



21 March 2023

[admin@appealsconvenor.wa.gov.au](mailto:admin@appealsconvenor.wa.gov.au)

Dear Appeals Convenor,

**Appeal against EPA Decision s. 38G (1) – Not Assess  
Perth Surf Park: Lots 800 and Lot 9001 Prinsep Road, and Lot 801 Knock Way, Jandakot  
(City of Cockburn).**

**The Urban Bushland Council WA Inc. (UBC) hereby appeals against the EPA's decision s. 38G (1) to 'Not Assess' the Perth Surf Park proposal. The grounds of appeal are below.**

#### **THE URBAN BUSHLAND COUNCIL WA INC**

The UBC is an incorporated, not for profit organisation registered as a charity ([Urban Bushland Council WA](#)). Our organisation is a community association of 87 member groups (each with their own local membership from 10-165 individuals) and 100+ individual members – all of whom have a common interest in the conservation of our natural biodiversity, with a particular focus on urban bushlands and wetlands.

UBC provides a public voice for what remains of our urban bushland and wetlands, especially on the Swan Coastline Plain and surrounding areas. We advocate to all levels of Government for natural areas protection. We do this with limited resources through the amazing efforts of our 'Friends Groups' of conservationists from all walks of life 'working' with the land managers to maintain and improve the health of remnant patches of neighbourhood nature– many working in close collaboration with government agencies and their local council.

UBC acknowledges the Traditional Owners, the Noongar people as the spiritual and cultural custodians of this land, together we continue to care for country.

#### **GROUNDINGS FOR APPEAL**

The UBC disagrees with the EPA's statement: *'that the likely environmental effects of the proposal are not so significant as to warrant formal assessment.'*

It is recommended that the proposal be returned to the EPA to be formally assessed in line with the objective '(a) to protect the environment;...' (*Statement of environmental principles, factors, objectives and aims of EIA*).

##### **1.) EPA's Explanation of Decision**

Firstly addressed is the 'Explanation of decision' in the EPA's 'Public record pursuant to s. 39 of the EP Act 1986' for the Perth Surf Park 28 February 2023.

EPA statement 1: 'The vegetation has been impacted by historical clearing....'

The EPA has accepted historical clearing information provided, viz:

'The aerial photograph from 1979 shows the trees on the site have been thinned out...' (PGV Environmental – Aerial Photograph 1979) – but this is without understanding that the un-thinned remaining trees (*Banksia* species, *Eucalyptus tottiana*, *Allocasuarina* sp, *Nuytsia floribunda*, together with the diverse understorey are a significant ecological community. The fact that clearing of taller trees has occurred historically, while regrettable, does not lessen the current Banksia Woodlands' significance.

Please note: GALT Geotechnics – '1974 Site is completely [sic] with native bushland' (p 10, 22 November 2021 (missing word 'covered'?)

Trees 'thinned out' are more likely to have been taller trees and not Banksia species. The Banksia Woodlands with their intact understorey remain.

EPA statement 2: '[The vegetation has been impacted by historical clearing and] (i) on-going degrading processes leading to large proportion of weeds and (ii) limited canopy connectivity'

(i) It is agreed that the area is weedy. Despite this, the understorey is amazingly intact and diverse. Some areas in the northern and eastern wetlands section have so many understorey plants that weeds cannot establish.

Because the area is weedy in parts and is in variable condition is not a reason to 'not assess'. The native vegetation area is 'significant'.

(ii) 'limited canopy connectivity'. 'Canopy is taller than the understory layer' (Wikipedia definition (biology)). The species of Honeyeaters and a pair of parrots seen on a visit to the site on Friday 17 March 2023, is a testament to the canopy present at the site. These birds are able to utilise the tree canopy to feed and to traverse the site. The canopy of both Banksia species and *Eucalyptus tottiana* is extremely dense and this provides significant, essential habitat and cover for honeyeaters and other small nectar and insect eating birds.

The following quote from the document 'Banksia Woodlands of the Swan Coastal Plain – ecological advice' shows that the canopy of Banksia woodlands can be as tall as the Banksias in that community.

*The canopy of the Banksia woodlands is most commonly dominated or co-dominated by Banksia attenuata and/or B. menziesii. Other species may dominate some examples of the ecological community, for instance, B. prionotes .. or B. ilicifolia..... Other trees of a medium height may be present and include E tottiana..., Nuytsia floribunda, Allocasuarina fraseriana, ..'* (p 4 DCCEEW Banksia Woodlands of the Swan Coastal Plain – draft description and threats <https://www.dcceew.gov.au/sites/default/files/env/pages/0cbe29d5-b507-4276-b524-6f0c9a54fb5c/files/banksia-woodlands-swan-coastal-plain-draft-description-threats.pdf> ).

This quote describes the community at the proposed site. Thus the UBC contends that canopy connectivity is not limited. **Retention of connectivity is essential.**

## 2.) Mitigation hierarchy

Avoid; Minimise; Rehabilitate; Offset.

The EPA notes '(...avoidance most preferred mitigation and offsets...the least preferred option). ('7 Statement of environmental principles, factors, objectives and aims of EIA').

The first factor in the hierarchy, '**avoid**' should have been used for this proposal. As stated, **the EPA's objective is to protect the environment.** On a visit to the site, 17 March 2023, the Banksia Woodlands of the Swan Coastal Plain community was seen as not some weedy place 'impacted by historical clearing' and as having a 'limited canopy', but as a living, functioning ecological community. Within the first twenty minutes was seen a Quenda, blue butterfly, weevil, two Ctenopus, a Hobbie, parrots, honeyeaters and a seemingly intact and diverse understorey. Most impressive were the Banksias, *Eucalyptus tottiana* and *Nuytsia floribunda* – or Moojar,

significant to Noongar people. Notably ‘**The condition of the Banksia woodland was rated in Good – Very Good condition**’. (p5, PGV Report).

The Banksia woodlands community is in danger of extinction, and all that remains must be retained and protected.

A formal PER assessment of the proposal by the EPA would elicit the ‘values, sensitivity and quality of the environment’ at this site.

### 3.) EPA’s Consideration of Significance

In this consideration, the UBC comments on two of the twelve matters listed:

- **‘9. Cumulative effects’ (i) Banksia woodlands and (ii) Carnaby’s Cockatoo.**
  - (i) Clearing is the main reason that Banksia Woodlands are listed as ‘Endangered’ and that black cockatoos (Carnaby’s, Forest Red-tailed and Baudin’s) are endangered. Loss of habitat for these significant fauna species must be stopped.
  - (ii) ‘*Cumulative impact by removal of individual sites is likely to have a long-term impact on the survival of this species.*’ [Carnaby’s Cockatoo] (p 22 GHD Fiona Stanley Health Precinct Site Investigation, Fauna Assessment). This was written by GHD around 2007, and now 16 years later, clearing of Carnaby’s Cockatoo foraging habitat continues. This cumulative loss of habitat must be stopped.

The document ‘*Cockburn Central East Local Structure Plan, level 1 Flora and Fauna Assessment*’ November 2016 for the City of Cockburn by Focused Vision Consulting, was not within the referral documents. However, the proposal area was assessed within a slightly bigger area by Focused Vision during September 2016. In this Assessment the ecologist and zoologist found that:(page v):

- *Evidence of Threatened Black-cockatoos (Carnaby’s Black-cockatoo and Forest Red-tailed Black-cockatoo) was recorded during the site survey, including a direct sighting of Forest Red-tailed Black-cockatoos overflying the site and evidence of both species feeding on native tree fruits.*
- *Evidence of the Priority 4 species, Southern Brown Bandicoot/Quenda was observed in the form of diggings and this species is likely to inhabit the areas of dense understorey within the Paperbark Woodland/Swamp habitat, as well as probably the Banksia Woodland habitat.*
- *Rainbow Bee-eater (Merops ornatus) was determined to have a moderate likelihood of occurrence in the study area, based on recorded sightings by GHD (2015) and the presence of potentially suitable habitat.*

Thus the cumulative loss of both the Banksia Woodlands and of Carnaby’s Cockatoo habitat are significant factors that **require formal EPA assessment, and indeed their protection by the EPA.**

- **‘12. Public interest’**

The public passionately demonstrated their dismay and opposition to the destruction of bushland and wetland for the Roe 8 Highway. Police were pitted against community. Again in this Perth Surf Park proposal, there is strong public interest in opposing clearing shown by the high number of requests for a PER by the EPA. **On these grounds alone the proposal should be formally assessed at the highest level of a PER.**

## SUMMARY OF GROUNDS OF APPEAL

- **Flora and vegetation:** Banksia woodlands of Perth and Peel ecological community TEC – endangered – In good to very good condition. Proposal would make a significant impact on intact understorey. Canopy is not limited. Weedy but this has not constrained understorey, Mooja (*Nuytsia floribunda*) significant to Noongar People.
- **Terrestrial environmental quality:** Weedy but excellent understorey. Banksia Woodlands in good to very good condition. No signs of dieback. Mature banksias and young banksias. The site is alive.
- **Terrestrial Fauna:** Dense understorey and wetland area suitable for Quenda, open sandy areas suitable for *Lorista lineata* (IUCN listed as endangered: WA – priority 3). Foraging for black cockatoos – mainly Carnaby’s. Nesting for migratory species Rainbow Bee-eaters.
- **Inland Water:** The UBC has not commented on this factor in this document.
- **Social Surroundings:** Natural heritage loss if approved and community’s distress. Death of animals, plants, fungi. Distress caused to community knowing that black cockatoos need available food and loss of linkage for birds.

## CONCLUSION:

**As there are so many significant environmental factors that require formal assessment,** the UBC strongly recommends that this appeal be allowed and upheld by the Minister by remitting the proposal to the EPA for formal assessment as a Public Environmental Review (PER).

Representatives of the UBC request the opportunity to meet with you (preferably on site) to discuss these matters.

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