**WAVES OF DESTRUCTION – Guidelines for writing an appeal**

**APPEAL PROCESS OPEN – AGAINST CLEARING PERMIT FOR PERTH SURF PARK, JANDAKOT**

Closes Wednesday, 13th December 2023

UBC has published its guiding points for YOUR appeal against the clearing permit for this endangered Banksia Woodland in Jandakot.

**The Appeals Process**

Appeals can be lodged against the grant or conditions of Clearing Permit 10068/1.

Appeals are addressed to the Minister for the Environment but are sent to the Appeals Convenor on his behalf: **Admin@appealsconvenor.wa.gov.au**

State your name, and whether you are writing an appeal as an individual or on behalf of an organisation. State your interests in the project and reasons for appeal.

Summary

A clearing permit has been conditionally granted (subject to appeal) for the proposal to build the Perth Surf Park at Lot 800 and Lot 9001 Prinsep Road, and Lot 801 Knock Way, Jandakot. This includes the development and operation of an open water surfing lagoon, accommodation, food and beverage venues, function centre and events space.

The proposal will clear endangered Banksia Woodland, critical foraging habit for the Carnaby’s Black-cockatoos and a Conservation Category Wetland. The Urban Bushland Council deems this an unacceptable loss, asking that the clearing permit not be granted, and that the Minister for the Environment step in and find an alternative site for the surf park.

The appeals process against this clearing permit is open from November 23rd – Wednesday December 13th. Please consider writing an appeal to the Appeals Convenor. Pointers below.

For more information about the appeal process and details on the Clearing Permit 10068/1 check out DWER’s website: [Available for public appeal - Department of Water and Environmental Regulation (der.wa.gov.au)](https://www.der.wa.gov.au/our-work/clearing-permits/clearing-permits-available-for-public-appeal)

 Background:

The proponent submitted a referral for the proposal to the Environmental Protection Authority (EPA) on 9 November 2022. The EPA considered that the proposal has potential impacts on the environmental factors Flora and Vegetation, Terrestrial Fauna, Inland Waters, and Social Surroundings. On 7 March 2023, the EPA published its decision not to assess the proposal under Part IV of the Environmental Protection Act 1986 (EP Act). The decision was appealed; however the Minister rejected the appeals based on the Appeals Convenor’s recommendations.

The Clearing Permit is the last step in the process to give the Perth Surf Park the go ahead. In the Clearing Permit Report, DWER identified that the residual impacts on the environment are significant and that the proposed clearing will result in:

* the loss of 3.16 hectares of native vegetation that is representative of the Banksia Woodlands of the Swan Coastal Plan (Banksia Woodlands) federally listed Threatened Ecological Community (TEC) and Priority Ecological Community (PEC) in Western Australia,
* the loss of 2.08 hectares of significant foraging habitat for Carnaby’s cockatoo (Zanda latirostris) and forest red-tailed black cockatoo (Calyptorhynchus banksii naso),
* the loss of 1.48 hectares of significant wetland vegetation that has values that are commensurate with a conservation category wetland (CCW),
* the loss of native vegetation that provides locally significant habitat for quenda (Isoodon fusciventer),
* the loss of potential suitable habitat for threatened flora species Grand Spider-orchid (*Caladenia huegelii*), listed as critically endangered
* the potential for indirect hydrological impacts to nearby significant wetland vegetation within Lot 802 on Deposited Plan 50212, Jandakot,
* the potential introduction and spread of weeds and dieback into adjacent vegetation, which could impact on the quality of the adjacent vegetation and its habitat values, including local nearby significant wetland vegetation within Lot 802 on Deposited Plan 50212, Jandakot, and other significant remnant vegetation, and
* potential land degradation in the form of wind erosion, subsurface acidification, and phosphorus export.

**5 Key Points against the Clearing Permit**

1. **A public asset will be destroyed for a commercial venture and mainly ‘private benefit’ – not public benefit as has been claimed.**
2. **The assessment process is a flawed. Weak arguments are being used to ensure the desired outcome of the Perth Surf Park is realised.**
3. **The project will cause cumulative and permanent damage to nature. It will destroy endangered banksia woodlands, critical food sources for Carnaby’s black-cockatoos, a conservation category wetland, and habitat and the lives of countless other creatures on site.**
4. **Using our precious water resource - unsustainably**
5. **Offsets are inadequate to ensure a net gain of black cockatoo foraging habitat.**
6. **Destroying a public asset for private benefit**

The main premise on which the clearing permit has been approved is questionable. The project is said to provide direct public benefit through increased tourism and employment opportunities, while generating significant economic activity. But how much of this is true ‘public benefit’? A public asset (a banksia woodland) is being destroyed for a private venture and commercial gain.

This project will mainly benefit the shareholders of a private company and rich tourists and customers. The surf park will cost an individual $90-$200 per hour, hardly a public benefit. The ultimate surfing experience is at the beach which is free to use and managed as a true public benefit.

The proposal says the project will increase tourism, but there was no examination of how this is a public benefit. There is no examination of how the banksia woodland and wetland might increase nature tourism if conserved and how this could provide much more in terms of public benefit.

As far as employment opportunities, this will happen mainly during the construction stage – at a time when the construction industry is stretched to the limit and we are incredibly short of public housing. Less than 100 permanent jobs will be created from this project. A similar number of jobs could be created by a nature tourism option.

The benefits (the economic, social and environmental values) of rejecting this proposal and retaining the Banksia Woodland as a conservation area have not been calculated. These benefits include reduction in urban heat island effect (which helps mitigate climate change), the value of biodiversity, the ecosystem services provided, and the benefits for physical and mental health and well-being. This is a highly relevant matter that should have been considered – but has been omitted. It is a gross oversight.

1. **The assessment process is a flawed.**

Weak arguments are being used to ensure the desired outcome of the Perth Surf Park, a commercial enterprise, is realised.

 Our assessment processes should protect the environment – not rubber stamp government decisions.

1. **The project will cause cumulative and permanent damage to nature.**

The project would destroy endangered banksia woodlands, critical food sources for Carnaby’s black-cockatoos, a Conservation Category Wetland, and habitat and the lives of countless other creatures on site.

The proposal will result in serious and irreversible damage to nature (equating to material and serious environmental harm under the Environmental Protection Act WA 1986).

1. **Using our precious water resources – unsustainably**

Our groundwater resources have been seriously depleted in Perth. A third desalination plant will soon be built to stop the impacts of over extraction on bushlands and wetlands. The project will require huge amounts of water but the allocation of water licenses on the Jandakot Mound are already at capacity in the area.

The construction of the surf park will alter the hydrology of the area destroying the Conservation Category Wetland (CCW) on the site and significantly impacting the CCW on the adjacent site.

We have already cleared over 80% of our wetland on the Swan Coastal Plains. It is time to stop.

1. **Offsets are inadequate**

Unlikely a net gain - No net gain of banksia woodland/food source for black cockatoos is guaranteed and there will be gap of providing habitat and food of at least 10 years….

The offsets are inadequate and likely to lead in a net loss of banksia woodlands and foraging habitat for the black cockatoos. What happens to other creatures that can’t be moved? killed.

About 20 ha of land will be purchased as one offset about 200 km north of the project. This is of no use for local wildlife.

Recent fire in Gnangara pine plantations has wiped out 2000ha of high quality food source earlier than expected - so all food sources even more critical.

The monetary contribution is grossly insufficient.

Point on Environmental Harm:

This project will cause material and serious environmental harm according to the EP Act:

1. **environmental harm** means direct or indirect — (a) harm to the environment involving **removal or destruction of,** or damage to — (i) **native vegetation**; or (ii) the **habitat of native vegetation** **or indigenous aquatic or terrestrial animals**; or (b) alteration of the environment to its detriment or degradation or potential detriment or degradation;
2. **material environmental harm** means environmental harm that — (a) is **neither trivial nor negligible**; or (b) results in actual or potential loss, property damage or damage costs of an amount, or amounts in aggregate, **exceeding the threshold amount ($100,000)**;
3. **serious environmental** **harm** means environmental harm that — (a) is **irreversible**, of a high impact or on a wide scale; or (b) is **significant or in an area of high conservation value or special significance;** or (c) results in actual or potential loss, property damage or damage costs of an amount, or amounts in aggregate, **exceeding 5 times the threshold amount ($500,000)**

Other points:

* The vegetation on the site is original. Although the condition of the vegetation on the site varies, there has been no historical clearing, as stated in some of the Agencies reports.
* The site has remnant vegetation with good and diverse understory – not all degraded and dominated by weeds by suggested by the Appeals Convenor.
* The scale of the project is not small in a local and regional context as suggested by the Appeals Convenor. The site contains a banksia woodland that is over 5 ha in area. The average patch size of Banksia Woodlands remaining in Perth is 1.6 ha. The median size of the project area is 0.72 ha. This means the size of this Banksia woodland is significant.
* Although the report mentions that there is limited ecological connectivity to other sites for certain species, the report fails to mention that there is tremendous value for other more mobile species, such as birds – especially the black cockatoos.
* Appeals Convenor stated that the proposed clearing will result in the continued incremental loss of a critical resource for black cockatoos.
* There has been no attempt to avoid and minimise the impacts and extent of clearing,
* revegetate and rehabilitate a total of 7.24 hectares of significant foraging habitat for Carnaby’s cockatoo and 6.64 hectares of significant foraging habitat for forest red-tailed black cockatoo within Crown Reserve 46787 (Lot 506 on Deposited Plan 414835), Bibra Lake.

APPEAL ADVICE

UBC’s guiding points have been developed with the assistance of Heidi Hardisty (UBC), Margaret Owen OAM (UBC) and Dr Megan Jacglav (The Beeliar Group).

In summary UBC recommends:

The Minister for the Environment does not grant the Clearing Permit to clear 5.75 ha of good to high quality Banksia Woodland and a Conservation Category wetland in Jandakot and prevents the development of the Perth Surf Park and tourist hotel at this location. The site chosen for the Peth Surf Park is unacceptable and will have significant and permanent impact on the environment. In addition, 5.75 ha of high quality Banksia Woodland will be cleared, including 3.13 of critical foraging habitat for the black cockatoos. It is totally environmentally unacceptable under each of the EP Act significant factors and Matters of National Environmental Significance (MNES) and should not be permitted. Offsets and monetary compensation proposed is inadequate and will result in a net loss of Banksia Woodland and foraging habit for the black cockatoos. It is not developable land.

It is strongly recommended that the Clearing Permit not be granted and an alternative site on which land that has already been cleared be sought for this project.

Further, it is strongly recommended that all of Lot 800 be added to the conservation estate as an ‘A’ class reserve for the purpose of conservation of nature and managed by the City of Cockburn.

Notably, this is consistent with the WA Native Vegetation Policy, and also with the UN Biodiversity Agreement (December 2022) to protect at least 30% of native vegetation, and with the priority for protecting Threatened Ecological Communities (Banksia Woodlands) and endangered species (Carnaby’s Black-Cockatoos) such as these.

The DWER, DBCA, the Appeals Convenor for the EPA and the Minister for the Environment have all acknowledged that this development will have significant impacts on this site. The offsets proposed are insufficient to compensate for these impacts.

The Banksia Woodland and Conservation Category Wetland near Prinsep Road in Jandakot are regional ecological assets worthy of retention and protection in perpetuity through the State and Federal Government planning process.