



3 July 2017  
Dept of Environmental Regulation  
Locked Bag 33  
Cloister Square  
PERTH 6850  
[info@der.wa.gov.au](mailto:info@der.wa.gov.au)

APPLICATION FOR A CLEARING PERMIT UNDER THE ASSESSMENT BILATERAL AGREEMENT  
MADE UNDER SECTION 45 OF THE EPBC ACT 1999 (CTH)

**CPS 7617/1 Minister for Education, Hammond Park High School construction, City of Cockburn.**

The Urban Bushland Council WA Inc is opposed to the issuing of a clearing permit for clearing of this site. The proposal is a controlled action through referral to the federal Department of Environment and Energy.

The Urban Bushland Council WA Inc understands that the process to the current advertisement for a clearing permit appearing in the West Australian, 26 June 2017, under the assessment bilateral agreement for the Hammond Park High School in the City of Cockburn, has been a long one. We also note the statement in the proponent's application that '*Any application of approval for development that meets the requirements of the planning scheme previously assessed by the EPA is assumed to be environmentally acceptable, despite the presence of native vegetation.*' (page 8)

Despite this, the fact remains that the proposed clearing is environmentally unacceptable. It is proposed that the clearing will be offset and 'the availability of suitable measures to offset the impact' has been investigated through the Department of Parks and Wildlife. The first principle of offsetting is 'avoidance'. The UBC considers that the proposal if implemented would have unacceptable impacts and no offset can be applied to reduce the impact. As the UBC has stated in various submissions; the end result is a net loss. As the WA Environmental Offsets Guidelines point out, the cumulative impacts may be significant. Our environmental estate is highly fragmented and the loss of 10.9 ha of Banksia woodlands, if implemented, is part of this erosion.

Comments are made under the following headings highlighted in bold.

**Black cockatoos and clearing**

Three species of black cockatoo are facing extinction, possibly within our lifetimes. Virtually the whole of the proposed site is mapped as black cockatoo foraging habitat and potential breeding habitat. 18 trees (or 13 trees) have suitable hollows for breeding or have potential hollows suitable for breeding. The two species of black cockatoo, Carnaby's and Forest Red-tailed Black Cockatoo, are within the modelled distribution and there are recent records of Baudin's cockatoo on the southern Swan Coastal Plain.

**Controlled action under the EPBC Act 1999**

Because the proposal may risk/impact on black cockatoos in regards to feeding and breeding habitat as well

as through indirect impacts, the proposal was referred to the federal Department of the Environment, Energy and was found to be a controlled action.

### **Banksia Woodlands of the Swan Coastal Plain**

'Banksia Woodlands of the Swan Coastal Plain' is listed under the EPBC Act in the category - endangered. The conservation objective for this vegetation community is

- *to mitigate the risk of extinction and*
- *help recover its biodiversity and function* (p33 Conservation Advice 26 August 2016)

To achieve these objectives three key approaches are advised:

*PROTECT the ecological community to prevent further loss of extent and condition;*

*RESTORE the ecological community within its original range by active abatement of threats, re-vegetation and other conservation initiatives;*

*COMMUNICATE WITH AND SUPPORT researchers, land use planners, landholders, land managers, community members, including the Indigenous community, and others to increase understanding of the value and function of the ecological community and encourage their efforts in its protection and recovery.*

The highest priorities include *preventing further loss* and '*increasing the remaining extent condition and landscape scale connectivity*'. Preventing further loss means no further clearing. The proposed clearing is the antithesis of this advice. **Therefore the clearing should not be permitted as it is environmentally unacceptable.** It cannot be 'offset' and the avoidance principle applies.

### **Bassendean Central and South Vegetation Complex**

Only 1.2% of Bassendean Central and South vegetation complex is secure for conservation in the Perth Peel region compared to the pre-European extent. Protection of at least 10% is the State target. And only 7% is reserved in region schemes, Parks and Recreation or Regional Open Space. (EPA advice 'Perth and Peel @ 3.5 Million' July 2015). **On these grounds alone, the clearing of this complex should not be permitted.**

The vegetation on the site is Low Open Forest of *Banksia* ssp and *Allocasuarina fraseriana*, Low Woodland of *Banksia* sp over Low Heath of *Scholtzia involucrata* and Low Open Woodland of *Melaleuca raphiophylla*. 76.5% of the total is rated as from Excellent to Good.

### **Linkages**

The clearing principle assessment notes that '*the Study Area retains some linkages to conservation reserves and Bush Forever sites, which form part of a regionally significant contiguous bushland/wetland linkage*'. The remnant vegetation within the Study Area would provide corridors for fauna movement, in particular for the Quenda, as well as a considerable area of foraging habitat for Black Cockatoos and many other small bird species and insect pollinators.

### **Comments on Assessment against the ten clearing principles**

The Urban Bushland Council wishes to stress that each of the ten Clearing Principles state that 'Native vegetation should not be cleared if....' There is no equivocation in those principles so even if one Principle applies that indicates that a Clearing Permit for the proposal must not be granted. We are aware that there has been gross failure in governance and decision making according to these principles and this is totally unacceptable.

The assessment against the ten clearing principles determined that the Proposal is likely to be at variance with Clearing Principle (b) and may be at variance with Principle (a) and (f).

1.) Principle (d) *'Native vegetation should not be cleared if it comprises the whole or part of, or is necessary for the maintenance of a threatened ecological community'*.

At the time the assessment was undertaken 'Banksia Woodlands of the Swan Coastal Plain' was not listed as a Threatened Ecological Community. As this community is now listed it must be considered in this proposal.

2.) Principle (e) *'Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared'*.

The UBC does not accept the opinions put by GHD to this clearing principle. GHD puts forward two points under this principle.

The first point made is that even though the Bassendean complex – Central and South is less than 30% at the State, IBRA Bioregion and IBRA Sub-region level, at the local level, (Beard vegetation association 1001 and Heddle) there is greater than 30% of the pre-European extent remaining, therefore 'they are not considered to be critical assets.' (p38 GHD)

This is incorrect. The EPA Report on Perth and Peel at 3.5 Million, July 2015, has the Bassendean Complex Central and South at 26.1% remaining in the IBRA region as calculated in 2015. And only 1.2% remaining where the complex is secured for conservation. Therefore the GHD advice should be dismissed as it is incorrect.

The second point made by GHD under this clearing principle is that *the Study Area is connected to remnant vegetation occurring within a larger block of semi-rural residential properties. Regionally, the Study Area retains some linkages to conservation reserves and Bush Forever sites which form part of a regionally significant contiguous bushland/wetland linkage. However the Study Area does not provide any significant linkages to surrounding remnant vegetation or is considered a significant remnant.'*

The clearing of over 10ha of Banksia Woodland is a significant remnant and this wider area is one of high biodiversity. The linkage nodes and links that remain between highly significant areas such as Bush Forever sites (492, 263, 344) and Nature Reserves (Thompsons Lake Nature Reserve, BF 391, Harry Waring Marsupial Reserve, BF 392, Wandu Nature Reserve BF 347) are critical assets to the state and to future generations and the protection of the remaining and fragmented natural areas. Thus it is essential that the area be retained and its connectivity is important.

3.) Principle (g) *'Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.'*

This principle does not say '...is likely to cause appreciable land degradation **to the surrounding land**'. The clearing, if approved, will completely destroy the bushland.

4.) Principle (h) *'Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.'*

GHD concludes comments on this principle thus *'However, clearing of the Study area will result in a direct loss of native vegetation (albeit small) in a highly fragmented landscape.'* In a highly fragmented landscape where less than 30% vegetation remains, the site is not 'small' and should be retained. The UBC would conclude that the Proposal is likely to be at variance with this principle rather than 'is not'.

**Conclusion**

*'If we are to give life to the principles of ecologically sustainable development, then we must place an appropriate weight on environmental values in decision making'. 'We must take bold steps to build on our environmental successes and openly acknowledge - and remedy - our failures so that future generations can see and experience our complex, fragile and unique environment'. Dr Paul Vogel*

The Urban Bushland Council submits that this Clearing Permit under the Assessment Bilateral Agreement must not be granted as it is environmentally unacceptable on many grounds. It cannot be offset.

Yours faithfully

President  
Urban Bushland Council WA Inc

PO Box 326 West Perth WA 6872  
phone 08 – 9420 7207

[ubc@bushlandperth.org.au](mailto:ubc@bushlandperth.org.au)

[www.bushlandperth.org.au](http://www.bushlandperth.org.au)

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