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## **Modernising the Environmental Protection Act: discussion Paper October 2019**

### **1.) Foreword by Minister Dawson p1**

The Friends of Underwood Avenue Bushland (FUAB) appreciate the opportunity to make comment and support the Minister's final sentence of his Introduction. However we do not support the sentence in the first paragraph, which is disappointing considering this is the first part of the discussion paper. The sentence is: *'For this reason [WA being home to some of the world's most biologically diverse flora and fauna], finding a balance between delivering on the full economic potential of our resources and the protection of human health and the environment is vital.'*

For so many years citizens concerned with the protection of the environment have heard the phrase 'We must strike a balance...' The balance has already been lost. Can you keep 'balancing' smaller and smaller areas of bushland, forests and wetlands until none is sustainable and there is nothing left to balance? The Friends of Underwood Avenue Bushland lament the clearing that has occurred, the fragmentation and the loss of interconnectedness of green areas.

One of our focuses is to promote and protect the linkage from the Swan River to the Indian Ocean through Kings Park, Shenton Bushland, Lemnos Street Bushland, Underwood Avenue Bushland and to coastal reserves.

Underwood Avenue Bushland Shenton Park is on Karakatta Complex Central and South vegetation complex of which only 1.8 % is secure for conservation (EPA Perth and Peel at 3.5 million) compared with the original pre-European extent. 30% is the area considered sustainable by the Australian government. Possington and Filed (2001) argue that reducing the habitat to 10% of its original extent will eventually cause about 50% of the bird species dependent on that natural habitat to disappear. (Native Terrestrial Fauna p 16).

### **2.) Introduction**

The term 'Approvals process' is not appropriate.

#### **New areas of environmental reform**

##### **2.1 Bi-lateral agreements with the Commonwealth**

In our experience, the federal EPBC Act fails to protect MNES. The UWA proposed development of over 300 houses on Underwood Avenue Bushland is one of the few proposals where a draft Federal government 'not approved due to endangered species and their habitat' was published.

This recommendation never arrived on the Federal Minister's desk because the proposal was hastily withdrawn.

So much habitat over Australia is being lost. Almost all referrals to the federal government 'were made by urban developers, mining companies and commercial developers' and '99% were allowed to proceed (sometimes with conditions)' 'More than 7.7 million hectares of threatened species habitat have been destroyed.' (The conversation 9/9/2019 Michelle Ward, April Reside, Hugh Possingham, James Watson, Jeremy Simmonds, Jonathan Rhodes, Martin Taylor)

Therefore we suggest that separate state and federal government assessments be maintained.

## **2.4 Part 11 -EPA**

### **EPA Chairman to be either full-time or part-time.**

We support the current duties of the Chairman to be performed full-time. The other EPA members may be full-time or part-time.

### **Use of modern technology such as teleconferencing or video conferencing.**

This is strongly supported to avoid waste of travel time and for avoiding aeroplane emissions.

## **2.5 Part 111- Environmental Protection Policies (EPPs)**

We understand that the Wetlands EPP was withdrawn. We suggest that this be reinstated or rewritten so that wetlands of all types with their buffers, are protected and so that we will not see proposals such as the desecration associated with Roe 8 and the Beeliar Wetlands

'Banksia Woodlands of the SCP ecological community' is listed as a TEC in the category of endangered and 'Tuart Forest and Woodlands of the SCP' is also listed as a TEC in the category of critically endangered.'

As development is occurring in these TECs, could EPPs be written to protect these two communities?

## **EIA**

The FUAB suggests that the Act be amended such that the Minister may revoke an environmental approval when circumstances that have a significant change on the proposed development area have occurred subsequent to the initial approval.

### **Time limit on conditions to have substantially started the proposal**

It should not be assumed by proponents that a time limit of say five years, can be renewed indefinitely. If a proponent cannot substantially start the proposal as part of the condition of approval, the proponent may be allowed an extension but a time limit is placed on a proposal for a reason. If the developer cannot proceed, the proponent would have to reassess and perhaps submit an alternative proposal.

## **3.7 Offsetting**

The Mitigation Hierarchy calling for proponents is avoid, minimise, rehabilitate or restore, offset so that there is 'no net loss of biodiversity'. *'Offsets are actions that provide environmental benefits*

*which counterbalance the significant residual impact of an activity'* (DER Clearing of native vegetation - Offsets procedure under the EPAct 1986)

We comment that when many, many trees are removed along country roads nothing can offset this. Loss of connectivity in areas that have been extensively cleared, for instance in the wheatbelt, cannot be offset and narrow strips of bush used as offsets within an area that is going to be mined for gravel is not leading to no loss of biodiversity. We appreciate that in many cases DWER, upon investigation of clearing proposals on country roads, has managed to get a reduced loss of trees and vegetation, but the assumption that the project will proceed is taken as read.

Relatively large areas of bushland such as Underwood Avenue Bushland and areas that are part of significant linkages also cannot be offset.

### **Climate emergency**

Under the object of the EP Act, climate change and greenhouse gas emissions should be a requirement for consideration through administration of the Act. Modern humans evolved to breathe from 200 to 250 parts per million of carbon dioxide in the atmosphere and now we are above 410 ppm, this increasing each year by 3 - 4 ppm. The health effects will be greater as this increase continues. We are devastating the world.

Please act to value the environment by placing it above all proposals that damage, reduce and fragment it so all species have half a chance of surviving into the future.

Margaret Owen

On behalf of the Friends of Underwood Avenue Bushland.