

admin@appealsconvenor.wa.gov.au

Appeals Convenor

Office of the Minister for Environment; Disability Services

1. Name of appellant – Urban Bushland Council WA Inc
2. Proposal: **Subdivision of Lot 102 Farrall Road, Midvale.**
Location: Farrall Road, Midvale
3. Type of appeal: **Report and recommendations of the EPA for Subdivision of Lot 102 Farrall Road Midvale, Report 1683 June 2020**
4. Environmental impact assessment - EPA Decision

Dear Appeals Convenor,

The Urban Bushland Council WA Inc made a submission (3 April 2020) on the ‘Subdivision of Lot 102 Farrall Road, Midvale’ on the Supplementary Environmental Report.

Advice from the OEPA is to ‘*Include an indication as to what measures should be put in place to make the proposal environmentally acceptable.*’

As stated in our previous submission (3 April 2020) ‘*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...The groundwater dependent ecosystems of the eastern side of the Swan Coastal Plain are already seriously over-cleared, and all require protection.*’ This is not developable land.

Bush Forever site 309 ‘Farrall Road Bushland, Stratton’ was sold by the WA State in July 2014 to a housing developer. This was a mistake that should now be reversed. The damage already caused by unauthorised clearing and alterations to the wetland and associated tributary, need to be remedied.

Following are the UBC’s five grounds of appeal:

Ground 1; Loss of Guildford Complex and Forrestfield Complex .

Concern:

The EPA notes that the Guilford Complex has less than 10% of its pre-European extent remaining on the SCP and the Forrestfield Complex has 12.29%. The EPA does not note its own data from 2015 that only 0.5% of the Guilford Complex remains in secure tenure and only 1% of the Forrestfield Complex remains in secure tenure in the Perth Peel region. (EPA Perth and Peel @ 3.5million. July 2015)

There is a presumption against any clearing on the eastern side of the Swan Coastal Plain as introduced by the EPA and this is a policy objective in Bush Forever. Therefore any clearing of the remnant vegetation on the eastern side of the Swan Coastal Plain and in these over-cleared vegetation complexes is environmentally unacceptable. It is not possible to make the proposal acceptable.

On these grounds alone, subdivision and consequent clearing and development of this site is

environmentally unacceptable according to objects of the EP Act and therefore should not be permitted.

Ground 2: 'The proposal has the potential to result in serious or irreversible damage to occurrences of TEC FCT 20c' (p7 EPA)

Concern

The EPA has failed to protect the occurrences of TEC FCT SCP 20c, Shrublands and woodlands of the eastern side of the Swan Coastal Plain listed as '**Critically Endangered**' under State legislation, by recommending approval of the development. The justification used is that '*conditions are recommended to ensure that risks are minimised or avoided where possible, and relevant measures are undertaken by the proponent to manage residual impacts.*'

This is not logical and indeed it is not possible to avoid or effectively minimise the risks. The precautionary principle and the protection of the TEC require avoidance of its loss which means there must not be any clearing and disturbance of the remnants nor of its surrounding buffer zones. Housing development will create hydrological disturbance and edge impacts on the TEC.

The *critically endangered* ecological community, SCP 20c, has been extensively cleared and the recommendation is that there should be no further clearing whatsoever of this community, and the remaining patches and their linkages should be restored.

Therefore on these grounds alone, subdivision and consequent clearing and development t of this site is environmentally unacceptable according to objects of the EP Act and therefore should not be permitted.

Ground 3: Impacts to threatened species of black cockatoo

Concerns

- Two species of black cockatoo: Carnaby's Cockatoo and Forest Red-tailed Black Cockatoo are known to use the development area (1.) p 12 EPA Report, (2.) p51 Emerge Associated Report), and Baudins Cockatoo may also use the site.
- The conditions recommended by the EPA will not ensure that the environment is maintained for the benefit of current and future generations of black cockatoo. There will be a net loss of foraging habitat.
- The proposal will clear areas of foraging and potential breeding habitat.
- Under the EPBC Act Controlled Action, black cockatoos seem to have been ignored. The federal Minister cannot approve a proposal which is inconsistent with the approved Recovery Plan for Carnaby's Cockatoo. Loss of habitat is inconsistent with the Recovery Plan which requires no further loss of habitat. This matter must be included in the EPA's assessment.

This is a significant Matter of National Environmental Significance (MNES) under the EPBC Act, and also is a significant environmental factor and impact under the EP Act which are not properly and adequately addressed. The precautionary principle and principle of avoidance has not been applied. Therefore on these ground of unacceptable impact on our iconic black cockatoos, the proposed sub-division should not be allowed.

Ground 4: Impact to SRE species *Idiosoma sigillatum* and Tree cricket

Concern:

There is a high probability that these species occur in the development envelope. The EPA considers that the impacts of clearing on Terrestrial Fauna are manageable and '*would no longer be*

significant provided: (three points made). Each individual female and probably male *Idiosoma sigillatum* will be killed if clearing is permitted.

This is a significant impact and should not be permitted.

Ground 5: Loss of Palusplain wetland quality due to dewatering and Acid Sulfate Soils (ASS)

Concern:

The EPA Report advises that *'to minimise and manage the potential impacts to inland waters during construction and post development the proponent proposes to;*

- *limit the hours of groundwater pumping to construction operation hours...'*
- *and 'to monitor groundwater levels adjacent to the wetland and vegetation condition.'*

Monitoring groundwater levels **will not stop dewatering impacts** of groundwater pumping which include irreversible acidification of the palusplain wetland site. ASS must not be dewatered at all. This is well known fundamental ASS management as advised by Dr Stephen Appleyard (DWER).

The UBC considers that if groundwater pumping is to occur to enable the proposed development, the area is unsuitable for a housing development. The statement (p18 EPA Report) that *'The proposed retention and management of the wetland will increase the conservation area of the Swan River palusplain suite on the Swan Coastal Plain'* is nonsense as the wetland exists now. If water is being pumped to facilitate construction, surely the palusplain suite is being hydrologically changed and damaged.

Dewatering will lead to acidification of the wetland from the ASS which is environmentally unacceptable.

Subdivision and housing development will irreversibly degrade the wetland and its surrounding habitat. This is unacceptable and is reason for our appeal to be upheld and the subdivision refused.