

Environment and Communications Legislation Committee
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Friends of Underwood Avenue Bushland

Thankyou for the opportunity to provide a written submission.

Our submission relates to the Environmental Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014.

This submission:

- 1.) **our particular issue** is to have Underwood Avenue Bushland in Shenton Park protected from development. Carnaby's cockatoos depend on their survival on the survival of Underwood Avenue Bushland in its entirety. (Ron Johnstone, Director Ornithology WA Museum). Forest red-tailed black cockatoo also is reliant on the bushland and have consumed and continue to consume jarrah seeds on a daily basis there. It is absolutely critical that the level of federal government assessment be retained because the state of Western Australia has no process to protect these cockatoos, threatened with extinction. The federal government recognises that these species are Matters of National Environmental Significance.
- 2.) **The state of Western Australia.** 'High environmental standards' are not present in Western Australia and we desperately need the federal level of environmental assessment to be maintained. Various examples of the state of Western Australia not protecting the biodiversity of the state are discussed below.

1.) Our particular issue

The Friends of Underwood Avenue Bushland Inc was formed in 1998 and over that time until the present and into the future we have been and are working to save this magnificent bushland. The 65 ha lot was endowed to the University of Western Australia in 1904 and now has around 34ha of bushland left. It is located between Bold Park Bushland and Kings Park so apart from being significant in its own right, it forms a node of substantial size in the ecological linkage. Its protection is so important as it is critical habitat for Carnaby's Cockatoo and Forest Black Cockatoo, both listed under federal legislation.

'There has been a continuous, gradual local extinction of native bird species in Kings Park since Serventy's first census. Fletcher (1997) attributes it to change in composition and structure of the park's native vegetation (particularly loss of the native eucalypt canopy), change in the fire regime, habitat loss on the SCP and increased isolation. Preservation of the biodiversity and composition of the bird assemblages currently present in Perth's western suburbs, which includes Kings Park and Bold Park.... is likely only to be maintained in the long term if the existing remnant bushland between them is preserved.' PD Berry

The University of Western Australia is determined to have a housing development on the larger proportion of what remains. In a political move, the UWA proposal was approved by the state government in 2010.

Over all these years of pursuing avenues to protect the bushland, the Friends of Underwood Avenue Bushland has appreciated the fact that the federal government has the EPBC Act and officers to assess proposals. The UWA proposal has been referred to the federal government twice before, on 2004 and 2007, and on both occasions the proposal was determined to be a

controlled action. In the 2007 referral, the draft decision of the department was that the proposal **not** be approved.

**'Draft Recommendation Report
Recommendation**

That approval not be given for the proposal by the University of Western Australia to develop the eastern portion of Lot 4 Underwood Avenue, Shenton Park, WA for residential purposes (EPBC 2007/3386) under the *Environmental Protection and Biodiversity Conservation Act 1999*.'

However the UWA withdrew the proposal the next day, before it went to Minister Garrett.

We viewed with great alarm the Prime Minister's statements prior to the election that he would do away with green tape, to give developers certainty and that he would have a 'one stop shop' for environmental approvals.

We agree with the statement of Barrister Chris McGrath in his review of the EPBC Act. 'The EPBC Act was ground-breaking in imposing a new tier of federal decision-making and requiring higher levels of integrity and rigour in environmental impact assessment than were required under previous State, Territory or Commonwealth laws.'

In its Draft Recommendation Report on Underwood Avenue Bushland (EPBC 2007/3386) point 36 is as follows:

The primary concern about this site concerns the loss of foraging habitat in an area of restricted habitat availability and the need to maintain linkages with Bold Park and Kings Park for ready access by the birds to available foraging resources. King's Park in particular can be seen from the development site and this link of sight contact is important in aiding the movement of Carnaby's Black Cockatoos from one location to another in this local area.

Thus we are worried that the proposed amendment (Bilateral Agreement Implementation) to the Bill could allow the University to proceed with its plans to bulldoze the bushland without having to refer the proposal to the federal government.

If clearing happened, the flock of Carnaby's Cockatoo which number up to 600 and which roost at the corner of Underwood Avenue Bushland, will be lost. Forest Cockatoo also roost immediately over the road from Underwood Avenue Bushland and fly into Underwood Avenue Bushland every day to eat the jarrah seeds. A pair has been seen mating in the bushland. It is critical habitat for both species.

Ron Johnstone, Director of Ornithology WA Museum and respected expert on black cockatoos has stated:

'the destruction of remnant bushland continues'. He gave the example of UWA endowment lands in Floreat.

'That flock (of Carnaby's black cockatoos) around the University of WA grounds in Underwood Avenue there is the last surviving flock in the western suburbs of Perth,' he

said.

'Now if you just continue to degrade and reduce the amount of available foraging habitat you will lose that flock.' (Article "Perth slowly devouring its black cockatoo species" by Geoff Vivian 4 January 2012)

It is unclear how the bilateral agreement would work in regards to our particular issue, and for other development proposals in this state. However without the federal level of assessment the resulting destruction would be catastrophic. This 'Kafkaesque nightmare' (State Administrative Tribunal member) of the University trying to get development approval has been ongoing for sixteen years. In the last month or so the University submitted a subdivision plan to the local government, the City of Nedlands, but this was rejected as there is no Outline Development Plan.

The local federal member (Curtin), the Hon Julie Bishop, has expressed her view that Underwood Avenue Bushland should be protected. She has advocated that the University be given concessions for building a university (perhaps a School of Mining) in the Pilbara as compensation for not destroying Underwood Avenue Bushland. The Premier rejected this suggestion and stated that the two issues are separate. Ms Bishop has also suggested a land swap with some nearby cleared federal government land which the university could develop. We await a reply on this.

2.) The state of Western Australia.

- Comment on 'Maintenance of high environmental standards'

The Premier of Western Australia, the Hon Coin Barnett has been quoted as saying:
'endless requirements for repetitive, detailed environmental assessments of projects are a huge drain on resources and intellect for fairly minor issues.' The Weekend West Australian April 14-15, 2012.

The Premier also has described Carnaby's cockatoos as 'so-called endangered species.'

Western Australia's flora, fauna and fungi are ancient and unique but not valued by our state government. A leader with vision would recognise, cherish and have protected the unique natural assets of Western Australia.

The examples cited below are to demonstrate that there is no adequate protection for biodiversity in Western Australia and that we need the requirement to refer to the federal government when matters of national environmental significance are threatened by development proposals.

a.) Wildlife Conservation Act 1950

This 64 year old Act fails to protect our ancient yet fragile landscape. Species are listed on the state list as endangered, threatened, etc. but habitat of these species is not protected. The Mining Act and the Minister for Mines override conservation recommendations. The Environmental Protection Authority in Western Australia barely assesses any proposals. Most proposals submitted to the EPA are 'Not assessed, advice given' (or no advice given).

The very survival of Carnaby's Cockatoo as well as the Forest Cockatoo is threatened as their habitat is being cleared. We want to see these cockatoos as well as other threatened species survive into the future.

In this climate of near dictatorial direction, we really need a federal government as an assessor to maintain 'high environmental standards.'

b.) Bush Forever

The government of Western Australia has development as a central tenet which comes at the expense of the environment. Our bushland is not recognised for its amazing values and it continues to be cleared and fragmented.

The government's opportunity to protect at least 10% of each of the 26 vegetation communities was initiated by the Liberal government and was endorsed by all of the Western Australian cabinet. In some vegetation communities less than 10% remains already. This policy was adopted in 2000 as 'Bush Forever'. It was based on rigorous science and aimed to protect 51,000 hectares in 287 Bush Forever sites. Fifteen years have gone by and these Bush Forever sites and their linkages still have no statutory protection.

In many of the sites there is no management authority and damage by rubbish dumping, off road vehicles, fire, uncontrolled ground water abstraction, weed and pest invasion are all evident.

More than that, the state government proposes development in some of these sites, for example: building a highway through Beeliar Wetlands, a Bush Forever site; supporting housing in a coastal Bush Forever site (Jindalee); building sporting facilities in a Bush Forever site (Bold Park and related lands); and approving the UWA proposed housing estate in Underwood Avenue Bushland (Bush Forever site 119).

c.) Regionally significant ecological linkages

The Western Australian Planning Commission produced a 'State Planning Policy 2.8 Bushland Policy for the Perth Metropolitan Region'. In this policy it is stated of local bushland that:

'Proposals or decision-making should - Proactively seek to safeguard, enhance and establish ecological linkages between Bush Forever areas.'

So with our particular issue, there is a bushland connection between Underwood Avenue Bushland and Shenton Bushland, both Bush Forever areas. However this bushland connection is not being protected by state or local governments. We had a ludicrous proposal on one development proposal for a Clinipath laboratory, which would have a 4.5 metre wide 'biodiversity eco-link' at the rear of the laboratory. 3.5metres of this was firebreak.

It is recommended that for linkages to have value, they should be 25 metres wide. The state government does not support its own policies.

d.) Clearing of native vegetation requires a clearing permit

....unless exemptions apply. The Department of Environment issued 'A guide to the exemptions and regulations for clearing native vegetation under the EAct 1986. Exemptions include:

clearing to construct a building, clearing for tracks and fences, clearing for firewood, (provided it is not more than 1 hectare per financial year). Even car-parking areas are considered buildings and are therefore exempt from having to have a clearing permit. No clearing assessment is necessary, even when native vegetation is present, if the native vegetation is planted. These regulations have no rigour and are useless for maintaining high environmental standards.

e.) Native Vegetation Principles

There are ten excellent clearing principles. The first two principles are:

‘Principle (a) – Native vegetation should not be cleared if it comprises a high level of biological diversity

Principle (b) – Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia’

However, even when a proposal is at variance to some or even most of the principles, approval to clear is given. In these approvals, Matters of National Environmental Significance are often present and are therefore significant, so the obligation to refer to the federal government under the EPBC Act is extremely important.

f.) International Year of Biodiversity 2010

The state government had no programs to recognise and educate the people of Western Australia in the International Year of Biodiversity 2010 declared by the United Nations.

g.) Native vegetation clearing and climate change

There are many, many threats to our environment in Western Australia without the state government threatening the remaining bushland and wetlands by approving destruction and fragmentation.

‘Native vegetation clearing and human-induced climate change (of which greenhouse gas emissions is an indicator) were recognised in the 2001 State of Environment Report as two of the most important issues affecting the conservation of biodiversity in Australia’.

‘Rates of clearing and greenhouse gas emissions are, therefore, critical indicators of the protection of matters of national environmental significance under the EPBC Act. The destruction of habitat by human activities remains the major cause of biodiversity loss in Australia. Land clearance and climate change have also been listed as key threatening processes under the EPBC Act since 4 April 2001.’

CONCLUSION

Without the opportunity to have proponents refer their developments to the federal government under the EPBC Act, and the associated opportunities for the community to make comment, our state would be a much sorer place.

It is of the utmost importance that referral under the EPBC Act is retained. Of course our state government would welcome this part of the Act to be amended and would welcome a bilateral agreement which would in effect deny high environmental standards. Minister Hunt (second reading speech) stated that 'we will continue to work with states and territories to bring all processes up to the national standard, and deliver increased strategic approaches that continue to streamline regulation.'

We do not believe that this state government would be willing to bring all processes up to a national standard. Please help we hard working volunteers who have demonstrated our passion and commitment over scores of years to continue to fight for protection of our bushland and wetlands.

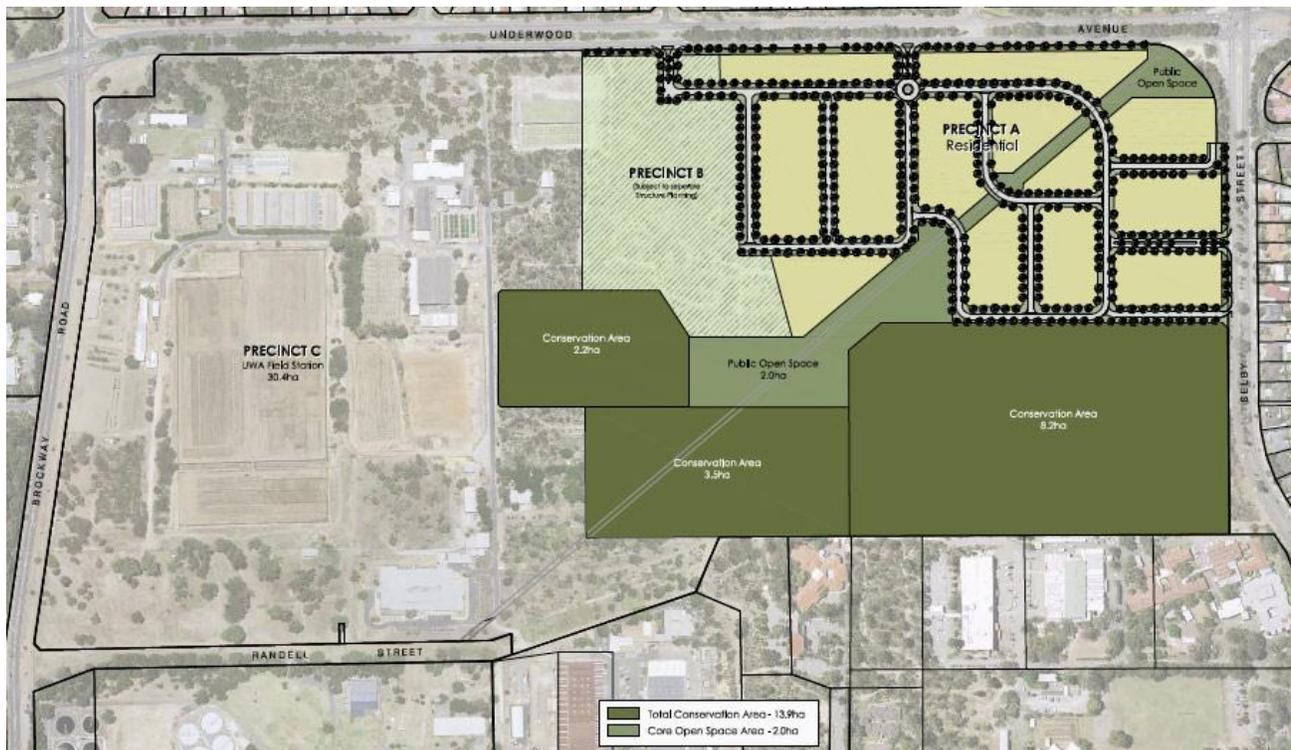
Again, thankyou for the opportunity to comment.

With regards,

Margaret Owen

Deputy convenor

Friends of Underwood Avenue Bushland.



University of Western Australia development proposal for Underwood Avenue Bushland.



Male Carnaby's cockatoo, Underwood Avenue Bushland with a Banksia prionotes flowering cone.



Female Carnaby's cockatoo with a *Bnaksia menziesii* cone



Investigating tree hollows in Underwood Avenue Bushland



Forest red-tailed black cockatoos in and on a big jarrah tree.