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info.epa@dwer.wa.gov.au

Chairman EPA
Locked Bag 10
JOONDALUP WA 6027

Subdivision of Lot 102 Farrall Road, Midvale – submission on Supplementary Environmental Report (SER)

The Urban Bushland Council WA Inc. makes the following submission on the above.

The Urban Bushland Council (UBC) submits that relative to the proposal, the EPA's objectives cannot be met for:

- Flora and vegetation
- Fauna
- Inland waters (p `xii Supplementary Environmental Report – the Report)

The UBC strongly recommends complete protection of Lot 102 Farrall Road be enacted as a publicly-owned 'A' class reserve for the protection of the irreplaceable values of the site, including, but not only, a *critically endangered ecological community*. We believe that a new respect for nature is needed. So much clearing has occurred, such that species have disappeared or face extinction, and what is left faces severe conditions associated with climate change. The groundwater dependent ecosystems of the eastern side of the Swan Coastal Plain are already seriously over-cleared, and all require protection.

The UBC addresses matters associated with each of the EPA's objectives for significant factors:

A.) The EPA's objective for flora and vegetation is:

To protect flora and vegetation so that biological diversity and ecological integrity are maintained.

A.) FLORA AND VEGETATION.

The Approved Conservation Advice for 'Shrublands and Woodlands of the eastern Swan Coastal Plain' - FCT 20 c - was approved by the federal Minister on 13 July 2017. The advice given is:

'to mitigate the risk of extinction (or collapse) of this ecological community, and help recover its biodiversity and function, through: protecting it as a matter of national environmental significance under national environment law, particularly to avoid further loss; and by guiding implementation of management and recovery through the recommended priority conservation and research actions set out in this advice.'

And:

'Recognise the landscape position of remnants of the ecological community and ensure that planning supports increased resilience within the landscape (by retaining appropriate connectivity between remnants of all naturally occurring ecological communities in the area).' (p 7)

The SCP 20c community is State-listed as 'Critically Endangered' and under the EPBC Act as 'Endangered'.

The Commonwealth Government's conservation advice for the FCT 20c is ***'that all patches are important irrespective of condition'***. The SCP 20c vegetation community is a highly restricted TEC (DoEE 2017)(Emerge Report p36) and the community is confined to the eastern side of the Swan Coastal Plain (English and Blyth 2000) (Emerge Report p 36).

The proposed action was referred to the federal government under the EPBC Act and it was determined that the proposed action was a **'controlled action'** due to the expected impacts to MNES – namely *'Shrublands and woodlands of the eastern Swan Coastal Plain' (FCT 20c TEC)*. The proposed action is being assessed for the Commonwealth Government under the WA assessment process, **so must be consistent with the approved conservation advice under the EPBC Act.** .

As noted in Table 12 (Emerge Report) the condition of some areas is considered 'degraded' in varying degrees. However, the opinion of DBCA on four patches – Farrell03/04/05 and 06 is 'Good'. The two patches proposed to be cleared are small – 0.15ha and 0.05ha. However, as Emerge Associates points out, the approved conservation advice for FCT SCP 20c TEC is that:

'no condition thresholds have been applied to the nationally listed ecological community and hence it is considered that all areas meeting the description of the ecological community are critical to its survival.' (p27)

Therefore the proposal for removal of any area of the SCP 20c vegetation complex, is critical to its survival into the future. This means it must not be cleared and must be retained and protected.

On these grounds alone, the proposal is environmentally unacceptable and must be stopped.

Here is a real opportunity to manage these areas such that there is no further fragmentation, connectivity is enhanced, and the whole of the proposed development area is improved.

Without any clearing, the viability of the patches of vegetation community 20c could be possible, and the

- FCT 21 c PEC *Low lying Banksia attenuata woodlands or shrublands'*,
 - the understorey including the eight *Isopogon drummondii*,
 - the wetland dependent vegetation planned for removal and
 - the 0.2 ha of Marri woodlands that includes 11 trees with a diameter of or greater than 50 cm at chest height
- would all be protected.**

Trees

Trees with a diameter at breast height of greater than or equal to 50cms should be highly valued. Of the 15 trees scattered over the site and greater than or equal to 50 cm diameter are Marri, Jarrah, Flooded Gum and Coastal Blackbutt. (Emerge Associates Report p51). These trees and their habitats should all be explicitly protected.

Linkage

With the whole 8.3 ha development area protected, the link between Talbot Road Reserve through Blackadder Creek to Farrall Road and Bush Forever site 309 would be a very positive step. Respecting the landscape and the remaining natural areas and through protecting and enhancing linkages, allows flora and fauna to persist into the future.

The Urban Bushland Council submits that the losses proposed in this proposal are too great for the proposal to be approved.

Offsets

The Conservation Advice for the SCP 20c community contains the following statement:

'the overarching principle is that it is essential to maintain existing areas of the ecological community'. The Advice continues: 'the principle serves to dissuade 'offsets' or 'trade-offs' where intact remnants are removed with an undertaking to set aside and/or restore other sites. The destruction of intact sites always represents a net loss of the functional ecological community because there is no guarantee all the species and ecological functions of the intact sites can be replicated elsewhere'.

'The independent TEC assessment (Van Etten 2019) notes that the highest priority for retention should be the largest patch of FCT 20c TEC with an appropriate buffer' (SER p 44). The above Conservation Advice implies that the Conservation Advice is to retain **all the FCT SCP 20c**, not just that in best condition. Therefore the Van Etten advice is inconsistent with the Approved Conservation Advice and should be rejected. Offsets should not apply as the ecosystem cannot be replaced. Instead, the avoid principle must apply.

Avoidance

The principle of avoidance does not mean avoid some or part. The statement in the Emerge Associates Report that avoiding 6 *Isopogon drummondii* (out of 14) fits with the avoidance principle cannot be supported as it is incorrect.

4.2.5.9 Cumulative impacts on FCT 20c (p 41 Emerge Report)

The two other sites outside the proposed area owned by Main Roads that contain vegetation community SCP 20c are not secure, as the Emerge Report states. (Stirling Crescent and Clifford Road: p41 Emerge Report). Both areas of vegetation community SCP 20c are at the junctions of major roads. It is unfortunate that there is no certainty of protection of these areas. It is quite likely that these areas of Vegetation Community SCP 20 c will not be protected into the future.

Forrestfield Complex

In Table 18 on page 43, Emerge Associates records that the current extent of Forrestfield Complex protected for conservation is 1.37% of pre-European extent. The EPA comment on 'Perth and Peel @ 3.5 Million, July 2015', has the extent at 1%. These percentages are well under the minimum of at least 10% to be protected. The losses are already catastrophic and no more clearing whatsoever is acceptable. Perhaps we can understand the historical clearing of the eastern part of the Swan Coastal Plain, *but now there is a presumption against any clearing on the eastern side of the Swan Coastal Plain as the EPA introduced many years ago and this is a policy objective in Bush Forever.*

Conclusion relating to flora and vegetation

This proposal will not meet the EPA's objective and will have an unacceptable impact on the environment. Therefore on these grounds alone the proposal is environmentally unacceptable and should not be permitted.

B.) FAUNA: The EPA's objective for fauna is:

To protect terrestrial fauna so that biological diversity and ecological integrity are maintained.

The Emerge Associates Report (p 51) states that there is evidence of foraging by Carnaby's Cockatoo and Forest red-tailed Black Cockatoo on Marri, Banksia, Sheoak and Blackbutt fruits. So these two species know the area and forage there.

Table 21 notes that Baudin's Cockatoo may occur in the area.

Emerge Associates considers that '*given the degraded nature of the majority of the site, the fauna habitat value is not considered to be significant.*' (p 51). This is not logical and the site is habitat for the endangered black cockatoos.

The decline of Carnaby's Cockatoo in the Perth-Peel Coastal Plain between 2010 and 2019 is 35% or an average of 4% a year. (2019 Great Cocky Count Report)

The overall estimated rate of decline in the total number of white-tailed black cockatoos (Carnaby's and Baudin's combined) on the Northern Darling Scarp is 13% per year.' (ibid p.iii)

In the City of Swan, 276 Forest Red-tailed Black Cockatoos were counted across five roosts. Although the proposed development site does not include a roost, the birds roosting in the City of Swan would be feeding in the site as part of their foraging.

The UBC submits that because black cockatoos are in danger of extinction and are listed as being Matters of National Environmental Significance, the proposed loss of habitat and potential hollow bearing trees would have a significant impact which is unacceptable.

The Australian Government draft referral guidelines for three threatened black cockatoo species states that '*Because of this mobility [moving through the landscape looking for food], and the irregular or infrequent flowering patterns of many of their food resources, large areas of foraging habitat are required to support black cockatoo populations.*' (p 11)

The UBC does not accept that '*The removal of 2.74ha of potential black cockatoo habitat and 11 potential habitat trees on the site is not considered significant and therefore does not warrant an offset.*' This is a flawed and therefore unacceptable argument. Many years ago, Denis Saunders said that the loss of even one banksia tree is significant. The low rate of reproduction and long immaturity render Carnaby's Cockatoo and the other two species of black cockatoo vulnerable to rapid changes in the environment. Denis Saunders recalled the loss of 65 Carnaby's Cockatoos in the hailstorm of 22 March 2010 and the death of 'at least 208 in the heatwave at Hopetoun January 2010 when temperatures reached 48 degrees.' Black cockatoos cannot feed in very high temperatures, as they cannot shed excess heat. In a WWF Question and Answer session with Denis Saunders, he said that the biggest impact on Carnaby's Cockatoo [and by implication the other two species] is **the loss and degradation of breeding and foraging habitat due to land clearing and urban development** (31 August 2017)

Conclusion

The proposal will not meet the EPA's objective for 'Fauna' and is most likely to have an unacceptable effect on biological diversity and ecological integrity. Therefore the proposal is environmentally unacceptable and should be rejected by the EPA.

C.) INLAND WATERS: The EPA's objective for inland waters is:

To maintain the hydrological regimes and quality of groundwater and surface water so that environmental values are protected.

The Bush Forever site 309 'Farrall Road Bushland, Stratton' was sold by the State in July 2014 to a housing developer. This is a shocking mistake and should be reversed. The site is a rare groundwater-dependent '*Melaleuca preissiana low forest to woodland*' (Bush Forever Vol 2 p 138).

Since that time the developer cleared vegetation in and around the wetland and associated tributary and started deeper excavations. On 7th May 2016, an excavator was used to cut a deep trench through the heart of the wetland, apparently to drain it. **These bulk earthworks were carried out without the**

required approvals. The groundwater hydrology at and near to the Bush Forever site will have been altered to the site's detriment (advice given to Minister Kelly and then to Minister Dawson by Blackadder Woodbridge Catchment Group 10 April 2019).

The UBC can see on Emerge Associate's Figure 8 'Pre-development Surface Water' that water is confined along the railway line that is '*one to two metres below the surface level of the site and as such, the railway is a barrier to overland flow that might have progressed into the site*'.

(Emerge Report p 66). The Emerge Report also states that the depth to groundwater is from 8.5m to 13.5m below the surface. This advice is contrary to DBCA's 2019 advice that the wetland on the site, part of the Bush Forever site, is part of a large palusplain wetland of the Swan River consanguineous suite which extends over 300 ha.

CONCLUSION

The Urban Bushland Council WA Inc. submits that the proposal will have a totally unacceptable impact on the environment and must be formally assessed by the EPA and refused.