



Department of Water and Environmental Regulation
8 Davidson Terrace
Joondalup WA 6027
info@dwer.wa.gov.au

20th February 2020

Dear Sir/Madam

Submission on Clearing Permit Application 8788/1 for 6.3ha and CPS 8787/1 for 3.9ha Proponent Development WA.

The site is within the City of Joondalup located west of Ocean Reef Drive, Ocean Reef, WA

The **Urban Bushland Council** (UBC) submits that DWER rejects and refuses the clearing permit applications referenced above as they are part of the extensive Ocean Reef Marina (ORM) development that will impinge significantly on the natural environment. The 10.2ha clearing permit applications are part of 30ha of significant bushland that is proposed to be cleared and therefore should be assessed in this broader context rather than the 10.2ha applied for now, particularly in light of the decision that no environmental assessment was required for the terrestrial portion of the development.

Community Values for Coastal Landscapes:

Coastal landscapes are highly valued and emotive for Australians as we believe they are for everyone to enjoy.

This Ocean Reef Marina project has been in the planning stages for nearly 30 years without proper insight, a complete lack of appropriate processes and disregard and rejection of community values for this irreplaceable coastal landscape.

During this 30 year period there has been a significant change in people's appreciation and perceptions of the bushland and its conservation value, to the extent that it is now much more highly valued as an asset to the community as a whole and to individuals' health and wellbeing.

It was only in 2018 with the preparation of a Coastal Hazard, Risks Management and Adaption Plan (CHRMAP) for the City of Joondalup's entire coastline that those coastal values were sought. The City of Joondalup's 2018 [community values](#) survey showed how important this coastal landscape is for recreation and enjoyment.

This survey looked at community values for various areas along the Joondalup coastline, including the Ocean Reef Marina development footprint area which was tagged as North of Ocean Reef Boat Harbour.

For this location, 44% of respondents replied that they visited the area because it was quiet and not too busy.

32.1% replied that they valued the area because it is undeveloped and more natural.

This 76.3% appears to be significantly at odds with earlier surveys, probably dominated by boat owners, who favoured destruction of the area in order to build a larger marina and commercial enterprises.

Other reasons cited included bird and wildlife watching as well as fishing.

This pattern was echoed throughout the City of Joondalup's 2018 community values survey for adjacent areas including Iluka, Burns Beach and Mullaloo.

Originally this development was for a marina. The suitability for this development at this part of the coast is highly questionable. The cost of the breakwater wall in deep water here has turned it into a housing development to pay for the breakwater wall and marina. The above figures indicate this is not what the community want. It effectively is a development to allow the wealthier people to have a boat pen and storage being subsidised by a residential development.

Those using Hillary's boat harbour (which is only located 8.8kms south) for boat facilities are finding the cost unaffordable. This is leaving many boat storage areas vacant.

The President of the Hillarys Boat Harbour Pen Holders Association is on record as saying "declining numbers at Hillarys cannot be good for the future of the Ocean Reef Marina development" and the "continued fee increases will only accelerate the decline in numbers and may make Ocean Reef a white elephant." (Joondalup Times, 20th December 2019).

Community Volunteer Bushcare Groups

There are at least 150 community volunteer bushcare groups helping to protect our unique Perth bushland. The City of Joondalup has a number of bushcare groups which were formed when community folk noticed degradation creep in and escalate with human use causing a significant loss to the local unique biodiversity. They volunteer their time to regenerate this bushland which is wide and long enough to continue as a home to a diversity of native fauna. The more they discover, the more passionate they are to save it. [These volunteers](#) are devastated and angry that unique plant assemblages are proposed to be destroyed for yet another marina as well as commercial and residential development.

Loss of Identity

The northern suburbs coastline of Perth from City Beach to Ocean Reef has already seen considerable development over the last 40 years resulting in a loss of character and sense of identity. It is in danger of becoming just another over developed coast without any unique natural landscape features. We have already destroyed far too much of our globally recognised biodiversity hotspot for replacement with bricks, mortar and concrete.

Now that the population of Perth has exploded we should be preserving what remains of our coastal landscape with its unique plants and animals for this expanding population to enjoy. Our world recognised biodiversity hotspot is for conservation priority because it is under threat.

Any development proposal should routinely consider the visual landscape, its social values and especially a coastal landscape. This coastal landscape is why people have chosen to live here.

The existing boat ramp and marina here is already a large solid hot lifeless, visually and structurally, intrusive development. It is remarkably very much under-utilised except for a few days each year. Thus, there is no reason for it to be greatly enlarged.



Tourism and Economy

The Department of Local Government, Sport and Cultural Industries [framework](#) for outdoor recreation in Western Australia, 2019 came about from a community perceptions survey.

Outdoor recreation, nature-based tourism and adventure recreation make a huge contribution to the health, wealth, wellbeing and happiness of individuals and communities in Western Australia. They also contribute greatly to the State's economy.

The 10km coastal strip between Burns Beach and Hillarys is one of the few relatively intact coastal landscapes in the Perth metro area that could be termed 'wilderness' It was for this reason and for its biodiversity conservation values that in 2000, almost all of it was designated Bush Forever (site 325).

This coastal strip is an extraordinarily rugged but beautiful landscape, like none other. Are we about to further reduce our natural heritage in this highly populated area denying all people the opportunity to immerse themselves in a landscape which is priceless, unique and has been lost further south. We can build houses and boat harbours, but we cannot bring back this unique natural landscape and its coastal plants and animals once it is gone.

This Ocean Reef Marina development is contrary to the WA Government's outdoor recreation strategy. On these grounds alone no further clearing should be permitted.

At present this is one part of Perth you can visit and will most likely see a White Winged Fairy Wren or a Purple-backed Fairy Wren or a White-breasted Robin or an Osprey. These spectacular birds are a tourism asset as well as a magnet for photographers. It is not uncommon to see wildlife such as Quendas, Bobtail Lizards and Western Bearded Dragons, which makes it a special experience. To keep this tourism and local nature experience we need to stop destroying and developing our remaining natural wild places.

Fragmentation of Ecological Corridor

We have come to realise more recently of the importance of ecological linkages. To give an example is the revegetation of the narrow coastal strip at Mosman Beach. Prior to the revegetation in 2012 the only birds seen there were a single Willie Wagtail and a Black Shouldered Kite. Within 5 years the revegetation grew sufficiently to provide food and protection for other birds. In 2017 the Purple-backed Fairy Wrens had formed a colony in the wider Leighton Beach dune. In 2019 a White-winged blue wren which inhabits the area of the ORM was spotted in this same wide dune area at Leighton Beach. This is testament to the importance of ecological corridors.

There are species in the bushland at Ocean Reef that may not be rare but have been lost to most of Perth urban bushland because of fragmentation and clearing. The White-winged Fairy Wren is a shy extraordinarily beautiful bird that is still found in this wide bushland. Although larger birds

have advantages crossing built landscapes the ORM will make it impossible for quendas, bobtail and other reptiles to cross the access roads to the 1000+ residences, boat harbour and commercial facilities.

Clearing Principles

The ten Clearing Principles state Native Vegetation should not be cleared if:

(a) it comprises a high level of biological diversity

As the Minister at the time, made the decision that the terrestrial component of the proposed ORM development would not require an environmental assessment but would be the subject of a Negotiated Planning Outcome (NPO), a comprehensive survey of the biological diversity has never been undertaken. In particular, bird, fauna and fungi surveys have only been adjuncts to other surveys which have usually concentrated on flora.

Between 2015 and 2018, entomologist, David Knowles conducted surveys of macroinvertebrates at South Ocean Reef and Iluka for local friends groups. Together they increased the known number of macroinvertebrates there to 538 and reptiles to 14. New species continue to be found. The critically endangered Graceful Sun Moth (GSM) makes it home here among the coastal species, *Lomandra maritima*. The eastern boundary of the development will destroy areas where the GSM has been recorded by Dr Marjorie Apthorpe on several occasions.

Professor Kingsley Dixon when visiting the ORM development site commented on the large diversity of plant species like none other on the coast. Dr Marjorie Apthorpe who volunteered in Joondalup bushland for years has recorded 139 plant species here. This is considerably more (50) than the NAMs and Mattiske Consulting surveys.

The proponent has used a narrow definition of biodiversity restricted to flora whereas it should encompass all living organisms. Specific and comprehensive fungi, bird, reptile, animal and macrofauna surveys have not been completed.

The proponent disregards the value of the area it is applying to clear because of the size. UBC totally disagree as this clearing permit will lead to a much larger development.

UBC believes the reference to a NPO offset is irrelevant to this clearing principle as it's the biological diversity at Ocean Reef that is the subject of this assessment.

As a full biological survey has not been undertaken the proponent is not justified to make its conclusion that "clearing is unlikely to be at variance with this principle".

(b) it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia

The Ocean Reef Marina development site is where the vegetation is widest. There is no other coastal vegetation like this or as wide as this in the Perth metro that does not have a major road traversing it. Small shy bush birds and animals are found here because they need an undisturbed area of at least 2ha to inhabit. Wrens in particular need these larger areas. Reducing the size of the bushland here will push down numbers of already uncommon Wrens. There will be a

reduction of significant habitat by 30ha which is essential for their existence and thus their population will decline significantly further.

Fragmentation of Ecological Corridor will occur as a result of the proposed clearing.

Use of the Ocean Reef Marina development is vehicle dependent.

Presently there is 6km of ecological corridor between Burns Beach and Mullaloo which is continuous except for some narrow paths that still allow communication for animals.

The ORM will build two new access roads (one two lane and one four lane) and widen the existing road to three lanes not only for the 1000+ residences but the users of the complex. **This will cause a catastrophic loss and fragmentation of wildlife habitat and ecological corridors.**

The quenda found at the Ocean Reef site is a priority 3 species. Other known Endangered or Threatened species with potential to occur within the proposed ORM survey area as identified by Mattiske Consulting's desktop search, include the Graceful sun moth and Carnabys Black Cockatoo. Ongoing surveys are being conducted to assess the distribution and habitat of a native snail which occurs in the area to be cleared. It is believed to be a subspecies of *Bothriembryon bulla* which is endemic to the Perth region, or a similar species.

The proponent states that the "scale of vegetation to be cleared is not considered to be significant at a local or regional scale in regard to indigenous fauna habitat", while this clearing may be on its own of less significance, it will be the forerunner of a much larger area of clearing that will be significant.

Therefore, UBC strongly object to the proponent's conclusion that "the proposed clearing is unlikely to be at variance with this principle".

(c) it includes, or is necessary for the continued existence of, rare flora

Vegetation surveys conducted since 2000 by Natural Area Management Systems (NAMS) and Mattiske Consulting Pty Ltd reveal the presence of rare flora species, but also alarmingly have missed several key species and failed to recognise vegetation assemblages. Mattiske sites 14 threatened and priority species to have potential to occur in the development area. This is a very high number of threatened species.

NAMS 2009 survey listed 88 local native species, which is a significant number in the development area. Local volunteers have added another 50 to this list.

Marianthus paralius (**Threatened flora Declared Rare** – Extant) is however acknowledged in the Mattiske report which states (Page 13. bold for emphasis)

*"This almost prostrate, woody shrub eventually becomes scandent growing on low, limestone cliffs by the coast in white sand, producing red flowers from September to November. There are six records of this taxon in the database of the Western Australian Herbarium (DPaW 2013a). Two of these records occur within 3.5km of the survey area. **It is possible this species will occur within the survey area.**"* This means it is highly likely that this species is present in the development area to be cleared.

Under the provisions of the critically endangered *Marianthus paralius* there is a recovery [Management Plan](#) as written in 2013 by DBCA (formerly DEC). How will this recovery plan work with nearly 30 hectares of its vegetation complex lost? The proposed clearing must surely be inconsistent with the Recovery Plan.

UBC expresses EXTREME CONCERN that neither DWER, nor City of Joondalup, nor associated parties in the Ocean Reef Marina development project, have attempted to conduct a rigorous survey within the footprint area for *Marianthus paralius*.

We strongly recommend that DWER reject the clearing permits until such appropriate survey actions have taken place when it flowers.

It is also of concern that the massive community of *Nitraria billardierei* on the southern end of the development area is missing from the Matiske report. This plant can handle the severe hot salty cliff and dune conditions. It is uncommon in Perth metro area. This is a species of considerable Noongar significance as is the quandong community here.

Three Priority 3 Ecological Communities (P3 PECs) were inferred by Matiske (2013) to occur within the development area being:

- SCP 24: 'Northern Spearwood shrublands and woodlands'
- SCP 29a: 'Coastal shrublands over shallow sands, southern Swan Coastal Plain'
- SCP 29b: 'Acacia shrublands on taller dunes, southern Swan Coastal Plain'.

The loss of these uncommon PEC's when our changing climate indicates we need to keep and protect our biodiversity. Clearing of PEC's is unacceptable.

The area to be cleared may also contain *Diplolaena angustifolia* (Yanchep Rose) which is known to occur within 50m of the proposed clearing under application 8787/1 and will be cleared during the larger clearing process. While not rare further north, its occurrence at Ocean Reef is believed to be the southernmost extent of the species.

Based on the above information, UBC strongly disagrees with the proponent's conclusion that "the proposed clearing is not at variance with this principle".

(e) it is significant as a remnant of native vegetation in an area that has been extensively cleared

These two clearing permits are part of a cumulative 30 ha area to be cleared and must be considered in this context.

The extensive clearing that has occurred is demonstrated with the offset for Bush Forever site 325 excision August 2019 not able to be offset like for like. Rather existing Tuart forest in Carabooda has been chosen as the offset for coastal heath and coastal limestone vegetation. Industry best practice guidelines for offsets are clear on the like-for-like principle. Vegetation types identified at Ocean Reef as SCP24, SCP29a and SCP29b.

This demonstrates a clear failure of the offsets system and rings alarm bells over what would be the decimation and annihilation of vegetation assemblages at Ocean Reef that are irreplaceable. The 40ha excision of Bush Forever 325 was to make way for the Ocean Reef Marina and associated development. Consequently, the developer can now boast that only an extremely small amount of remaining Bush Forever (0.13ha) will need to be cleared and restored. This approach is totally unacceptable.

UBC expresses deep concern and objection to the offset procedure for the Ocean Reef Marina development.

We strongly object to the statement in the clearing application that the area has already been offset.

Therefore, UBC strongly disagrees with the proponent's conclusion that "the proposed clearing is unlikely to be at variance with this principle".

(g) the clearing of the vegetation is likely to cause appreciable land degradation.

Land degradation is a process in which the value of the biophysical environment is affected by a combination of human-induced processes acting upon the land. It is viewed as any change or disturbance to the land perceived to be deleterious or undesirable. (Wikipedia).

All degraded bushland has come about from human disturbance as noted by the proponent. It follows, further human disturbance will result in further bushland degradation.

Therefore, the proponent's conclusion is at odds to the evidence and thus is at variance to clearing principle (g).

(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

The fragmentation of the bushland significantly increases the possibility of weed invasion into the adjoining Bush Forever. The occurrence of numerous introduced weed species along the existing dual use path through the area to be cleared for the next stages of the ORM development compared with the undisturbed native vegetation, provides clear evidence that weed invasion occurs after land disturbance.

We have UBC member groups working in this bushland who have first-hand evidence of weed invasion following the destruction of the bush for infrastructure purposes.

Therefore, we disagree with the applicant's stated conclusion that it is not at variance with clearing principle (h).

Climate Change

With the impacts of climate change ever more experienced by society, it is imperative to retain bushland such as remains at Ocean Reef for the societal services it provides to the local community – passive recreation, mental health, clean air, erosion control, connection to nature and more.

In a time when Australia has just released twice the annual GHG's with wildfires, this is no time to be clearing healthy bushland. The services this bushland provides for all of us far outweigh what this built development will bring.

Australia's Biodiversity Conservation Strategy 2010-2030 Commonwealth Government document states that *'Biodiversity is under threat worldwide. Many scientists consider that the Earth has now entered a global biodiversity extinction crisis (UNEP 2007). That is, they believe that many of the species alive today are under threat of rapid extinction'*. One of the ten five-year strategies is number 4: *'By 2015, achieve a national increase of 600,000 km² of native vegetation managed primarily for biodiversity conservation across terrestrial, aquatic and marine environments.'* As an agency working under the bilateral agreement, the granting of this clearing permit is contrary to the ideals and aspirations of this strategy.

CONCLUSION:

Under the Clearing Principles the proposed clearing is at variance or seriously at variance to Clearing Principles(a), (b), (c), (e), (g) and (h). Therefore, the proposals should be refused.

The UBC believes that any proposal at variance to even one Principle, should not be granted a Clearing Permit. We are in the middle of an extinction crisis, including the threats and results of climate change.

We therefore strongly recommend you reject the clearing permits and preserve this natural vegetated coastline for the local community and all visitors for now and the future.

The UBC requests the opportunity to further discuss these matters with you.

Yours sincerely

Chairperson, Urban Bushland Council WA Inc.

PO Box 326 West Perth WA 6872

ubc@bushlandperth.org.au

www.bushlandperth.org.au