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Appeals Convenor
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Appeal against the granting of a Clearing Permit for the Gateway Project, City of Belmont and Shire of Kalamunda, 103 hectares (CPS 5242/1)

Dear Appeals Convenor

The Urban Bushland Council hereby appeals against the Clearing Permit granted to the “Commissioner of Main Roads Western Australia, Purpose Permit, various road reserves and properties, City of Belmont and Shire of Kalamunda, road construction and associated activities for the Gateway WA (Perth Airport and Freight Access) Project, 103 ha, permit duration 19 April 2013 to 19 April 2018, (CPS 5242/1) – 51Q record for the decision that is seriously at variance with five of the Clearing Principles. Reason: the clearing is necessary for the upgrade of the major arterial road network around Perth Airport and is part of a national infrastructure priority.”

The words above within quotation marks are those used in the advertising of the granting of the Clearing Permit in *The West Australian* of Monday April 1, 2013.

The Urban Bushland Council (UBC) is a peak community conservation body that has over 60 member groups. The priority of the UBC is the protection and appropriate environmental management of remnant native vegetation and habitat within and on the outskirts of urban centres in Western Australia. The Council has taken a strong interest in the protection and management of the bushland and wetlands in and around Perth Airport since the group's formation in the early 1990's. We would have to admit this has been of little avail in terms of conservation outcomes and it remains something of a disastrous example of the victory of commercial considerations over environmental responsibility in contemporary Australian governance. The UBC understands the fact that the land subject to the Clearing Permit which is the subject of this Appeal is not technically part of Perth Airport and is not on Commonwealth land but in ecological terms the bushland and wetlands in and around Perth Airport form a very large and largely contiguous habitat area that should be considered in totality. The proposed Tonkin/Roe Highway interchange development, for example, is some distance from Perth Airport, but should be considered as part of the same ecological complex.

The UBC lodged a submission in response to the advertising of an Application for a Clearing Permit for the abovementioned project (CPS 5242/1) in *The West Australian* of 17 September, 2012. Our submission was dated 6 October, 2012 and it clearly pointed out how grossly inconsistent

the land clearing and drainage works inherent in and associated with the project were with most of the **10 Clearing Principles** that we expect to inform decisions on land clearing in WA.

This is not a trivial matter and we are very concerned about the destruction of the biodiversity of the Swan Coastal Plain in an era when it is well understood that many elements within this ecosystem are under serious threat. In bygone times, ecology was not well understood or even recognised as a worthwhile consideration and many former governments could plead ignorance in retrospect but most of the decisions affecting very high conservation value bushland and wetlands at Perth Airport made over the past decade and a half have been outrageously skewed in favour of development in the face of clear scientific evidence that the Swan Coastal Plain's ecology has been greatly disrupted, disturbed and that large contiguous bushland and wetland remnants such as those in and around Perth Airport are exceedingly rare.

Swamps and bushland remnants were very much part of the physical setting and character of Perth well into the latter part of the last century but a shocking lack of appreciation of a unique ecology persisting in and around the city on the part of governments and their planners has led to an increasing ecological desertification and degradation of the city and its suburbs. The UBC is very concerned at the loss of bushland remnants and the native birds, mammals, reptiles, amphibians, and insects that depend on them. Landscape architects, landscapers and local government are not utilising native and indigenous plants with a view to conserving our native birds and insects and we often see examples of what appear to be deliberate efforts to avoid the use of native plants of any ecological value in both public and private plantings. The use of exotic plants to create a "European" or "cosmopolitan" atmosphere is still in vogue and many remnant indigenous trees that have managed to survive thus far in the suburbs are succumbing to disease and drought stress. In other words, the protection of existing natural habitat areas is crucial for the survival of much of our natural heritage in general.

The privatisation of Perth Airport has led to the leaseholder being able to use land "surplus to aviation requirements" for the purpose of deriving income from subleasing property and a great deal of very high quality bushland and habitat has been destroyed for this purpose. This activity has also generated a great deal of vehicular traffic that is unrelated to aviation but which clogs internal and external roads at great inconvenience of the public. Now the public is expected to pay for major road works to mitigate this problem. Fly-in Fly-out aviation operations associated with a mining boom that is entirely unpredictable in terms of its potential vicissitudes and its duration are basically designed to relieve miners of the need to provide anything for the regions which they exploit and they have provided further impetus for accelerated infrastructure development. More and more people are being drawn to the city in response to the mining boom, and the city's footprint on the Swan Coastal Plain gets larger and larger every year. But the beautiful natural ecology of the Perth region of the Swan Coastal Plain is being chewed up in what is essentially a scramble for money and it is exceedingly unedifying and regrettable. Governments have a strong obligation to ensure development is ecologically sustainable. They are not meeting that obligation and we have little doubt contemporary development practices will leave a greatly impoverished natural heritage in the Perth region for future generations.

The UBC wants a better future for Perth and its people than is in prospect if current land clearing rates continue. We do not think it is too much to ask that the vital last remaining large habitat areas for such endangered species as Carnaby's Cockatoo are protected. This species needs the Banksia woodlands of the type that the Gateway project proposes to clear and too much of this magnificent vegetation has been cleared around the Perth Airport area already.

The UBC is a staunch opponent of the practice of using so-called "offsets" to justify the clearing of native vegetation. They are no substitute for the habitat destroyed and some purported measures to

make up for land clearing losses are so manifestly inadequate and absurd that we would welcome the abandonment of “offsets” as a means of facilitating environmental approvals altogether. Where is the proof, for example, that destroying Carnaby’s Cockatoo habitat, whether for breeding or feeding, does not make it that much harder for the creature to survive? There is no proof because the species needs extant viable habitat more than it needs a minor local government planting project or a change of land tenure for some other existing habitat.

The Urban Bushland Council had a representative at consultation meetings regarding the environmental implications of the Gateway project and it is our view that this project not only involves an unacceptable amount of land clearing but that it has not been designed with enough emphasis on reducing ecological impacts. We were given vague assurances that some of our concerns about ecological barriers and road traffic impacts on fauna could be addressed “at a later stage in the planning” but this is completely unsatisfactory. The proponent should have been required to show how ecological barriers would be avoided, how road traffic impacts on fauna would be minimised, and how construction would allow the maximum retention of natural habitat and the sustainability of that habitat.

We note that the notification of the granting of the Clearing Permit that is the subject of this Appeal includes the following text:

..51Q record for the decision that is seriously at variance with five of the clearing principles. Reason: The clearing is necessary for the upgrade of the major public arterial road network around Perth Airport and is part of a national infrastructure priority (DEC advertisement *The West Australian* 1 April, 2013).

The UBC takes the strong view that the proposal is seriously at variance with at least 7 rather than 5 of the Clearing Principles (Principles a,b,c,d,e,f,and h). It is also our very strong view that if an Application for Clearing Permit is assessed such that it is formally recognised as being “**seriously at variance with five of the clearing principles**” then it is hardly appropriate to approve such an Application. In fact we insist it should not be approved and the clearing permit should not be granted.

The environmental impacts and implications of the Gateway proposal that is the subject of this Appeal need to be taken in the context that, not only has a great deal of land clearing taken place in the general area over the past decade and a half, but a great deal more land clearing is proposed. A pertinent example of this situation is the recent release of a Draft Major Development Plan by Perth Airport. This Draft Plan was advertised in *The West Australian* of 23-24 March, 2013 and is described as “*Clearing of the Southern Aviation Support Precinct and Construction of Taxiway Charlie Extension*”. This proposal involves the clearing of at least 30.9 hectares of native vegetation. The destruction of Perth Airport’s natural heritage constitutes something of a national disgrace in our view and it continues unabated. The leaseholder always points to the Perth Airport’s designated “Conservation Zones” but this is like tearing up 8 works of Van Gogh and claiming to be virtuous because you didn’t destroy 10.

The two Airport Conservation Zones are separated and one of them contains large areas of former cow paddocks. The latter features are not without conservation value and they are useful buffers but glib quotations of areas under conservation are somewhat misleading as most people would assume this meant “areas in a natural state.” It is our view that buffer zones should be a requirement **in addition to Conservation Zones** and that **they should not be recorded as being within Conservation Zones in descriptions thereof**. Put simply, we regard the areas reserved for conservation at Perth Airport to be disgracefully inadequate and have made this point over and over

again in submissions presented to the Airport Leaseholder and the Commonwealth for many years. Further the Commonwealth has ignored the fact that the areas that have been cleared are listed on the Register of the National Estate.

An even greater impact on the Airport's native vegetation and habitat will occur if and when a parallel main runway is constructed. There have been many calls in the media from business interests urging the bringing forward of this major project though whether it would be a commercially worthwhile proposition is debatable. Whatever the case, the Commonwealth has a history of approving proposals at Perth Airport regardless of their environmental impacts so the native vegetation and habitat still extant within the footprint of a proposed parallel runway would have to be said to face a bleak future. Experience has taught us to have very little confidence in the Commonwealth or its officers when it comes to the protection of Perth Airport's natural heritage, a heritage that is formally recognised by the Commonwealth itself by being listed many years ago on the Register of the National Estate.

Our point is that the natural heritage Perth Airport and its surrounds has been severely damaged in the recent past – in an era when formal environmental assessments have been part of the planning and development regime – and that it faces further dire threats. In this context the clearing of over 100 hectares of native vegetation and habitat, along with the ecological hazards and barriers that major road constructions bring, is a very serious and unacceptable impact.

There is little point in having regulations governing the clearing of native vegetation if principles that are designed to bring definition as to what is unacceptable in the way of land clearing are simply acknowledged and then effectively ignored by DEC. The DEC advertisement indicating that the Clearing Permit subject to this Appeal had been granted, states that the reason for the granting of the Permit is that “clearing is necessary for the upgrade of the major public arterial road network around Perth Airport and is part of a national infrastructure priority.” Perhaps our planners should try thinking of something better than more and bigger roads. Decent environmental legislation, or even the application of existing environmental legislation, might encourage them to do so.

The UBC is dissatisfied with the number Clearing Permits that are granted in WA and is of the view that plenty of clearing has probably been undertaken without reference to this process anyway. What the UBC does insist upon is that the Clearing Principles are seen to actually have some purpose and legal effect when they are brought to bear on major public projects.

The Gateway proposal is blatantly at variance to numerous Clearing Principles and it is our strong view that the proposal, in its current form, is environmentally unacceptable. It should not be permitted to proceed and thus we strongly recommend that the clearing permit be refused by the Minister.

Yours faithfully

President
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