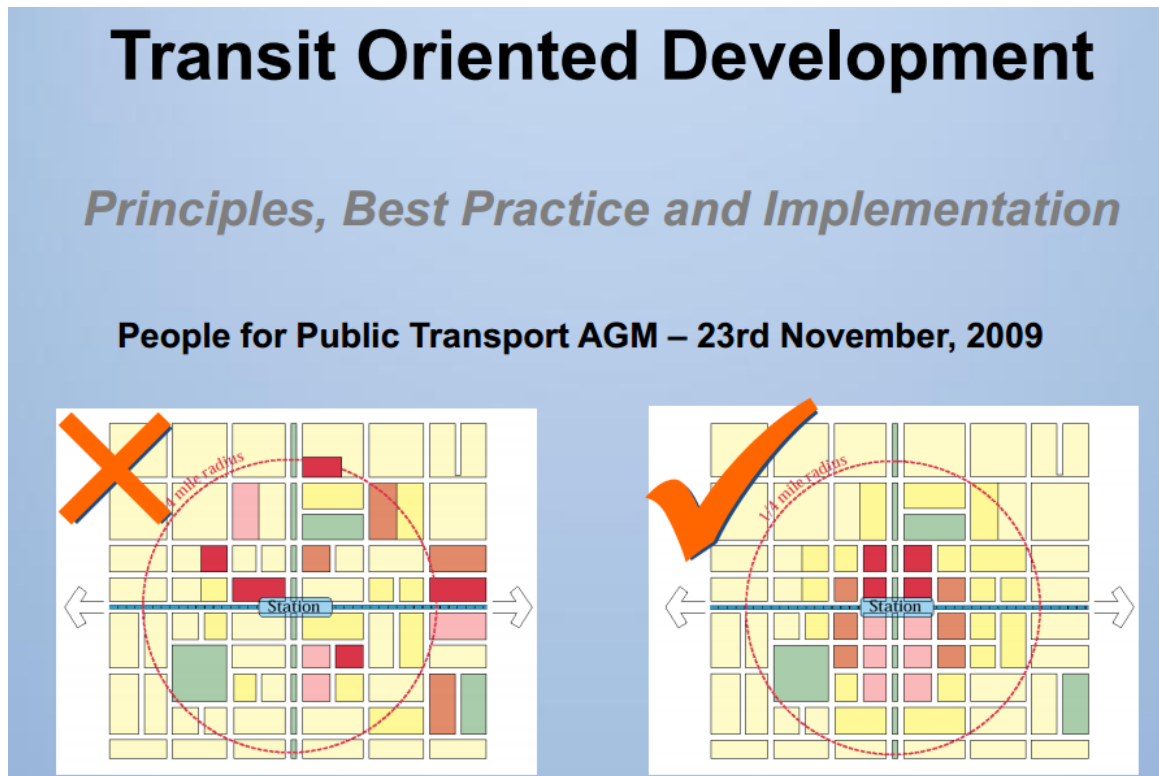
The Structure Plan proposes to utilise the wetland area for development, based on the following factors:

> Cockburn Central West is a key demonstration site for the delivery of the State Planning Policy 4.2 Activity Centres and the State Government’s Directions 2031 and Beyond planning framework

The previous point details how the SPP 4.2 specifically refers to Environmentally Sustainable outcomes making this point mute.

> Given the site's proximity to the Cockburn Central train station, the site is a logical choice for consolidating higher density urban development in accordance with Transit Orientated Development Principles

TOD Best Practice Principles do not advocate the destruction of wetlands. Rather they advocate the preservation of significant environmental features (see diagram below, showing green areas preserved within the TOD).



Above: “Transit Oriented Development Principles, Best Practice and Implementation” Benjamin Russ of Infracplan (Aust) Pty Ltd, PPT Annual General Meeting 2009.

From:

http://www.ppt.asn.au/pubdocs/TOD%20presentation_People%20for%20Public%20Transport%20AGM.pdf

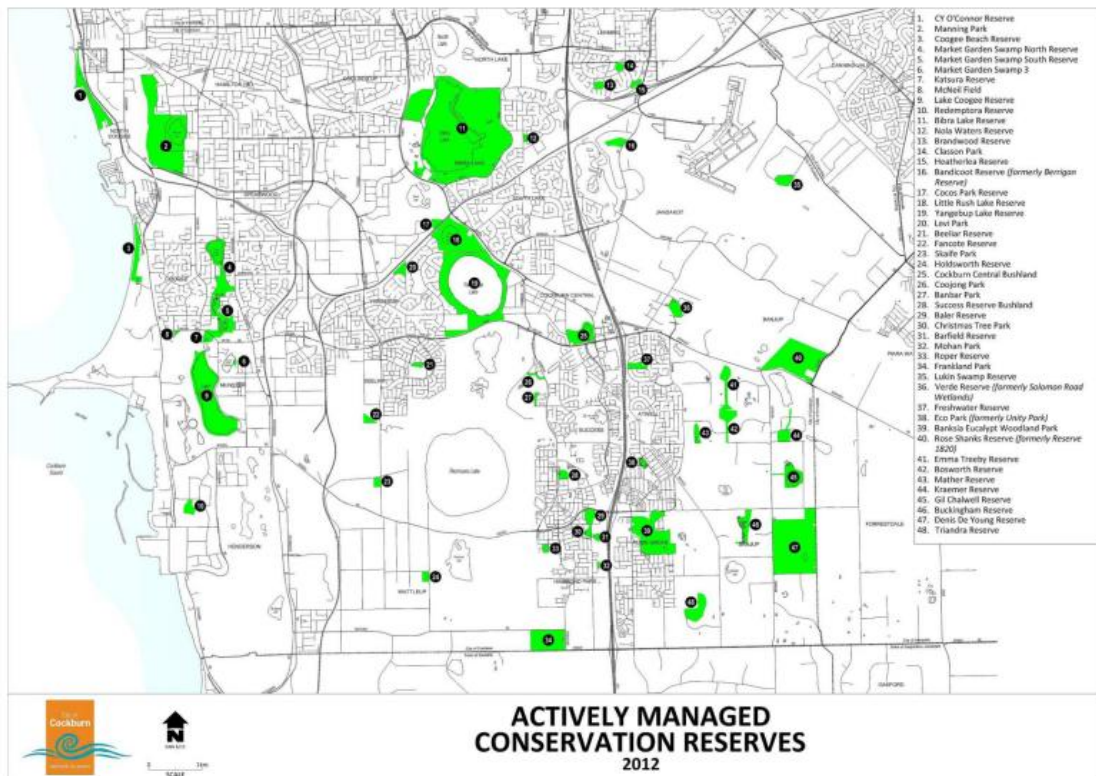
> In the context of the above, urban design, planning, built form, traffic and engineering considerations result in a scenario where it impracticable to retain the wetland

Innovative design and planning is required to ensure best practice outcomes, as specified in SPP 4.2 “Activity centre structure plans should ensure environmentally sustainable outcomes by incorporating innovative design, construction and management principles.” It is a sad day when natural features such as wetlands cannot be protected and conserved by local governments and state agencies as it is simply deemed “impracticable”.

> The RE wetland has been historically cleared and excavated, is in poor condition and already severed from its original extent by Midgegooroo Road

Remnant bushland on the Swan Coastal Plain has been impacted by numerous pressures, which do not automatically deem these areas as worthless. The area has been identified as an actively managed conservation area by the City of Cockburn and has been given the priority classification of “Medium” (City of Cockburn Natural Area Management Strategy 2012 – 2020.). For this proposal to now dismiss this natural area as being suitable for filling-in is not justified by the fact that a significant natural wetland currently exists on the site and is being actively managed by the City of Cockburn.

We would like to assume that as an RE wetland this area would be protected from development. Further we would like to assume that it is not the place of the public to inform the local government of the importance of this habitat to the City, as described in its own Management Strategy.



City of Cockburn Natural Area Management Strategy 2012 – 2020. Area 25 is the Cockburn Central Bushland reserve proposed to be cleared and the wetland filled-in.

From:

http://www.cockburn.wa.gov.au/Your_Council/Acts_and_Information/Public_Documents/3049-natural_area_management_strategy_2012-20_version_4.3.pdf

Table 7. Actively Managed Reserve Priority Classification

	Reserve Name	Priority	Area of Bushland (hec)
1	C.Y. O'Connor Reserve	Med	15.85
2	Manning Park	High	55.90
3	Coogee Beach Reserve	High	9.86
4	Market Garden Swamp North Reserve	High	20.50
5	Market Garden Swamp South Reserve	High	18.61
6	Market Garden Swamp 3	Med	8.25
7	Katsura Reserve	Low	0.35
8	McNeil Field	Med	0.45
9	Lake Coogee Reserve	High	63.81
10	Redemptora Reserve	Med	3.94
11	Bibra Lake Reserve	High	228.27
12	Nola Waters Reserve	Med	0.79
13	Brandwood Reserve	Med	3.20
14	Claxson Park	Med	2.78
15	Heatherlea Reserve	Med	1.69
16	Bandicoot Reserve (formerly Bemigan Reserve)	High	4.19
17	Cocos Park Reserve	High	2.04
18	Little Rush Lake Reserve	High	36.03
19	Yangebup Lake Reserve	High	133.34
20	Levi Park	Low	1.31
21	Beeliar Reserve	Med	4.54
22	Fancole Reserve	Low	2.25
23	Skaife Reserve	Low	1.80
24	Holdsworth Reserve	Med	1.58
25	Cockburn Central Bushland	Med	19.70
26	Coojong Park	Low	1.06
27	Banbar Park	Low	0.22
28	Success Reserve Bushland	High	2.77
29	Baler Reserve	Med	3.66
30	Christmas Tree Reserve	Med	2.86
31	Barfield Reserve	Med	0.92
32	Mohan Park	Low	0.43
33	Roper Reserve	High	1.36
34	Frankland Park	High	24.23
35	Lukin Swamp Reserve	Med	5.20
36	Verde Reserve (formerly Solomon Road Wetland)	Med	5.70
37	Freshwater Reserve	Med	4.38
38	Eco Park (formerly Unity Park)	Med	1.01

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Above: City of Cockburn Natural Area Management Strategy 2012 – 2020. Area 25 is the Cockburn Central Busland reserve proposed to be cleared and the wetland filled-in.

From:

[http://www.cockburn.wa.gov.au/Your Council/Acts and Information/Public Documents/3049-natural area management strategy 2012-20 version 4.3.pdf](http://www.cockburn.wa.gov.au/Your_Council/Acts_and_Information/Public_Documents/3049-natural_area_management_strategy_2012-20_version_4.3.pdf)

> The site's proximity to a significant area of securely reserved and managed environmental assets within the Beeliar Regional Park and other reserves.

The fact that other wetlands are preserved in the area does not delete the fact that a significant natural wetland exists on this site. Many wetlands have been filled-in across the Swan Coastal Plain in the past and this is universally regarded by scientists as a planning mistake that has caused significant environmental harm. The SW WA region is an internationally recognised Biodiversity Hotspot, a classification given to areas of outstanding natural biodiversity that are also at risk due to impacts of human development. It is everybody's responsibility to ensure that the biodiversity of an area is adequately protected and enhanced. The wetland proposed to be filled-in not only

has its own inherent environmental values but it also contributes to the ecological linkages across the region, which are an essential component of environmental sustainability.

Notwithstanding that the RE wetland cannot be retained, the Structure Plan proposes to provide a site drainage strategy based on Best Water Sensitive Urban Design principles (my emphasis).

As there has been no credible justification in Section 2.4.2.3 for the filling-in of a natural wetland as proposed by the development, the final point above is an insult as it refers to the Best Water Sensitive Urban Design Principles. These Principles list as the number one objective to “Protect and enhance natural water systems within urban development” (see extract below).

The City of Cockburn has blatantly disregarded the first principle of the Best Water Sensitive Urban Design Principles that they have quoted by proposing not to protect and enhance the natural water system, but rather to clear native vegetation and fill-in a natural wetland. The complete opposite of the best practice guidelines they have the audacity to quote.

The objectives of water sensitive urban design are summarised in Figure 5.1. This section presents techniques for water sensitive urban design to be incorporated into: site planning, residential design, commercial and industrial design and construction site management.

- 1 *Protect natural systems*
Protect and enhance natural water systems within urban developments.
- 2 *Integrate stormwater treatment into the landscape*
Use stormwater in the landscape by incorporating multiple use corridors that maximise the visual and recreational amenity of developments.
- 3 *Protect water quality*
Protect the quality of water draining from urban development.
- 4 *Reduce run-off and peak flows*
Reduce peak flows from urban development by local detention measures and minimising impervious areas.
- 5 *Add value while minimising development costs*
Minimise the drainage infrastructure cost of development.

Figure 5.1

Above: Urban Stormwater: Best Practice Environmental Management Guidelines, CSIRO 1999. Chapter 5 Water Sensitive Urban Design.

From: http://www.publish.csiro.au/?act=view_file&file_id=SA0601047.pdf

Section 2.5 Acid Sulfate Soils

The low lying site has areas of moderate acid sulphate risk which should not be disturbed. Excavation of these areas will produce acid and pollute soil, surface and ground water. Any mitigation works specified in an Acid Sulfate Soil and Dewatering Management Plan will be expensive and environmentally harmful. Disturbance of these acid sulphate soils is not best practice.

Flora and Fauna Survey Report

Section 2.8.2 Native Vegetation and Extent.

The vegetation complex, Bassendean Complex Central and South is considered as vulnerable as it is below the 30% threshold at which species loss accelerates. As much of this complex as possible should be retained on site.

Section 3.2 Vegetation Field Survey

The report indicates that a Level 2 flora survey and vegetation survey was conducted. This is incorrect as only two field visits during the main flowering period (September and October 2011) were conducted. The information in relation to flora data is incomplete and cannot be relied upon.

As per the EPA guidelines a Level 2 Flora Survey requires further visits to be carried out in the non-flowering season. A further survey is required during the non-flowering season if this is to be considered a Level 2 Flora Survey. It is interesting to note that the consultant is aware that the Flora Survey was not completed as per the guidelines. They have acknowledged this as a limitation in Table 4 and even suggest that species may have been overlooked yet they still state the survey was completed as per guidelines. It is strongly recommended that a Level 2 Flora Survey be completed as per the guidelines so as to give a true and accurate indication of the flora species on site. The development should proceed until this has been completed.

Section 4. Fauna Survey

This Section indicates that a Level 1 Fauna Survey to be conducted on the site. Given that much of the site contains good quality vegetation a Level 2 Fauna Survey conducted by qualified staff would have been more appropriate. A Level 1 Fauna Survey is inadequate for a development proposing the destruction of a wetland ecosystem of this level of significance.

Section 7. Assessment Against The 10 Clearing Principles.

The proposal is at variance to principle F of the DEC 10 clearing principles as it is proposing to clear and fill the REW. It would **not** be in variance to this principle if the wetland was retained.

Section 8 Recommendations and Conclusions

A recommendation of the flora and fauna survey is to retain some of the bushland. This recommendation has been ignored.

The City of Cockburn should consider best practice planning guidelines for Urban Design and TOD's as quotes in this submission and retain, protect and enhance the identified environmentally sensitive areas. Anything less would be a disservice to the environment the council has been given the responsibility to sustainably manage and to the ratepayers who will be left with an inferior development.

Section 8.2 Fauna Conclusions

This section states "The Resource Enhancement management category wetland at the site was cleared prior to 1965. Although mostly degraded, it contains a variety of habitats due to wetland vegetation assemblage regrowth".

Although suggesting the wetland is degraded (which based of the vegetation assessment , it clearly is not) this section indicates that the wetland retains a variety of habits to due the wetland assemblage growth. This alone is reason enough for it to be retained.

Note that although it may have been cleared in the past the Rights in Water and Irrigation Act 1914 still defines this area as a wetland.

The *Rights in Water and Irrigation Act 1914 (WA)* ("RIWI Act") defines a wetland as a natural collection of water (permanent or temporary) on the surface of any land and includes any lake, lagoon, swamp or marsh; and a natural collection of water that has been artificially altered. A wetland is not a watercourse (i.e. any river, creek, stream, brook or reservoir in which water flows into, through or out of; or any place where water flows that is prescribed by local by-laws to be a watercourse).

Given the potential for Carnaby's Black Cockatoo, this structure plan proposal should be referred to the Department of Sustainability, Environment, Water Population and Communities (DSEWPC). Evidence to show that this has occurred should be provided within the structure plan documentation. The plan should not be finalised until the outcome of the assessment by DSEWPC is known.

The Rainbow Bee Eater was noted during the flora survey and it is listed as a conservation significant species under the EPBC Act. What has been done to determine if this species will be impacted by the development and how will these impacts be mitigated?

Wetland Mitigation Report

This document appears biased and designed to mislead, particularly in relation to the wetland vegetation condition (Section 5.3).

Section 2.2 Evaluation of Wetlands

The existing wetland is classified as a Resource Enhancement Wetland. Table B clearly states that these wetlands have the potential to be restored to conservation category and protection is recommended. This supports recent advice from the OEPA and DEC in relation to this wetland. What reason is given being given as to why this wetland is to be removed? City of Cockburn vegetation surveys indicate that the wetland vegetation condition ranges from Very Good to Excellent.

Has permission been given by both DEC and the Minister for Training and Workforce Development; Water; and Forestry to impact this wetland? Under the RIWI Act, a person intending to do anything that causes obstruction of or interference to a wetland or its bed or banks must first obtain a permit from the Minister for Training and Workforce Development; Water; and Forestry . It is an offence for a person, unless authorised, to obstruct, destroy, or interfere with a wetland that is wholly or partly on Crown land, and offenders may be liable to a penalty of \$10,000, or \$50,000 for a company.

Section 3.2.4 Vegetation and Flora

This section indicates that a Level 2 Flora Survey was conducted in October 2011. This is incorrect as the EPA guidelines for a Level 2 Flora Survey were not met. Thus the information in relation to flora data is incomplete and cannot be relied upon.

Section 3.4.6 Revised Wetland Boundary.

The wetland Boundary has only been revised by the proponent. It has not formerly been revised by the DEC thus this information is irrelevant.

Section 4.2 Current Proposal

This section and the entire document provides no evidence as to why the existing wetland cannot be retained and enhanced.

Section 5.3 Wetland Vegetation

The information provided in relation to the wetland condition is contrary to the City of Cockburn vegetation data. The City of Cockburn completed its own independent assessment of the vegetation within the wetland in 2009. The survey indicated that the vegetation ranges from good to excellent within and around the wetland.

The vegetation survey undertaken by the environmental consultant is misleading. The attachment and the following explanation provide evidence of this:

- Slide 1 of the attachment shows the data that was collected from a relevant or sample area within the wetland. You'll note that *Astartea scoparia* (a wetland native) has 70% cover and there are some other local species. The condition rating they have given the site is Good.
- Slide 2 of the attachment shows a vegetation sample quadrant in the riparian zone adjacent to the lake. This is given a vegetation condition rating of Good to Degraded.
- Slide 3 of the attachment shows another quadrant that was sampled in the riparian zone around the wetland. This has *Astartea scoparia* cover at 95% and there are a few other natives. Based on the species composition the rating should be more like Very Good to Excellent. The consultant has given it a rating of **degraded** on the grounds that species diversity is limited. However limited species diversity is common in Swan Coastal Plain wetland fringes.
- Slide 4 of the attachment shows the overall vegetation condition rating that the environmental consultant (RPS) has given the wetland. Basically on the information gathered above they have rated it as totally degraded. This is incorrect. It should actually be rated much higher.
- Slide 5. This is a vegetation condition rating that was commissioned by the City of Cockburn in 2009 and was undertaken by an independent consultant. This actually shows the vegetation condition rating within the wetland as Very Good to Excellent. This more accurately reflects the information provided in the first three slides above.

One can make three assumptions about the condition rating provided by RPS.

1. The people undertaking and compiling the data were incompetent.
2. A genuine mistake has been made and the condition rating has incorrectly been mapped as degraded
3. The incorrect vegetation condition rating has been inferred to deliberately mislead.

Section 5.4 Fauna Habitat

It does not appear that a detailed fauna survey was undertaken.

This section does not support the notion that the wetland is degraded. It seems to indicate that the wetland provides an assortment of habitat types for native species.

Structure Plan Map

The area under the power lines has been identified for car parking. This City of Cockburn Natural Area Management Strategy, which was endorsed by Council in November 2012, identifies this area as an important ecological corridor. Clearing of this area is at odds with the City of Cockburn Natural Area Management Strategy.

Local Water Management Strategy

Section 2.4.2. Wetlands

The EPA has not given approval to fill the existing Resource Enhancement Wetland (REW) and EPP wetland. The OEPA has in fact indicated in a number of letters to WALA, Landcorp and Landcorps environmental consultants, RPS that the environmental values of the REW should be maintained as part of the Draft Activity Structure Plan.

It is never acceptable to fill-in wetlands and this proposal is no exception.

Section 3.3. POS Irrigation

This section indicates that the feature lake will be lined and topped up with groundwater. Has approval been sought from DoW to use groundwater to top up an ornamental lake? Will the bore have capacity to also service the AFL and rugby playing fields?

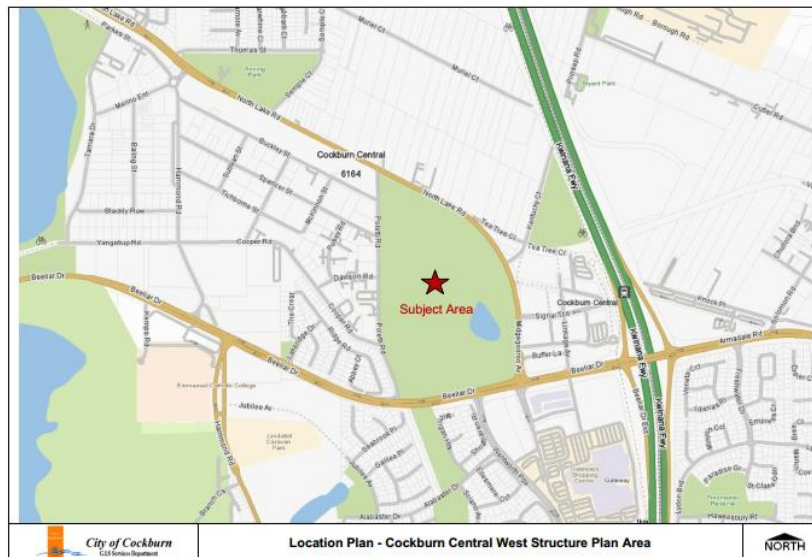
Section 5.2.2 Major Events

Events greater than 1 in 10 ARI are to be directed to Yangebup Lake via the North Lake Road drain. There needs to be some detail provided that this drain has the capacity to deal with the additional drainage. This drain has also been identified as taking additional drainage from the Muriel Court redevelopment.

Yangebup Lake is already described as hyper eutrophic and experiences frequent algal blooms and is a source of nuisance midge. Adding additional stormwater without treatment to remove nutrients will only exacerbate the problem which will have further detrimental impacts on local residents and business. Stormwater entering this drain will need to be treated to remove nutrients. Details on how this is to be achieved should be included in the LWMS. Note that North Lake Road may also be widened in the future which may impact on the existing drain.

5.2.3 Detention Basin (Feature Lake) Design

The Proposal to fill in the REW and create an artificial wetland north of the REW is counterintuitive. Land for development should not come at the cost of clearing significant remnant vegetation.



Above: location of existing wetland within the proposed development area. From: http://www.cockburn.wa.gov.au/documents/CouncilServices/CityDevlpmt/PROJECTS/CCW_Location_Plan.pdf



Above: location of the proposed artificial wetland. From: http://www.cockburn.wa.gov.au/documents/CouncilServices/CityDevlpmt/PROJECTS/CCW_LSP_Map.pdf



Above: location of the proposed artificial wetland. From: http://www.cockburn.wa.gov.au/documents/CouncilServices/CityDevlpmt/PROJECTS/Indicative_Concept_Plan.pdf

Who is Brett O'Brien from Aquatic Solutions and why is he mentioned by name in the LWMS? Has he any expertise in designing artificial wetlands/drainage basins?

This section talks about habitat preservation when in fact the habitat that is provided by the existing wetland will be lost. This should be reworded and the term habitat preservation removed. A preferred term could be habitat recreation to offset loss.

This section indicates that the detention basins will include a unlined natural wetland. This is incorrect. It will actually be a lined created wetland. This should be changed to reflect the true nature of the detention basin.

I fail to see the logic in filling an existing REW wetland and attempting to create a wetland 200m further north. Why has this been done when the exiting wetland could be utilised to treat storm water. Has this been done to negate the need to provide a 50 metre buffer around the existing wetland and thus create more developable land?

How much power will be used to pump water through the designed lakes? Have the costs been considered both in terms of maintenance and ongoing power charges?

Section 5.4

Table 1 indicates that the existing natural wetland will be used to help control groundwater levels post development. How will this be achieved if the wetland is to be filled?

Thank you for your consideration of our comments.

We are very concerned about out-dated notion of filling-in wetlands on the Swan Coastal Plain and look forward to this wetland being incorporated into the Structure Plan. We are happy to meet to discuss these issues further.

Mary Gray

Urban Bushland Council WA Inc.

