



11<sup>th</sup> December 2023

[Admin@appealsconvenor.wa.gov.au](mailto:Admin@appealsconvenor.wa.gov.au)  
[Due Wednesday 13 December 2023](#)

Dear Appeals Convenor,

**Appeal of clearing permit 10068/1 and conditions – Perth Surf Park, Jandakot.  
Request that the clearing permit not be granted.**

The Urban Bushland Council WA Inc wish to appeal the granting of Clearing Permit 10068/1 for construction of the proposed Perth Surf Park, Jandakot.

The UBC is the peak WA community organisation for urban bushland recognition and protection. UBC is an incorporated, not for profit organisation registered as a charity (<https://www.bushlandperth.org.au/>). We are a voluntary community association with an active membership of 90 volunteer groups (each with their own local membership from 10-165 individuals) and an additional 108 individual 'supporter' members – all with a common interest in conservation and protection of areas of urban bushland in WA.

UBC advocates to all levels of Government for natural areas protection. We do this with limited resources through the amazing efforts of our 'Friends Groups' and their many volunteers – from all walks of life 'working' to improve and maintain the health of patches of neighbourhood nature.

**Perth Surf Park clearing permit 10068/1**

UBC contends that the proposal is seriously at variance with 5 clearing principles. The project will destroy a public asset for almost no public benefit. Hence, there is no good reason to destroy the Banksia Woodland, a Matter of National Environmental Significance (MNES), for this surf park.

Furthermore, whilst the UBC does NOT support the concept of offsets, those proposed are inadequate to compensate for the significant and cumulative environmental impacts on MNES and local matters. In addition, due to the great distance from Jandakot, they will be of no use to the displaced native fauna.

The proposed Jandakot site for clearing is environmentally significant and should be protected and managed. The Urban Bushland Council WA Inc request that the clearing permit not be granted and more suitable site for the project be found.

**Fear for the future of life on earth**

The UBC is concerned about risks to life on earth for plants, animals and fungi as we see habitat destruction continuing piece by piece. The common becomes uncommon, leading to

ultimate extinction. Western Australia is on this path of continuing extinction of species and communities.

COP28 is underway, with one commitment being to meet the goals of the Paris Agreement to put the world on a more sustainable path. At COP15, December 2022, Australia signed the Kunming-Montreal [Global Biodiversity Framework](#) that aims to address biodiversity loss, restore ecosystems, protect indigenous rights and halt and reverse Nature loss, including putting 30% of the planet and 30% of degraded ecosystems under protection by 2030.

This proposal for the Perth Surf Park is on a site with original native vegetation (not historically cleared as the proponent initially claimed), containing plants and animals that have evolved over tens of millions of years. We read that 7% of Australia's reptiles are threatened with extinction.<sup>1</sup> Here is a site probably rich in reptile species. As many reptiles live underground, we will not know what we are losing. The ecologist walking the site in front of bulldozers will miss many species. The species captured will suffer reduced fitness and not have a safe place in which to be released because all sites are already to capacity. In one study reported in June 2009, success rate for translocation of reptiles was 33%. Predation is a major cause of failure.<sup>2</sup> Most scientific papers report on reintroduction of species from where they have been lost over time, rather than through catastrophic clearing by mechanical means.

We also read that the risk of ecosystem collapse is particularly dire in Australia, as it has one of the [worst records in the world for animal extinctions](#).<sup>3</sup>

### **The project will provide little 'public benefit'**

The proponent claims that the project will provide public benefit, which is one of the key reasons for approving the project and the clearing permit. However, the proponent has not submitted a business case to support this claim. More importantly, there is no evidence that this project will have a NET public benefit.

UBC contends that there will be little 'public benefit' derived from this project. This project will destroy a public asset for a private, commercial venture. This project is to provide entertainment for mainly 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 – a true public benefit. Left intact, the woodland is already providing public benefit, in the ecosystem services it provides, which will continue long into the future.

There is also the question of the land arrangement. An endangered Banksia Woodland on Crown Land will be destroyed. The land will be leased to Aventura, a private company for their monetary gain. There are no details of the lease agreement, or how this could translate into 'public benefit' (which it is not).

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<sup>1</sup> Dr O'Connor, Quoted in Report by the United Nations University, 'UN warns humanity facing threats for space, climate change, but it's not too late to act.' Posted 25 Oct 2023.

<sup>2</sup> Dr Jeff Short: The characteristics and success of vertebrate translocation within Australia - A final report to Department of Agriculture, Fisheries and Forestry.

<sup>3</sup> ABC News Chart of the day: Australia named as fourth-worst country for animal extinctions. 20 July 2018. Ben Spraggon

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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- which include 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.

#### **Decision made ‘on balance’.**

In his or her determination, the Delegated Officer approved the granting of the clearing permit that allows clearing of 5.75 hectares of native vegetation, and this decision was made, ‘**on balance**’. UBC does not agree that this is a balanced or wise outcome.

The UBC looks at (A) the impacts of the proposed clearing against (B) the values of the site that now exists.

(A) Some of the impacts associated with the proposed clearing are:

- Minimisation (virtually no avoidance) and mitigation measures
- Direct impacts to individual fauna (terrestrial and subterranean)
- Direct and indirect hydrological impacts
- The risk of land degradation
- Potential to introduce weeds and dieback to adjacent site

As well, other data sets and evaluations were considered by the Delegated Officer.

The Delegated Officer wrote that the impacts of the surf park ‘*can be minimised and managed and will be **unlikely to lead to an unacceptable risk to environmental values***’ (Clearing Permit 1.4). However, this statement is incorrect as shown below.

These issues at (A) above, will greatly impact the values of the site:

(B) (copied from Clearing Permit at 1.4):

- Loss of Banksia Woodlands Threatened Ecological Community (3.16 hectares)
- Loss of foraging habitat for endangered Carnaby’s Cockatoo and Forest Red-tailed Black Cockatoo (2.08 hectares)
- Loss of significant wetland vegetation (1.48 hectares) that has values that are commensurate with a Conservation Category Wetland (CCW)
- Loss of native vegetation that provides locally significant habitat for quenda
- Loss of potential suitable habitat for critically endangered flora species *Caladenia huegelii*
- The potential for direct and indirect hydrological impacts to the nearby significant wetland vegetation within Lot 802 which is in better condition and has values commensurate with a CCW.

These impacts ‘**remained significant even after the application of minimisation and mitigation measures and constitutes a significant residual impact**’. (Clearing Permit)

Even with the mitigation and offset conditions placed on the Clearing Permit grant, and the fact that this is a State government endorsed development to attract tourists, the UBC strongly maintains that protecting this site is so much more important and valuable than destroying it for an unnecessary and private development.

### **Seriously at variance with the clearing principles**

The Delegated Officer or the Appeals Convenor said that the proposal was at variance to principles (a), (b), (d) and (f) and may be at variance to principles (c), (e) and (i).

The officer determined that the proposal was not at variance to (h), (g) and (j).

We first wish to comment on Principles (h) and (g).

### **Principle (g) *the clearing of the vegetation is likely to cause appreciable land degradation.***

UBC completely rejects the statement that *“it is considered that the potential land degradation impacts of the proposed clearing can be appropriately managed through the applicant’s CEMP”*. If the surf park is built, the land will be completely degraded by clearing and modifying the landscape. It will also certainly impact and cause degradation of the vegetation and Conservation Category Wetland in adjacent lot 802.

**Thus the proposal is seriously at variance to Principle (g).**

### **Principle (h) *Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.***

To the east we see Beeliar Regional Park and Yangebup Lake and onwards to Little Rush Lake, South Lake and Bibra Lake with their associated bushlands. To the north-east we see Jandakot Regional Park; such an important conservation area.

The wetland on the north side of Princep Road has not yet been nominated as a conservation area, but it has now been determined that it is as it has values commensurate with a Conservation Category Wetland. This Environmentally Sensitive Area (ESA) will be impacted if the site is cleared, and the impact is likely to be very significant. This has not been taken into consideration.

All of these patches of bushlands and wetlands are interconnected through various processes including the hydrology and fauna movements (particularly birds and insects). If the clearing of this banksia woodland proceeds (and the patch size is significant compared to the average patch left of 1.6 ha left on the Swan Coastal Plain), there will be a net loss in native vegetation and wildlife populations with an associated decrease in the health of the ecosystems in all areas.

Hence, UBC rejects the statement that *“it is unlikely that the application area acts as a significant ecological linkage or that the proposed clearing will significantly impact vegetation connectivity in the local area.”* The site does have significant native vegetation and has an important function as a local and regional ecological linkage and habitat for wildlife. The loss of this site will have a permanent and significant impact on these nearby conservation areas, particularly the adjacent CCW.

**The UBC maintains that the proposal is seriously at variance to principle (h)**

A granting of the permit would result in the clearing of 5.75 ha of native vegetation, including a Threatened Ecological Community (TEC) and CCW. It is clear that the biodiversity-significant flora and fauna - will be significantly and permanently impacted. Hence, UBC contends that this amounts to the proposal being at seriously at variance with all principles (a) through (g) and most likely (h).

According to the *Environmental Protection Act* section 51O (3) “The CEO may make a decision that is seriously at variance with the clearing principles if, and only if, in the CEO’s opinion there is a good reason for doing so”. UBC says there is a serious lack of justification and not a good enough reason for approving this clearing permit (especially because there is very little public benefit).

### **Banksia Woodlands of the Swan Coastal Plain TEC**

The proposed clearing is clearly contrary to the Approved Conservation Advice under the *Environmental Protection and Biodiversity Conservation (EPBC) Act*.

<https://www.environment.gov.au/biodiversity/threatened/communities/pubs/131-conservation-advice.pdf>

The conservation advice is to:

- **‘PROTECT the ecological community to prevent its further loss of extent and condition.’**
- **‘RESTORE the ecological community within its original range by active abatement of threats, re-vegetation and other conservation initiatives;’** (page 33 Approved Conservation Advice
- And **‘High conservation value, unmodified and older growth areas are particularly important for retention and management.’** (ibid page 34)

The Delegated Officer noted of Banksia Woodlands that:

*‘the application area represents a larger-than-average remnant within a highly modified and fragmented part of the ecological community’s range’*

The officer also made comment that *‘approximately 95 per cent of all mapped remnants in the local area are less than 10 hectares in size, with **the median patch size in the local area being 0.72 hectares**. Across the entirety of the Swan Coastal Plain, median patch size of the Banksia Woodland TEC is 1.6 hectares and approximately 82 per cent of patches are less than 10 hectares in size (DoEE,2016)’*. Hence, the size of the fragment of banksia woodland on this Jandakot site is highly significant and should not be cleared.

If the Clearing Permit is granted, the significant residual impact *‘will contribute to further decline and fragmentation of ‘Banksia Woodlands of the Swan Coastal Plain Ecological Community’ (DBCA, 2023b)’* (page 15). Yet under Australia Government policy, the State is required to prevent this from happening.

Management measures proposed to address the impacts cannot compensate or offset the loss. Nor can they compensate for the cumulative impacts of the net loss of native vegetation, especially relating to the local and regional populations of plants and wildlife, community amenity and health and well-being.

### **Bassendean Complex – Central and South**

*The Perth Metropolitan Region is recognised as a constrained area that strives to maintain a minimum 10 per cent representation threshold for ecological communities. (EPA, 2008).*

*Although the current vegetation extent for the Swan Coastal Plain IBRA Bioregion, the Bassendean Complex - Central and South, and the local area are all above the 10 per cent threshold for constrained areas (see Appendix C.2)’, UBC rejects the report’s inference that the proposed clearing is insignificant. It is the opposite. Every bit left is important to protect because only **1.2% of Bassendean Complex Central and South vegetation community is***

currently secure for conservation (Perth Peel Region) compared with the pre European extent.

### Wetlands and water issues

DBCA's assessment of the wetland on site shows it is significant, *'particularly in relation to the flora, fauna and habitat values, geomorphology, and cultural attributes. It is likely to contain wetland values that are commensurate with a Conservation Category Wetland' (CCW) (DBCA, 2023b)*. CCW are classified as Environmentally Sensitive Areas (ESA). Because this was not noted in the applicant's original application, these issues have not been properly addressed. The wetlands *'support the adjacent occurrence of the Banksia Woodlands TEC by acting as a buffer, influencing hydrology and groundwater level, and providing flood protection and nutrient filtration (DBCA 2023b)'* (page 17 Report).

The UBC agrees with the Designated Officer that **the clearing of the CCW constitutes a significant residual impact**. However, the UBC disagrees that *'The management measures proposed by the applicant are considered adequate to manage the indirect impact to the significant wetland vegetation over the road'*. The surf park will alter the hydrology of the area and destroy much of the buffer surrounding the CCW. Extraction of groundwater may lead to a fall in the groundwater table. The uncertainty about the water plans and licence for the park is concerning.

Again, the conditions applied cannot justify the clearing of this wetland. The clearing permit should not have been granted and the UBC again emphasises that it should be revoked.

### Christmas Trees (*Nuytsia floribunda*) Cultural Value.

We note that there may have been no mention in the Clearing Permit report of the importance of Christmas trees on the site. In advice from 'Anthropology from the Shed' we read:

*'The species [Christmas Trees] is widely held as sacred among Noongar peoples. For Merningar, [a Noongar group from the south-west] it has the highest status of all plants.'* The Christmas tree, known as Mungee and also Moodjar, *'is a powerful medium that helps restless spirits move on to the afterlife, known to us as Kuuranup'*. For senior elder Lynette Knapp, *'the annual summer flowers represent the ancestors returning to their Country, reminding her to cherish and respect both her old people and her Boodja'*.

Has the aboriginal community been properly consulted about this and related issues?

### Insects and Arthropods

Christmas trees are pollinated by Jewel Beetles (Eric McCrum and Janine McCrum; 'A guide to the Nature of the Jarrah Forest'). This Jandakot site is rich in insect species including native bees, as observed on three visits to the site by the UBC. World-wide we are experiencing insect decline, 'due to habitat loss, pollution and climate change.' (<https://www.globalcitizen.org>). Other reasons include bushfire, drought, pesticides, monoculture and light pollution. Lights associated with the proposed Perth Surf Park will be detrimental to persistence of arthropods.

The worlds of insects, reptiles and birds are intertwined and the catastrophic decline of insects has affected insect-eating reptiles and birds with consequences up the chain.

With multiple examples of clearing habitat on the Swan Coastal Plain and in the forest, the potential loss of this site is significant. The mitigation and offsets proposed cannot compensate for complete loss of the values of the Jandakot site.

### **Black Cockatoos and insufficient offsets**

The site is important as a critical foraging habitat for Carnaby's Black-cockatoos as well as a food source for Forest Red-tailed Black-cockatoos. With the recent and unexpected loss of an estimated 2,000 hectares of pines from the recent fire in Wanneroo, every food patch becomes far more significant. Carnaby's populations will continue to decline if their habitat is not protected and food sources are not replanted.

Although the critical foraging habit has been estimated at only 2.08 ha on this site, there is great potential to revegetate the area and increase the food source here. With the offsets proposed, there is no net gain guaranteed. In fact, the proposal will result in a net loss of black cockatoo habitat for at least 10-15 years before new plantings can provide food, that is if the re-vegetation project is successful. The clearing of the banksia woodland should not be allowed for this non-essential project.

*'The State legislation is similar to the Commonwealth legislation in the sense that it's essentially designed to just manage the decline of species to extinction'.  
'There's not a lack of science for how we can make landscapes where these birds can recover. We just need the political will to do it.'* (Hugh Finn, Western Independent April 18, 2023  
'Death by a thousand cuts' by Premila Ratnam).

### **Carnaby's Cockatoos and insufficient offsets**

*'Cumulative impact by removal of individual sites is likely to have a long-term impact on the survival of this species.'*

This was written in 2007 in a Fauna Report by GHD on the Fiona Stanley Health Precinct site investigation. Over the last 16 years, the clearing of sites has continued, site by site. As clearing continues, these birds continue their decline – at least 4% each year. Despite mitigation and the offered offsets, the loss of 2.08 hectares of foraging habitat is significant.

Around 50 years ago, CSIRO scientist Dr Denis Saunders advised that even one banksia tree is important for Carnaby's Cockatoos.

The Appeals Convenors reported that *'...our conclusion is that the proposed clearing will result in the continued incremental loss of a critical resource for black cockatoos.'* (page 7 Appeals Convenor's Report to the Minister for Environment – November 2023)

The issue of cockatoo food becoming available from revegetated sites, between 10 to 15 years lag-time, is also highly significant.

These are strong grounds for not clearing the land.

### **Water supply and hydrology**

The Appeals Convenor stated that *'Groundwater abstraction may impact nearby wetland and drinking water supply, however we note that the proponent is still investigating options*



*for water supply'* (page 4 Appeals Convenor's Report to the Minister for Environment – November 2023).

The adjacent wetland on the north side of Princep Road has the values of a Conservation Category Wetland, hence an Environmentally Sensitive Area. It is proposed for protection and yet the abstraction of ground water for the Perth Surf Park is likely to affect ground water and the wetland. The application to take groundwater, still to be made, will impact the wetland, its vegetation, and users.

Water is a rare resource and profligate misuse by drawing down groundwater is opposed and is a strong factor not to grant the Clearing Permit

### **Conclusion**

The project will destroy a public asset and offer little "public benefit". It is admitted by the Appeals Convenors that clearing of the site for the construction of Perth Surf Park would have significant residual impacts including:

- The loss of Banksia Woodlands Threatened Ecological Community (3.16 hectares)
- Loss of foraging habitat for Carnaby's Cockatoo and Forest Red-tailed Black Cockatoo (2.08 hectares)
- Loss a significant wetland vegetation (1.48 hectares) that has values that are commensurate with a Conservation Category Wetland
- Loss of native vegetation that provides locally significant habitat for quenda
- Loss of potential suitable habitat for threatened flora species *Caladenia huegelii*
- Potential for indirect hydrological impacts to nearby significant wetland vegetation, habitat and fauna.

Recognising the significance of the site, the Urban Bushland Council asks that the Clearing Permit not be granted. Instead, this site should be transferred to the conservation estate and protected and managed in perpetuity for the benefit of future generations, humans and wildlife alike.

The UBC also welcomes an on-site meeting with the Appeals Convenor.

Yours sincerely

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Chairperson  
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