

The WA Appeals Convenor

Office of the Appeals Convenor
Level 22 Forrest Centre
221 St Georges Terrace
PERTH WA 6000

admin@appealsconvenor.wa.gov.au

Dear Appeals Convenor,

**APPEAL: City of Gosnells Town Planning Scheme No. 6. Amendments 166 and 169
EPA Report 1757, March 2024**

The Urban Bushland Council WA CONGRATULATES and UNRESERVEDLY SUPPORTS the Environmental Protection Authority (EPA) for their scientific and strategic ‘environmental protection assessment’ and recommendation **‘that the Amendments 166 and 169 should not be implemented’**. (p75)

UBC also unreservedly supports the EPA’s highlighting of:

- **‘the need for better protection through acquisition and expansion within the GBSW and its buffers’** (p76) and
- **A high level of protection and a coordinated management approach is required to improve long term management with a framework that considers cumulative effects and includes strategic restoration and enhancement.** (p76)

We congratulate the EPA for:

- rigorously applying its 2022 guidance provided in ‘Environmental Values and Pressures for the Greater Brixton Street Wetlands on the Swan Coastal Plain’, in accordance with Section 16(j) of the *Environmental Protection Act 1986*. [📄 Environmental Values and Pressures for the Greater Brixton Street Wetlands on the Swan Coastal Plain.pdf \(PDF, 1.31 MB\)](#)
- predicating their assessment on contemporary and cumulative knowledge
- intentionally assessing on the precautionary principle, intergenerational equity, conservation of biological integrity and waste minimisation
- intentionally assessing against all relevant legislation, policies, commitments and standards of all three spheres of government to ensure hydrology, flora biodiversity, fauna biodiversity and ecological complexes are properly protected and managed.

However, we absolutely condemn the Panel’s provision of conditions. It is a logical contradiction to have presented a thoroughly researched rejection of the proposal on five environmental protection principles and EPA objectives for inland waters, flora and terrestrial fauna and then indicate to the relevant Ministers that these amendments could be implemented by applying a set of conditions. We appreciate that it is Ministers who make the final decisions, but it is a sad state of affairs that the panel feels that there is some probability that the State government will engage in a major gamble when so many environmental elements are in play.

Since it is clear that EPA processes appear to be required to consider probabilities, hence the use of “unlikely to”, the Panel could be required to submit their work to a sensitivity analysis which would

consider the probabilities of failure to meet those EIGHT principles or objectives. Were there only one or two principles unlikely to be met, this might not be necessary but eight should put this beyond doubt.

The Greater Brixton Street Wetlands(GBSW)

The Greater Brixton Street Wetlands is not a self-contained, ecological system. It is intricately interconnected with the Darling Scarp and the wider Swan Coastal Plain via unique hydrogeology and hydrology.

Interference with these natural and highly evolved formations and processes, well beyond the current boundaries of the GBSW will have significant, detrimental impacts on the highly sensitive groundwater dependent ecosystems* (GDEs) of the GBSW. In other words, activities in the proposed MKSEA that impact the natural processes of the hydroplain will result in significant ‘MKSEA offsite impacts’ – where the ‘offsite’ is the highly sensitive, mega diverse Greater Brixton Street Wetlands. (*As an example, Gao *et al* (2020) have demonstrated that the Critically Endangered *Grevillea thelemanniana* (listed under the EPBC Act in 2018) is dependent on groundwater.)



Thank you to a range of photographers credited in Hans Lambers (ed) *A Jewel in the Crown of a Global Biodiversity Hotspot* 2019

The complexity of the hydroplain combined with the complexity of the ecological connectivity all builds towards a scenario that the GBSW will be irreversibly impacted.

It is especially important to note that the Main Roads WA project “Tonkin Highway Grade Separated Interchanges (Hale Road and Welshpool Road)” will be a significant source of **cumulative impacts** on the GBSW.

Appeals – Second recommendation re Conditions

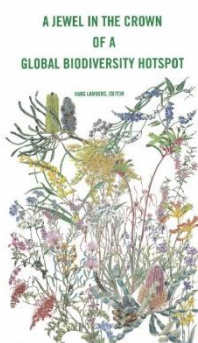
The UBC appeals:

- ‘The EPA Panel advises that if the relevant Ministers are of the view that the amendments should be implemented then the conditions provided in Appendices A and B should be imposed’. (p75)

This totally contradicts the EPA’s primary recommendation **‘that the Amendments 166 and 169 should not be implemented’**. (p75)

The UBC believes the CoG proposal will have a significant detrimental impact on the Greater Brixton Street Wetlands (GBSW) Bush Forever Area 387 – a ‘Jewel in the Crown of a Global Biodiversity Hotspot’.


We point to the contemporary work by scientists, specialists, researchers and community conservationists contained in Lambers H ed (2019) [A Jewel in the Crown of a Global Biodiversity Hotspot](#). Kwongan Foundation and the Western Australian Naturalists Club Inc, Perth. With chapters from scientists, specialists and community including Mike BAMFORD, Neale BOUGHER, Adam CROSS, Paddy CULLEN, Elaine DAVISON, Robert DAVIS, Tegan DOUGLAS, Katy EVANS, Sajni GUDKA, Bronwen



KEIGHERY, Greg KEIGHERY, Karina KNIGHT, Megan JACEGLAV, Philip JENNINGS, Hans LAMBERS, Peter LANE, Owen RICHARDS, Cate TAUSS, Renata ZELINOVA.

GBSW has long been recognised as having the greatest biodiversity of the entire Swan Coastal Plain/m2 and it is our collective responsibility to protect our natural heritage for its intrinsic value and pass it down to our children and grandchildren.

The Friends of Brixton Street Wetlands are a long-term member of UBC. They have worked for three decades to protect their part of the BF 387 initially from housing and then more recently through their bushcare and community engagement activities. The CoG proposals as written represent an insidious and lethal threat to their precious bushland that they will be powerless to counteract. You can read more about their work and contributions in Lambers H ed (2019), p393 in the chapter titled 'The role of committed citizens as caretakers and protectors of place'.

Ill-considered development and management of the interconnected ecosystems of the GBSW and Yule Brook will inflict heavy direct, indirect and cumulative impacts on the four key environmental factors identified by the Environmental Protection Authority (EPA)  [Statement of environmental principles, factors, objectives and aims of EIA - 4 April 2023.pdf \(PDF, 430.34 KB\)](#):

- inland waters
- flora and vegetation
- fauna and
- social surrounds.



The UBC is highly concerned about the direct, indirect, and cumulative impacts of development and conservation/sustainability management actions (or lack of them) on all patches of neighbourhood nature. In this instance we are highly concerned for the proposed Yule Brook Regional Park that includes the Greater Brixton Street Wetlands.


Appeals – Proposed Conditions (within Appendices A & B)

Whilst UBC does not wish to give any of the conditions credibility because they should not be necessary when the Hon. Minister endorses the EPA's primary recommendation, we do appeal:

- The City of Gosnells (CoG) be the '**Responsible Authority**'.
 - The 'proponent' should not be the 'Responsible Authority'.
 - The EPA Panel have highlighted grave concerns in the CoG's ability to deliver as a 'Responsible Authority':
 - 'The EPA Panel advises that baseline information and surveys are lacking comprehensiveness which is a significant limiting factor for the assessment.' (p75)
 - EPA Panel's limited confidence in the CoG's predicted impacts, proposed mitigation measures and application of the FERA/Biodiversity Asset POS areas (p75)
 - Further UBC believes that there is little evidence that any Local Government is either able or willing to devote sufficient expertise from its own resources or to sufficiently fund outside agencies to conduct adequate monitoring of such a complex and large project.
- **B2-3 Inland Waters and buffers:** Rather than work with DBCA to develop appropriate buffers, UBC supports the recommendations of The Beelie Group to implement 100 metre buffers around all Conservation Category Wetlands, Threatened Ecological Communities and the Yule Brook riparian zone,
- **Figure 1:** the conservation areas in Figure 1 are inadequate and should be replaced by the 100 metre buffers referred above.

No conditions can ensure that the GBSW will be protected. The 'only condition' that is suitable is 'that the Amendments 166 and 169 should not be implemented'.

Strategic and landscape approach

The EPA and relevant officers are acknowledged and congratulated for the strategic and landscape approach they led for assessing the complexities and high conservation values of the Greater Brixton Street Wetlands. Their  [Environmental Values and Pressures for the Greater Brixton Street Wetlands on the Swan Coastal Plain](#) (in accordance with Section 16(j) of the *Environmental Protection Act 1986*) was a significant and critical guidance document that researched and considered contemporary knowledge and cumulative impacts.

The UBC commends this as a way to assess similar proposals.

Future conservation management of the GBSW

As above the UBC supports the EPA's recommendations regarding increased protection and conservation management of the GBSW thru 'acquisition' and 'high level of protection and a coordinated management approach'.

We maintain that the future health of the GBSW relies on environmental protection outside the lines drawn on the map for Bush Forever 387 – it is completely misleading that the City of Gosnells website indicates that these scheme amendments do not propose any changes to the GBSW and infers their proposal is sufficient to protect them.

We point to the work by 'The Beeliar Group (TBG) – Professors for Environmental responsibility' that presents the complexity of the hydrology of this whole area and proposes that buffers of 100 metres will be required to safeguard this precious place. The TBG slideshow is available at <https://thebeeliargroup.files.wordpress.com/2023/08/the-beeliar-groups-vision-for-a-future-yule-brook-regional-park-1.pdf>

Slide 5 illustrates the location and importance of the 'hydroplain' area of pervious landscape across the Greater Brixton groundwater flownet. TBG have determined that rezoning in its current form cannot go ahead without the strong likelihood of extreme detrimental environmental impacts upon biodiversity, hydrology, and landscape connectivity.

The complex and sensitive hydrology and the varied soils of the GBSW have contributed to its mega diversity of plant communities and flora species. Current proposals will put hundreds of species of native plants and animals at risk. Some plants that grow nowhere else in the world and are now listed as Critically Endangered could even be rendered extinct.

Broad and connected buffers are essential around the GBSW and associated Yule Brook. This is illustrated at Slides 6 and 7 of the TBG slideshow. Furthermore, TBG recommend 100 metre buffers around all Conservation Category Wetlands (CCWs), Threatened Ecological Communities (TECs) and the Yule Brook riparian zone in association with careful Water Sensitive Urban Design (WSUD) planning and implementation across all the MKSEA precincts. This is the best way to protect the megadiverse GBSW, some parts of the Yule Brook and the upper reaches of the Canning River.

UBC again reiterates the community's call on the State Government to incorporate GBSW and additional >100m buffers in the Yule Brook Regional Park, as a RAMSAR Wetland and as a World Heritage Area.

Support and commendation of other community conservation group submissions

The UBC supports and strongly commends to you the considered appeals made by other concerned community conservation groups including:

- **The Beeliar Group**
- **Friends of Alison Baird Reserve**
- **Friends of Brixton Street Wetlands**
- **Nature Reserves Preservation Group**
- **Save the Great Brixton Wetlands Alliance**
- **The Wetlands Conservation Society**
- **Wildflower Society of WA and many other groups and individuals.**

Conclusion

The Urban Bushland Council calls for much greater environmental protection of, and sustainable development around, our precious Greater Brixton Street Wetlands and Yule Brook corridor.

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The UBC also unreservedly supports the EPA’s highlighting of:

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- A high level of protection and a coordinated management approach is required to improve long term management with a framework that considers cumulative effects and includes strategic restoration and enhancement. (p76)

The UBC appeals:

- the second recommendation of the EPA re Conditions
- that the City of Gosnells can be the ‘Responsible Authority’
- that any conditions can protect the environmental values of the Greater Brixton Street Wetlands’.
- **B2-3 Inland Waters and buffers:** should be set at 100 metres as recommended by TBG
- **Figure 1:** the conservation areas in Figure 1 are inadequate and should be modified to include the 100 metre buffers referred above

The impacts of these propose re-zonings to allow changed land uses to business development by industries (or to urban development) will have irreversible damaging impacts on the Greater Brixton Street Wetlands – a ‘Jewel in the Crown of a Global Biodiversity Hotspot’.

Hydrological changes outside of Bush Forever 387 (GBSW) and their impacts will especially affect the Guildford and Forrestfield Vegetation complexes and their flora and fauna on the Wetlands.

The UBC calls for the urgent creation of the Yule Brook Regional Park with adequate ongoing funding for conservation management and community awareness.

The UBC welcomes the opportunity to discuss its position with the Appeals Convenor.

Urban Bushland Council WA Inc

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- Chair, WA Planning Commission
- Chair, Environmental Protection Authority
- Member for Thornlie
- Minister for Environment
- Secretary DCCEEW
- DCCEEW EPBCA Act section
- Town of Kalamunda (Mayor & CEO)
- City of Canning (Mayor & CEO)
- WA Local Government Assocn (CEO & CHAIR)
- CITY OF GOSNELLS(Mayor and CEO)



EXTRACT: UBC Urban Treasures Image credits: Sabas P Dhakal

<https://www.bushlandperth.org.au/treasures/>



*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. 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 **110 individual 'supporter' members** – all with a common interest in conservation and protection of areas of urban bushland in WA. <https://www.bushlandperth.org.au/>.

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. Some of our member groups are active in your City, working with your officers, such as The Friends of Brixton Street Wetlands, South East Regional Centre for Urban Landcare, Nature Reserves Preservation Group, Black Cockatoo Preservation Group, Crestwood Bushland Restoration Group and Friends of Ellis Brook Valley.

UBC has recently celebrated 30 years of advocacy for the protection of urban bushland.

Urban Bushland Council WA Inc

City West Lotteries House, 2 Delhi Street, West Perth WA 6005

ubc@bushlandperth.org.au

www.bushlandperth.org.au

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