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# DUE: 4th December 2023

# UBC Guiding points for YOUR submission to EPA

# Special thanks to guidance from Mary Gray OAM (UBC), Cate Tauss (Tauss and Associates Biodiversity Consultants) and Christine Burtenshaw (City of Kwinana).

**Background – The proposal is for urban development of Lot 123 Mortimer Road Casuarina.**

The development of Lot 123 relates to the proposed clearing of approximately 38 ha of native vegetation for urban purposes, including residential, and commercial.

The subdivision proposal was assessed as a Controlled Action under *EPBC Act 2018*/8379, and is now devolved to WA EPA for assessment under section 39a of the *EP Act 1986*. The proposal is for subdivision into 2 lots: one for conservation and one for urban development.

In 2020 (29/9/2020), in the proposed subdivision and associated clearing, the EPA decided that there are 4 Key Environmental Factors, and requested further information under section 40(2)(a) of the *EPA Act 1986* from the proponent on these. The 4 Factors are:

1. Flora and vegetation
2. Terrestrial fauna: conservation of significant fauna habitat
3. Inland waters: the development impacts to a Conservation Category Wetland (CCW)
4. Greenhouse Gas Emissions.

Also, an independent survey and assessment of Lot 123 has been carried out for the City of Kwinana by Tauss and Associates Biodiversity Consultants (2021). *The flora, vegetation and wetlands of Lot 123 Mortimer Road, Casuarina in Western Australia — an independent assessment*. Unpublished report for the City of Kwinana, Western Australia (IBSA-2021-0320).

This provided additional data on the natural values of this bushland and the potential impacts of the proposed development to both Federal Department of (DAWE), (now Department of Climate Change EE and Water, DCCEEW) and to the WA EPA.

**Purpose of subdivision of Lot 123**

The owner’s preference is that the land be sold ready for urban residential development by others (to an urban developer) after subdivision. The proposal is to retain only 4 ha of the Banksia Woodland of the Swan Coastal Plan (SCP) Threatened Ecological Community (TEC), and a ‘minimum’ of 37.14 ha would be cleared.

Only 8 ha of the species rich Bassendean Complex Central & South vegetation complex would be retained.

As the landowner wants to sell the land, there is a great opportunity for Lot 123 to be purchased by the WA Planning Commission (WAPC), ceded to the Crown and added to the conservation estate as an ‘A’ class reserve for the purpose of conservation of nature. It can then be vested in and managed by the City of Kwinana. It could also be added to Bush Forever. Lot 123 has outstanding and irreplaceable biodiversity values which should all be protected.

Indeed, this is acknowledged in the proposal documents as follows:

*‘No alternatives are contemplated by the landowner. However, should the application to subdivide be refused due to environmental concerns, he has received advice from the WAPC that such a refusal is a pre-requisite for the land to be acquired by the state for conservation purposes.’*

**Summary**

The majority of Lot 123 is in excellent condition and it is highly biodiverse. Because of the impacts with loss of multiple significant and irreplaceable environmental values of the site, the proposal for subdivision and clearing for urban development is totally environmentally unacceptable and must not be approved.

**Significant factors and potential impacts on:**

1. **Flora and vegetation  
   Flora**The site has a rich and unusual flora assemblagewith 243 taxa, including a high number of orchid species. The rare orchid *Thelymitra variegata* is now listed as critically endangered under the *WA Biodiversity Conservation Act 2016*, and is not present in any conservation reserve. It exists in only one other declining population.   
   **This is reason alone for its habitat in Lot 123 to be retained and protected**.

Also, present is the uncommon*Jacksonia gracillima* P3 species. Its habitat should all be retained and protected.

The threatened *Stylidium paludicola* (P3) and the threatened *Caladenia huegelii* are also likely to be present, but were not surveyed at their flowering time. A number of other conservation significant species that occur on the adjacent and connected wetland ecosystems to the west of Lot 123, are at risk from hydrological changes from clearing and development in Lot 123. This likely impact is unacceptable.   
Notably, none of the threatened or priority flora species or other significant flora were reported in Lot 123 by the proponent.

**Vegetation**The **WA Native Vegetation Policy** is to increase the extent of native vegetation. This means that intact native vegetation should be retained and protected. Lot 123 is excellent condition, undisturbed vegetation.   
**The proposal is contrary to this policy and should be rejected on this basis alone**.

Further, the proposed loss of 43.5 ha and retention of only 8 ha of the Bassendean Central & South Vegetation Complex from Lot 123 is unacceptable. Given that it is in good to excellent condition and that only 1.86% of this complex is secured for conservation, any further clearing is environmentally unacceptable.   
This complex at this site should be secured for conservation.   
The vegetation of Lot 123 is in excellent condition and is highly diverse with 5 Floristic Community Types (FCT) in 45 ha.  
There are 4 vegetation types present which are listed as Matters of National Environmental Significance (MNES) under the *EPBC Act* and/or under the *WA Biodiversity Conservation Act* and will suffer significant ‘residual impacts’ as follows, all of which are unacceptable:  
  
1.1 At least 37.14 ha of the 45 ha of Lot 123 proposed for subdivision for residential development and associated clearing comprises the MNES Banksia Woodlands of the Swan Coastal Plain *endangered* TEC under the *EPBC Act.* The majority of the site is in excellent condition. Only 7.86 ha is proposed to be retained.   
This is **contrary to the Approved Conservation Advice under the EPBC Act:** *‘****PROTECT the ecological community to prevent its further loss of extent and condition.’***   
Therefore the proposal must not be permitted. **On this matter alone, the proposal to allow for subdivision and urban development must be refused under the EPBC Act.**  
  
1.2 Loss of FCT 20a: *critically endangered* *Banksia attenuata* woodlands over species-rich, dense shrublands (**32.34 ha**) of Structural Unit 1 in good to excellent condition. Lot 123 is a highly representative occurrence of this poorly reserved FCT.   
**It (and Lot 123) should all be added to the ‘CAR’ reserve system of the SCP.**   
  
1.3 There will be a loss of 27.489 ha of Central Banksia attenuata - Eucalyptus marginata Woodland (TEC) 21a.   
  
1.4 There will be a loss of 6.555 ha of Banksia Woodland (TEC) 23a.

**No clearing of these 4 TECs should be permitted**.

1. **Terrestrial fauna**Lot 123 provides over 42.45 ha of **critical habitat** for the endangered Carnaby’s Cockatoo and for the Forest Red-tailed Black Cockatoo. Clearing of any of this critical foraging, roosting, and critical breeding habitat of more than 40 large trees with hollows is contrary to their Recovery Plans and is unacceptable. Indirect and direct impacts on the adjacent wetlands to the west of Lot 123 will also impact the cockatoos. **On this matter alone, the proposal for subdivision for urban development must not be permitted.**Also presentis P4 Western Brush Wallaby/Black-Gloved Wallaby, and P4 Southwest Brown Bandicoot - Quenda. Their habitat should be retained as they provide important ecosystem services including bioturbation. **Retaining these mammals and all their habitat is essential.**
2. **Inland waters and wetland impacts**With land clearing and urban development, there will be loss and significant hydrological impacts on the Conservation Category Wetland (CCW) and (Resource Enhancement Wetland (RHW) in Lot 123, and also on significant adjacent wetlands to the west of lot 123. Impacts on CCW are unacceptable.  
   Lot 123 includes ~0.33 ha of the *critically endangered* TEC Assemblages of Organic (Tumulus) Mound Springs of the Swan Coastal Plain. This destruction of wetland ecosystems is unacceptable and must not be permitted. They deserve ‘environmental protection’ under the *EP Act*.
3. **Greenhouse gas emissions**Clearing in lot 123 will produce significant emissions and will reduce carbon sequestration. As there is less than 30% native vegetation in this region, there should not be any more clearing with its biodiversity loss. The Australian Government is party to the COP 15 UN Biodiversity Agreement, December 2022, which has a target for 30% retention of native vegetation and for restoration of another 30%. This Agreement applies to all levels of Government – so it includes the WA Government and the City of Kwinana in this proposal. On this basis alone, there should not be subdivision of Lot 123 for urban development with clearing.   
   **Instead the whole of the outstandingly biodiverse Lot 123 Mortimer Rd should be retained, not subdivided, and added to the CAR conservation reserve system for the SCP.**

**Alignment with the Commonwealth accredited process**In aligning with the Commonwealth accredited process under the *EPBC Act* for MNES, as detailed in 1.1 above, the proposal is significantly inconsistent with the Approved Conservation Advice for the Banksia Woodlands of the Swan Coastal Plain *endangered* ecological community, and thus must not be approved.   
It is also inconsistent with protection of Carnaby’s Cockatoo habitat, and with its Recovery Plan.

**Conclusion**

**Subdivision of Lot 123 Mortimer Road Casuarina to allow for urban development with clearing of ~38 ha of high quality native vegetation is totally environmentally unacceptable under each of the EPA significant factors and Matters of National Environmental Significance (MNES) as detailed above and should not be permitted. It is not developable land.**

**It is therefore strongly recommended that the proposal in all variations be rejected.**

**Further, as the owner wants to sell the land, it is strongly recommended that all of Lot 123 Mortimer Road be acquired by the WAPC and then transferred to the Crown and added to the conservation estate as an ‘A’ class reserve for the purpose of conservation of nature.**

**Also, that it be vested in and managed by the City of Kwinana. 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 highest priority for protecting highly biodiverse ecosystems such as this.**