

Environmental Protection Authority

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<https://consultation.epa.wa.gov.au/open-for-submissions/subdiv-mortimer-rd-casuarina-add-info/consultation/intro/>

Dear Officers,

**SUBMISSION ON: Assessment by EPA of Subdivision of Lot 123 Mortimer Rd, Casuarina
– Additional Information. Case no. CMS 17435**

The Urban Bushland Council WA Inc. (UBC) is pleased to present this submission in response to your invitation to address the issues of relevance to us.

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.

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 *Environmental Protection and Biodiversity Conservation (EPBC) Act 2018/8379*, and is now devolved to WA Environmental Protection Authority (EPA) for assessment under section 39a of the *WA Environmental Protection (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 (Land)
2. Terrestrial fauna: conservation of significant fauna habitat (Land)
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 Agriculture, Water and the Environment (DAWE), (now Department of Climate Change, Energy, the Environment 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 to clear a 'minimum' of 37.14 ha.

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.

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.'

Lot 123 has outstanding and irreplaceable biodiversity values which should all be protected.

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 assemblage with 243 taxa, including a high number of orchid species¹. The rare orchid *Thelymitra variegata* (Queen of Sheba) 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.



Photo: Tom Malloy, Conservation Council WA (30/11/2023)

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**ⁱⁱ is to increase the extent of native vegetation – a net gain. This requires that intact native vegetation must 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 (BC) 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*. Most 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.

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 present is 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.**

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*.

As noted by botanist Dr Eddy Wajon in his submission (*Pers comm*) "*These wetlands on Lot 123 are inextricably hydrologically linked and contiguous with wetlands in the adjacent rural residential blocks west of Lot 123 that have a strong, floristic and habitat similarity with the Assemblages of Organic (Tumulus) Mound Springs of the Swan Coastal Plain Threatened Ecological Community — listed as Critically Endangered under both the EPBC Act 1999 and WABC Act 2016.*"

2. 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 International

Union for the Conservation of Nature IUCN (2022) COP 15ⁱⁱⁱ, 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.

Other relevant factors

The UBC also brings attention to other relevant factors that need to give due consideration:

- Subterranean fauna (Land)
 - What is the impact of removal of natural vegetation combined with soil, geology and hydrological disturbances on subterranean fauna?
- Terrestrial Environmental Quality (Land)
 - What is the impact of the removal &/or disturbance of soil, mycorrhiza and associated hydrogeological and ecological processes that maintain the quality of land and soils – including for the adjoining natural areas.
- Cumulative Impact
 - 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. Cumulative impact by removal of individual sites will have a long-term impact on the survival of the black cockatoos
- Ecological Linkages
 - Del Marco *et al* (2004)^{iv}; Molloy *et al* (2009)^v and Zelinova (2019)^{vi}, (2020)^{vii} highlight the critical importance of ecological linkages and regional ecological linkages, not just between ‘patches of bush’, but ensuring there is also connectivity or ‘stepping stones’ between ‘like patches of bush’ eg granite outcrop to granite outcrop, wetland to wetland, coastal heath to coastal heath.
 - Using contemporary science for Endangered Carnaby Cockatoos alone, recent flock movement studies by Prof. Kristen Warren & colleagues, at Murdoch University’s Harry Butler Institute and Keep Carnaby’s Flying, clearly demonstrate Carnaby’s rely on the patchwork of fragmented natural areas to move through the landscape. Whilst they may not roost or breed on each patch – being able to fly across, forage, bathe &/or rest are significant contributions of each neighbourhood patch to the habitat needs of the black cockatoos. <https://www.murdoch.edu.au/research/hbi/carnabys>
 - Critical importance to conservation management for biodiversity. Whilst focussing her thesis on the Perth-Peel Region, O’Donnell’s^{viii} research and analysis can be applied across all regions and vegetation complexes.

If we are to conserve biodiversity, planners and managers need to integrate, maintain, and manage natural areas in order to improve ecosystem resilience, prevent extinctions, embed nature in urban environments, and connect people to nature as outlined under the Aichi Biodiversity Targets (Department of Agriculture, Water and the Environment 2020). One way of meeting these targets is to endow natural urban areas with formal protection and to create ecological linkages between urban areas in order to improve their resilience. However, meeting both social demands and environmental needs is a complex task that requires planners to turn to the scientific community for tools and methods to facilitate this (La Point et al. 2015). Without adequately informed urban planning, unfettered urbanisation will continue to remove natural habitat whilst leaving smaller, disconnected patches incapable of supporting biodiversity (Kong et al. 2010)

- Ecological resilience
 - Lot 123 is a 45 ha rectangular block, with an impressive boundary to area ratio for nature conservation. It is nestled in a locality of ‘lifestyle blocks’, with many retaining significant areas of their natural vegetation.
 - Congratulations to the current owners who have managed this sizeable natural habitat with the obligatory firebreaks and little other intervention – providing the Swan Coastal Plain 60+ years on with a significant, resilient natural area that we can now bring into the conservation estate. A natural gem.

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.

Offsets

Whilst the UBC does NOT support the concept of offsets – the current proposal of an area of bushland of reduced environmental quality (regrowth Banksia woodland), that is 105km north of Lot 123 serves to demonstrate why offsets are not comparable to the high quality habitat under assessment. In addition, it will be of no use to the displaced native fauna.

Conclusion

Subdivision of Lot 123 Mortimer Road Casuarina to allow for urban development with clearing of ~38 ha of high quality native vegetation and the associated residential and transient native fauna 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/s want to sell the land, it is strongly recommended that all of Lot 123 Mortimer Road, Casuarina 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.

We encourage the EPA Chair and Members to visit this very special bushland remnant and UBC would happily accompany you.

Yours sincerely

Chairperson
Urban Bushland Council WA Inc

ⁱ 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)

ⁱⁱ Government of WA (2022) [Native vegetation policy for Western Australia](#)

ⁱⁱⁱ International Union for the Conservation of Nature IUCN (2022) COP 15 [Global Biodiversity Framework](#)

^{iv} Del Marco A, Taylor R, Clarke K, Savage K, Cullity J & C Miles (2004) Local Government Biodiversity Planning Guidelines for the Perth Metropolitan Region. Perth Biodiversity Project, Western Australian Local Government Association. ISBN 0-9599319-3-7

^v Molloy S, Wood J, Hall S, Wallrodt S & G Whisson (2009) South West Regional Ecological Linkages (SWREL). Technical report to WA Local Government Association and Department of Conservation and Environment.

^{vi} Zelinova R (2019) Maintaining ecosystem functions via ecological linkages. In: Lambers, H. (Ed) (2019) A Jewel in the Crown of a Global Biodiversity Hotspot.

^{vii} Zelinova, R (2020) Cockburn Community Wildlife Corridor proposal in the context of regional connectivity planning. An electronic copy can be provided.

^{viii} O'Donnell, C (2020) Evaluating connectivity and ecological linkages between Perth's protected areas to support biodiversity. Bachelor of Science Honours Thesis. Murdoch University. Part of NatureLink Perth project. An electronic copy can be provided.

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