

Hon Matthew Swinbourn MLC
Chair
Standing Committee on Environment and Public Affairs

Re: Petition No. 087 - Crown Land Lot 9789

Dear Mr Swinbourn

Petition 087 requested that the Legislative Council

- oppose any sale of Crown Land Lot 9789 to the City of Melville and
- recommend that the Government legislates as matter of urgency to draw Lot 9789 into the conservation estate as part of Alfred Cove A Class Nature Reserve Number 35066.

I write with all due respect to comment on the interpretations and perspectives of the Minister of the Environment, Hon Stephen Dawson, relating to this Petition, as expressed in his correspondence to the Legislative Council's Standing Committee on Environment and Public Affairs, dated 28.11.2018.

1. Petition 087 relates to the future of Crown Land Lot 9789 only.

Lot 9789 is a narrow margin of land bordering the Swan Estuary Marine Park at Alfred Cove, and wholly located within the Swan River Trust Development Control Area (DCA), covered by the Swan and Canning Rivers Management Act 2006.

Petition 087 does not comment on any particular development proposal that may or may not be before State-level decision-making bodies, but was submitted in response to the City of Melville's application to the Department of Planning, Lands and Heritage. Apparently the City wishes to purchase a significant portion of Crown Land Lot 9789 to expand a free-hold title, enabling a commercial lease for wave park proponent, *Urbnsurf*, or other development.

As outlined in my Submission, this parcel of land has been identified for inclusion in the conservation estate for *many* years: for example, it forms part of Bush Forever Site 331; the *Swan Estuary Marine Park and Adjacent Nature Reserves Management Plan* recommends its inclusion, and the (draft) 'Green Growth Plan' recommends its inclusion as a Priority 1 site. Understandings based on good science relating to the preservation and maintenance of river health and biodiversity has lead to important management recommendations, policies and procedures, such as the institution of the Development Control Area and the (draft) policy on wetland buffers.

The wider Perth community has endorsed such care of the Swan River, as illustrated through the *SRT Community Survey of Future Values and Aspirations for the Swan and Canning Rivers* Jan 2007, and the community distress and outrage manifest when confronted with catastrophic events (eg algal blooms, deaths of river dolphin, fish kills, seagrass decline) that have resulted from inappropriate use; poor past, recent and *ad hoc* planning decisions, and lack of careful, long-term and holistic management.

Unfortunately, in breach of community trust, there seems to have been a lack of government will to implement such protections - and with climate change already having a detrimental impact on our natural heritage, the need for wise stewardship of our iconic Swan River is an even greater imperative.

The call for the inclusion of Crown Land Lot 9789 in the conservation estate has been presented repeatedly over time, and strongly endorsed. It is unacceptable that its fate of should be dependent on any future receipt and

assessment of a wave park proposal – or any other similar inappropriate infrastructure development impacting on Crown Land Lot 9789 and the Conservation Category Wetland it protects.

Further, to my knowledge, to date, the Department of Lands, Planning and Heritage has not received any proposal for a wave park development on the site – only a request from the City of Melville to purchase a significant portion of the Crown Land, which the Petition urges the Legislative Council to refuse.

2. The boundaries and ownership of Crown Land Lot 9789 have not been altered by any decision to include some of it into the Nature Reserve.

The Minister refers to a 2004 agreement between CALM and the City of Melville to transfer the land between the high water mark and the path from the City of Melville's recreation reserve 35486 to the nature reserve, with the remainder of the reserve to remain with the City of Melville.

I understand the agreement is simply a clarification/adjustment in management of the lands within Crown Land Lot 9789, not a change in ownership from the Crown to the City of Melville.

I also understand it has yet to be enacted by a Metropolitan Region Scheme Amendment.

As the land between the high water mark of the Swan Estuary Marine Park and the pathway is currently inadequate for its vital purpose as a riparian buffer and wildlife habitat/corridor, and best-practice recommends far wider buffers for such important sites, the Petition requests that *all* of the Crown Land is drawn into the conservation estate as a matter of urgency. Indeed the pathway is already impacted by erosion as the River seeks its original course, and will be further impacted by predicted effects of climate change.

3. The Minister's explanation regarding the inclusion of the Crown Land in Phase 1 of the GGP's implementation is an inadequate interpretation of that document and the ecological importance of the site.

The Minister has described the decision *'simply as a reflection of the original recommendation in the Swan Estuary Marine Park and Adjacent Nature Reserves Management Plan. However, the expectation is that it would be implemented in accordance with the area management plan and therefore be subject to negotiation to determine final agreed boundaries, as described above.'*

The Draft GGP clearly states Phase 1 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.'*

There is no doubt that Lot 9789, immediately adjacent to a Conservation Category Wetland and A-Class Nature Reserve (if not already part of the Reserve, alluded to in 2. above) and within Bush Forever Site 331 has highest conservation significance for multiple MNES and State environmental values. Its inclusion would be a minimum requirement towards a comprehensive, adequate and representative reserve system and should not be considered 'negotiable'. Its loss will have estuary-wide implications.

4. The small portion of land that prevents the Department of Biodiversity, Conservation and Attractions from assessing any proposed development on or near the Crown Land under the SCRM Act could and should be excised.

It is a shocking anomaly that a narrow strip of land affected by the future possible road widening of Canning Highway should prevent prioritising the health and well-being of this particularly ecologically sensitive and important part of the Swan River in any development application.

While it is clear this sliver of road reserve should not impact on proper decision-making regarding Crown Land Lot 9789, which is wholly within the DCA, I also request the Legislative Council takes urgent steps to ensure this sliver of road reserve is excised from Lot 39. This would leave the remaining area also wholly within the DCA, ensuring approval for any future development must be obtained consistent with Part 5 of the Swan and Canning Rivers Management Act 2006, as can be reasonably expected by the community.

The Committee's consideration of these matters will be greatly appreciated. I will be very happy to describe them in more detail, should you and the Committee wish, and look forward to a positive outcome for this important component of our natural and cultural heritage.

Yours faithfully and respectfully

Catherine O'Neill

3rd February 2019