

## SUBMISSION TO STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

### Re: Petition No. 087 - Crown Land Lot 9789 - submitted by Catherine O'Neill

Thank you for the opportunity to provide this written submission in support of Petition No. 087, relating to Crown Land Lot 9789. I have not taken the matters raised to the Parliamentary Commissioner for Administrative Investigations.

#### Background

The City of Melville has applied to the Department of Planning, Lands and Heritage to purchase a significant portion of **Crown Land Lot 9789** – a narrow strip of land bordering the Swan Estuary Marine Park at Alfred Cove and clearly identified for conservation - to facilitate a commercial lease for wave park proponent, *Urbnsurf*.

I have been advised that any decision on the sale of the subject portion of Lot 9789 has been deferred until a Development Application for the Wave Park Proposal has been received and assessed by the WAPC.

All of the Crown Land and the vast bulk of the proposed development is within the Swan River Trust Development Control Area (DCA), covered by the Swan and Canning Rivers Management Act 2006. This Act was passed to ensure that the priority for land use planning and development adjacent to the River *protects and enhances the ecological health, amenity and heritage value of the Swan Canning River System for the public benefit of Western Australia*. Unfortunately a small sliver of 'road reserve' outside the DCA has precluded this important emphasis in the decision-making process.

**The fate of Crown Land Lot 9789 should not be dependent on the receipt and assessment of the Wave Park Proposal.**

#### Site description

Crown Land Lot 9789 extends along part of the shoreline of the Swan Estuary Marine Park at Alfred Cove, shown and described as Reserve 35486 in the Swan Estuary Marine Park & Adjacent Nature Reserves Management Plan 1999-2009. It is immediately adjacent to the Alfred Cove A Class Nature Reserve Number 35066, extending the margin of riparian vegetation along the Marine Park foreshore in the vicinity of Tompkins Park.

The site of the proposed wave park development is reclaimed wetland / damp land, with the 'natural' high water mark of the River previously able to extend significantly further inland and be absorbed in response to changes in River flow. The development extends into Crown Land Lot 9789, much of which is untended grass part-paved with a wide dual-use pathway used for passive recreation, next to a very narrow margin (≤one tree wide) of riparian vegetation between the pathway and the River. Nevertheless Lot 9789 is a buffer to disturbance and can be restored to improve functionality. All Crown Land Lot 9789 and the rest of the proposed wave park site are part of Bush Forever Site 331.

#### Environmental values

Alfred Cove forms part of the Swan Estuary Marine Park, and is a Category C Wetland with high conservation value. It is comprised of estuarine lands and waters within the Swan River. Together with Milyu and Pelican Point it provides important feeding habitats for trans-equatorial migratory wading birds protected by agreements Australia has with South Korea, Japan and China. Waders and water-birds move between Alfred Cove, Pelican Point and Milyu on a daily basis. The sand flats, mud flats and beaches at these three locations provide the only remaining significant feeding and resting areas in the Swan Estuary. The Swan Estuary Marine Park and adjacent reserves also provide habitat for a diverse assemblage of aquatic and terrestrial flora and fauna. The natural heritage values of Alfred Cove include:

- Important feeding habitats for internationally protected, trans-equatorial migratory wading birds.
- Rich and diverse estuarine and terrestrial communities and habitats.
- Feeding, resting and breeding habitat for fauna, such as fish species and water-birds.
- Relatively undisturbed native vegetation and geomorphology.
- Outstanding and unique visual landscape values (supporting current and potential eco-tourism worth).
- Benthic fauna and seagrass beds that contribute to energy flows, primary production, species diversity and river floor stabilisation.

The birdlife represented include a significant number of *Threatened Species*, such as the trans-equatorial waders and the Fairy Tern. The Temperate Coastal Saltmarsh Community that lines its shores has also been declared a *Threatened Ecological Community*. These are protected under the Environment Protection and Biodiversity Conservation Act 1999. The massive surf sports and retail facility proposed for the site is incompatible with and unsympathetic to these values.

**See video on the site's natural beauty, cultural heritage values & ecological importance** <https://youtu.be/l29rOfNRdFo>

**Crown Land Lot 9789 is required to be brought into the conservation estate as a matter of urgency to**

- Provide a vital protective buffer for the high conservation values of the Swan Estuary Marine Park at Alfred Cove.
- Provide a wildlife corridor and vegetation linkage along the River.
- Enable a natural fall-back of the Marine Park foreshore as it adjusts to the pressures of climate change, including sea-level rises and the increased severity of storm surges.

## History

In the early 1970s the Department of Fisheries and Wildlife identified the three areas (Alfred Cove, Milyu and Pelican Point) as important feeding grounds for protected migratory waterbirds and local resident species. The areas are interdependent and complement each other, depending on tides and weather, and are the only three remaining significant wading bird habitats in the Swan River, identified in the System Six Report (DCE 1983). Subsequent to this the Swan River Management Strategy Task Force was established and produced the Swan River Management Strategy which recommended that management plans be prepared for these three System Six areas. (SRMSTF, 1988)

The Swan Estuary Marine Park (A Class marine reserve number 4) was gazetted on 25 May 1990 without a management plan. The Swan Estuary Marine Park and Adjacent Nature Reserves Management Plan 1999-2009 was gazetted on 7 April 2000. This Plan was developed after a comprehensive consultation process, including with the City of Melville (Mark Street). It remains operational, as expiring plans do not lapse until they are formally revoked by the Minister and replaced with a new plan.

Findings of Swan River Trust research into community values in 2007 confirmed that the wider community places great significance on the small areas of natural heritage value remaining in and along the Swan River. *The natural areas along the river are really important and should be retained (95.6%) and It is acceptable for certain parts of the river foreshore to be closed off for the protection and rehabilitation of the natural environment (92.5%).* (SRT Community Survey of Future Values and Aspirations for the Swan and Canning Rivers Jan 2007)

The principal management objective for Bush Forever Sites is 'for the conservation of flora and fauna; however, in protecting these values, protection is also given to the areas' geology, soils, landform, hydrology, Aboriginal and European cultural values' (Government of Western Australia, 2000). *State Planning Policy 2.8 Bushland Policy for the Perth Metropolitan Region* was adopted in June 2010.

## Documented recommendations relating to Crown Land Lot 9789

The recommendation that as matter of urgency Lot 9789 is drawn into the conservation estate as part of Alfred Cove A Class Nature Reserve Number 35066 is found in a number of key Government documents, including:

### 1. Swan Estuary Marine Park and Adjacent Nature Reserves Management Plan 1999-2009

The first of the *Key Strategies* identified in the document relates to Tenure and Boundaries. Section 5 'Principal Management Directions - Tenure and Boundaries' Strategy 4 of the Swan Estuary Marine Park and Adjacent Nature Reserves Management Plan 1999-2009's states: *Add Reserve 35486 and a portion of the Burke Drive Road Reserve to the Alfred Cove Nature Reserve. (5.4)*

### 2. Ten Year Assessment Report July 2014 - Marine Parks and Reserves Authority

In pages 9, 10 and 11 of its Ten Year Assessment Report July 2014, the Marine Parks and Reserves Authority noted that Strategy 4 had not yet been implemented. The reason provided: *At this point any amendments are on hold because such amendments will require an Act of Parliament to complete. The legislative basis to amend Alfred Cove Nature Reserve is contained within the Land Administration Act 1997, refer s45(3).* The Marine Parks and Reserves Authority then goes on to state: *The following recommended priorities are assigned to strategies that have not yet been implemented: Strategies 5.3, 5.4 and 5.5 ... should be a high priority. Rezoning and gazettal of these areas is required.*

### 3. (Draft) Perth and Peel Green Growth Plan for 3.5 million

In the draft Perth and Peel Green Growth Plan Dec 2015 (a *Whole of Government* initiative, developed in conjunction with the WA Planning Commission Framework, for 'unprecedented protection of bushland, rivers, wildlife and wetlands through implementation of a comprehensive plan to protect our environment') it was identified for inclusion in the Conservation Estate during Phase 1. Such areas were "...identified following a landscape scale conservation planning exercise, which identified areas that represent the highest conservation significance for multiple MNES and State environmental values and contribute towards a comprehensive, adequate and representative reserve system. The areas identified also make a highly important contribution to enlarging and consolidating conservation management around existing conservation reserves and improving the protection of ecological linkages across the landscape." (GGP Pg 8)

The rest of Bush Forever Site 331 was identified for inclusion in Phase 2.

## Wetland and Buffer Policy

The first of the principal objectives of the *Wetlands Conservation Policy* for Western Australia 1997 is 'To prevent the further loss or degradation of valuable wetlands and wetland types, and promote wetland conservation, creation and restoration'.

*Guideline for the Determination of Wetland Buffer Requirements* Table 8, pg 41, WAPC, December, 2005 advises buffers for significant wetland areas such as the Marine Park to be ≥50meters and up to 100meters for bird habitat.

At its widest, Crown Land Lot 9789 is approximately only 40meters wide, and significantly less for most of its length.