

12 September 2017

Species Information and Policy Section
Department of the Environment and Energy
GPO Box 787
CANBERRA ACT 2601

By email: speciespolicy@environment.gov.au

To whom it may concern

RE: Proposed amendments to the draft revised referral guideline for three threatened black cockatoo species: Carnaby's Cockatoo, Baudin's Cockatoo, Forest Red-tailed Black Cockatoo

The Urban Development Institute of Australia (UDIA) WA is the peak body representing the urban development industry in Western Australia. UDIA WA is a membership organisation with members drawn from a wide variety of disciplines including but not limited to: land and built form development, planning, valuation, engineering, environment and urban design.

The Institute welcomes the opportunity to provide comment on the '*Revised draft referral guideline for three threatened black cockatoo species: Carnaby's cockatoo (Endangered) *Calyptorhynchus latirostris*, Baudin's cockatoo (Vulnerable) *Calyptorhynchus baudinii* and Forest red-tailed black cockatoo (Vulnerable) *Calyptorhynchus banksii naso**'.

The Institute acknowledges the Department's attempt to revise the guidelines and strongly supports the objectives that it sets out, which include promoting avoidance and mitigation of impacts on black cockatoos and promoting streamlined decision-making and approval processes, amongst others.

However, the Institute is extremely concerned that the revised guidelines do not satisfy these objectives and will instead just lead to a vast increase in the number of referrals to the Department. This inefficiency will create substantial uncertainty for the development industry, adding significant delay and at \$6,577 a referral, significant additional costs to almost all forms of development, right across the south west land division of Western Australia. These additional costs to the community are both disproportional and independent of the scale of the action proposed. The impracticable requirements are likely to severely undermine the referral process and compliance with the Environment Protection and Biodiversity Conservation Act, thereby harming efforts to assist in the recovery of the three black cockatoo species.

The Institute is extremely disappointed that the draft guidelines are not only inconsistent with the State Government's Green Growth Plan/Strategic Assessment of the Perth and Peel Regions, but the referral requirements for proposals affecting any tree with a diameter of 500mm (or 300mm if a salmon gums) will in fact undermine the Strategic Assessment and its objectives.

The micro, site-specific approach proposed by the revised guidelines is contrary to the Department's own advice which notes that "*strategic approaches provide a sensible, streamlined and consistent approach to*

achieving good environmental outcomes".¹ It is evident that the proposed guidelines will result in a more complex approval process with environmental considerations unreasonably dominating other planning considerations and State development priorities. In accordance with the objectives of the Strategic Assessment, in order to reduce inefficiency and improve environmental outcomes, it is critical that environmental approvals are embedded within, and balanced against the broader objectives of strategic land use plans.

The Institute is also concerned that the Guidelines and, in particular, the foraging habitat scoring tool in Table 3 are not consistent with the significant impact criteria for endangered species and vulnerable species, as set out in the *Matters of National Environmental Significance, Significant impact guidelines 1.1*. Concerns regarding the habitat scoring tool, including the failure to consider vegetation density and condition, together with a wide variety of other specific concerns relating to the detail contained with the revised guidelines are included in the attached Appendix 1. Given the breadth of these concerns, it is evident that significant amendments are required to ensure that the guidelines are fit for purpose.

In closing, UDIA wishes to reiterate that the proposed revised draft referral guideline does not satisfy its stated objectives and will create a vast and unmanageable amount of referrals, overwhelming the Department and its resources and unnecessarily undermining development in South- West WA. Not only will it add significant delay and considerable cost to the development process, it is also likely to threaten and undermine attempts to aid the recovery of the three black cockatoo species. Given the significant impact of the guideline's amendments on the development industry across WA's South-West, the Institute is also extremely disappointed by the narrow consultation period, limiting the opportunity for robust feedback. The Institute urges the Department to work collaboratively with all stakeholders to arrive at a practicable referral solution that ensures the protection of the three black cockatoo species, whilst also ensuring an appropriate level of referral for the development industry and Western Australian community.

Recommendations:

- UDIA WA strongly encourages the Department to amend the revised draft referral guideline so that its outcomes align with its stated objectives and those of the State Government's Strategic Assessment of Perth and Peel.
- The Department works collaboratively with the UDIA and other stakeholders to arrive at a practicable referral solution that supports the development needs of the Western Australian community whilst also ensuring the protection of the three black cockatoo species.

Should you have any questions regarding the content of this submission, please do not hesitate to contact me. The UDIA looks forward to working with the Department of the Environment and Energy on amendments to the referral guideline.

Yours sincerely



Allison Hailes

Chief Executive Officer

¹ Department of the Environment and Energy *Strategic approaches to assessment*
www.environment.gov.au/protection/environment-assessments

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	3	The clearing of breeding habitat is highly likely to have a significant impact.	Both the revised Referral Guidelines and current guidelines do not differentiate between potential breeding habitat and actual breeding habitat. Greater clarity between these two is required.
Definitions	5	Breeding habitat: Defined in these referral guidelines as species of trees known to support breeding (see Table 1) within the range of the species which either have a suitable nest hollow OR are of a suitable diameter at breast height (DBH) to develop a nest hollow. For most species of trees, suitable DBH is 500 mm. For salmon gum and wandoo, suitable DBH is 300 mm. Note that any species of tree may develop suitable hollows for breeding. Information on known nesting trees within or near the area of an action is available from the Western Australian Department of Parks and Wildlife and the Western Australian Museum.	<p>The definition of breeding habitat as including any Tuart, Jarrah or Marri with a diameter at breast height equal to or greater than 500mm is of concern because it means that any site with only one of these trees, even if it is sitting in the middle of a paddock, is defined as breeding habitat. This makes any proposal to clear a single tree, according to the revised guidelines, likely to have a significant impact and require referral.</p> <p>Research has shown that black cockatoos do not traditionally breed on the Swan Coastal Plain². Rather it is only a result of the extensive clearing in the Wheatbelt that Forest red-tailed black cockatoos and Carnaby’s black cockatoos are now breeding in certain areas within the Swan Coastal Plain, and more recently within the Perth metropolitan area.</p> <p>Therefore it is questionable whether large jarrah, marri and tuart trees within the Swan Coastal Plain, that are greater than 500 mm DBH and contain hollows, should be considered as significant breeding habitat if they are not a known nesting tree (i.e. where evidence of nesting is present).</p> <p>Clearing of breeding habitat should require a more detailed analysis of location, species range, quality, likelihood of use, etc. before being assumed to automatically have a significant impact to the species.</p>
Definitions	5	Quality: A measure of how functional and useful black cockatoo habitat is in providing what is needed to enable black cockatoos to recover and persist into the future,	The revised guidelines include a method to calculate the quality of foraging habitat. This is an improvement on the current guidelines which

² (CSIRO, 2017)



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		including proximity and availability of foraging, breeding and roosting resources.	include the term 'quality foraging habitat' but do not define what quality is.
2. Are you considering your action in the right context?	11	<p>Swan Coastal Plain</p> <p>The Swan Coastal Plain is used by black cockatoos primarily for foraging resources, with some small patches of breeding habitat. The area is dominated by banksia spp and tuart (Eucalyptus gomphocephala) woodlands on sandy soils, as well as marri (Corymbia calophylla), with jarrah (Eucalyptus marginata) occurring in the east. A key focus for this region is the ongoing viability of foraging resources for black cockatoos, particularly Carnaby's Cockatoo. Some parts of this region meet the definition for ecological communities in the EPBC Act list of threatened ecological communities, including Banksia Woodlands of the Swan Coastal Plain ecological community, which is listed as Endangered.</p>	<p>The Swan Coastal Plain definition on page 11 is overly simplified and not sufficient to represent this diverse region.</p> <p>The Swan Coastal Plain extends from Green Head in the north down to Dunsborough in the south. The vegetation types are numerous and, while Banksia woodlands are probably the most common vegetation type in the northern half of the Swan Coastal Plain, Tuarts are a very small proportion of the vegetation. The definition excludes wetlands and rocky (limestone) soils.</p> <p>The definition given in the revised guidelines is a reasonable definition of the Black Cockatoo habitat on the Swan Coastal Plain but not the vegetation overall.</p> <p>The maps provided in Appendix A, Map 5 could be utilised to directly define the Swan Coastal Plain and other regions.</p> <p>The definitions should be revised in the interests of achieving more accuracy in the revision of the guidelines.</p>
3: Have you surveyed for black cockatoo habitat?	14	<p>There is an expectation that surveys will require fieldwork, considering the three black cockatoo species use different areas of habitat across their range at different times of the year, and in different ways. Surveys should be done by a suitably qualified person with experience in surveys of black cockatoo habitat and account for uncertainty and error (false presence and absences). Contact the Western Australian Department of Parks and Wildlife or the WA Museum to confirm if your</p>	<p>Clarification is required as to what constitutes as a suitably qualified person; what experience they should have; how this experience is gained; and how much of this experience is required. Consideration should also be given to if a certification/education process is needed, given the level of context and detail required in surveys under the revised guidelines.</p> <p>Clarification is required on how many surveys are required; how long a survey is valid for; if recent ones can be reused; if landowners can</p>

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		<p>impact area contains, or is in proximity to, a known roosting site or breeding location.</p>	<p>collaborate on surveying same or similar areas; and who holds the liability for referring a site (landowner or assessor).</p>
<p>3: Have you surveyed for black cockatoo habitat?</p>	<p>14-15 & Table 2 (17)</p>	<p>Additional information can be determined by searching for signs of use by black cockatoos. Signs of use include chewed hollows, feeding signs or feeding debris, and sighting records. The presence of black cockatoo droppings and feathers, or ‘chewed’ banksia or pine cones or marri nuts, as well as broken or scattered flowers, can indicate feeding by black cockatoos (including, if possible, the identification of bite patterns to indicate which black cockatoo species fed there). This can be assessed at any time of year, as cones can remain on the ground for up to two years. Signs of use should be identified by a person with at least three years’ experience surveying for black cockatoos.</p>	<p>There is an inconsistency with regard to the timing of surveying for foraging and breeding habitat.</p> <p>At the bottom of page 14 and top of page 15 the revised guidelines state that surveys for foraging habitat “can be assessed at any time of the year”. However, Table 2 states that foraging habitat surveys for Carnaby’s should be between January and July and for Baudin’s between March and September. In addition, Table 2 does not contain any information on when the best time for surveying for breeding habitat is.</p> <p>The document should remain consistent and recognise that foraging habitat can be assessed at any time of year, as evidence of foraging remains in situ on uncleared sites for many years. Guidance for surveying breeding habitat should be provided and should be in line with the known breeding seasons / seasonal movements of the three species.</p>
<p>4: Could your action have a significant impact on black cockatoos?</p>	<p>19</p>	<p>When applying the tool you should begin at one of the starting scores of 1, 5, 7 or 10 depending on the form of habitat in your impact area. You should then apply all the context adjustors which will add or reduce value to your score and provide you with a foraging habitat quality score. It is important to note that the tool has a maximum possible score of 10 and can therefore also be used in conjunction with the offsets policy.</p>	<p>The revised guidelines state that the tool has a maximum possible score of ten, however as demonstrated by this submission (Appendix 2) when applied practically the tool can result in a score higher than ten.</p>

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The foraging habitat scoring tool and the offsets assessment guide (pages 20-21)			
The foraging habitat scoring tool and the offsets assessment guide	20		<p>The revised guidelines do not have a clear threshold for the amount of clearing of habitat that is likely to result in a high risk of a significant impact. Instead the revised guidelines have a sliding scale of the likely acceptability of habitat loss based on the quality of the habitat.</p> <p>This is an improvement on the current guidelines that state clearing more than 1ha of quality habitat is likely to have a significant impact, as it allows the context of the clearing to be considered.</p> <p>Removing a threshold level of clearing from the guidelines removes the ability of landowner to make the decision that because the proposed clearing is less than the threshold a referral isn't required. This puts the onus on the landowner to thoroughly consider the level of impact in its context and to commit to mitigation actions. The loss of clarity regarding what is significant will result in more referrals.</p>
Table 3	21		<p>The foraging habitat scoring tool presented in Table 3 of the revised guidelines requires the habitat being assessed to have a starting score, to which points are then added or subtracted based on the attributes of a particular site.</p> <p>The tool appears biased towards getting a higher score than what was started with as it is easier to add points up to +3 than take off points (-2 being the highest).</p> <p>Many of the sites relevant to the urban development industry will automatically have an addition of 5 points to the starting score, as the majority of development is on the Swan Coastal Plain (+3 points) and only</p>

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			<p>one Tuart, Jarrah or Marri tree with a DBH >500mm is needed to be defined as breeding habitat (+2 points).</p> <p>On the subtraction side, many sites in the Perth and Peel regions are also within 6km of other foraging habitats, due to a good bush reservation system within the metropolitan region. Many sites are also highly likely to be within 12km of a known roosting site of Carnaby’s cockatoo, according to the Department of Planning’s mapping of roosting sites³.</p> <p>Appendix Two of this submission outlines nine site score examples of the scoring tool by PGV Environmental that were referred under the EPBC Act, for which decisions have been made. Five of the referrals were decided as Non Controlled Actions and four as Controlled Actions. The final score for the Non Controlled Actions, in accordance with the revised guidelines, ranged from 8-13 and the score for the four Controlled Actions ranged from 10-14. According to these results, and interpreting the acceptability of loss scale on page 20 of the revised guidelines, all five of the Non Controlled Action decisions would highly likely have been Controlled Actions.</p> <p>Accordingly the table will lead to a dramatic increase in referrals.</p>
Table 3	21		<p>Greater importance (+3 points) is placed on foraging habitat in the Swan Coastal Plain for Carnaby’s black cockatoo, despite the fact that breeding in the Wheatbelt / Great Southern requires significant foraging habitat to be nearby. This is a fundamental flaw that needs to be addressed.</p> <p>Dr Denis Saunders discussed at the CSIRO seminar that Carnaby’s black cockatoo has become locally extinct in many known breeding areas in the Wheatbelt due to loss of foraging habitat near breeding sites, as cockatoo</p>

³ (WAPC, 2011 ([here](#))).

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			nestlings have become malnourished and do not survive to adulthood ⁴ . Therefore it is considered that a '+3' score for foraging habitat in the Swan Coastal Plain is hugely inflated.
Table 3	21	Jarrah and marri woodlands and forest, and edges of karri forests, including wandoo and blackbutt, within the range of the subspecies, including along roadsides. Does not include areas under a RFA.	Reference to exemptions within RFAs should not be included in the scoring tool, as this doesn't change the quality of the habitat. This should be placed elsewhere in the document as it is not a scientific consideration, it is a planning / legislative consideration.
Table 3	21	+2 - Contains trees with potential to be used for breeding (dbh ≥ 500 mm or ≥ 300 mm dbh for salmon gum and wandoo).	See comments above regarding: addition of '+2' score for breeding habitat present on Swan Coastal Plain. Even outside of the Swan Coastal Plain, there needs to be greater distinction between, for example, having 1 "breeding habitat" tree onsite, and having 200 trees. This should be proportionate to the additional score.
Table 3	21		Some characteristics that add scores, such as '+2' for primarily comprising marri for CBC and BBC, are considered more than once (this is already considered in the starting score of 7 that states 'eucalypt woodland and forest that contains foraging species') and hence result in a greater score than necessary. Additionally, marri is not as important as banksia in terms of a food source for Carnaby's black cockatoo (Banksia species are known to provide ~50% of native plant foraging records, marri known to contribute 15% ⁵).
Table 3	21		In the foraging scoring tool it is possible to subtract scores depending on distance from known breeding locations, however it is unclear how to access known breeding location information (this is mapped in the

⁴ (CSIRO, 2017).

⁵ (Shah, 2006).

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			<p>guidelines for Baudin’s black cockatoo but not for Carnaby’s black cockatoo or Forest Red-tailed black cockatoo).</p> <p>Birdlife and the Department of Biodiversity, Conservation and Attractions have been protective in the past about providing locations of known breeding sites due to the potential for poaching/egg stealing. The Department of Planning’s MRS Carnaby’s black cockatoo Habitat Mapping is out of date⁶ and information is provided on a very broad scale. Given the requirements of the revised guideline, it is important that this information is regularly updated.</p> <p>The levels of detail are also inconsistent between each of the species’ maps in the revised guidelines. The maps provided with the guidelines should provide more specific information regarding known breeding areas and known roosting areas to enable proper scoring of sites.</p>
5	23	<p>For actions that can spread pests, weeds or disease, ensure best practice hygiene protocols are followed during construction to protect black cockatoo habitat from degradation. Ongoing management of black cockatoo habitat to ensure pests, weeds and disease are not spread and/or are reduced can improve habitat quality.</p>	<p>The Foraging Habitat Scoring Tool does not consider vegetation density or condition, which is integral to the quality of the habitat. It is discussed on page 23 that “Ongoing management of black cockatoo habitat to ensure pests, weeds and disease are not spread and/or are reduced can improve habitat quality”, as though referring to vegetation condition, however condition of the vegetation is not considered in the scoring tool.</p> <p>For example, Dr Mike Bamford, Bamford Consulting Ecologists, has developed (for consistency with the EPBC Act Offsets Calculator) a scale of black cockatoo foraging habitat quality from 1 – 10, which is based on the following factors (most of which do not get a mention in the scoring tool in the revised guidelines):</p> <ul style="list-style-type: none"> • Presence of foraging species

⁶ (WAPC, 2011 ([here](#))).

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			<ul style="list-style-type: none"> • Types of foraging species present (relates to productivity of certain species) • Projected foliage cover • Vegetation condition <ul style="list-style-type: none"> ○ Evidence of tree deaths / poor health ○ Weed invasion • Likelihood of vegetation to decline <p>Note: Dr Bamford also has a scale for the likelihood of breeding value in 'breeding habitat', addressing:</p> <ul style="list-style-type: none"> • Presence / absence of an active nest (confirmed use by black cockatoos) • Presence / absence of hollow with visible chew marks at entrance, from black cockatoo or other species • Presence / absence of potentially suitable hollow, of sufficient size / angle / location on tree <p>Consideration of these items, among others, in the revision of the guidelines may assist in achieving the clarity required to ensure only those that need to refer their project do.</p>
<p>5: Is there a high likelihood that your action will interfere with the recovery of one or more of the black cockatoos and therefore have a significant impact?</p>	<p>23</p>	<p>For actions close to breeding areas, ensure the protection of these trees where black cockatoos, chicks and eggs can be at risk of poaching, e.g. erect signs to ensure poachers are aware the area is protected and install fencing and security cameras to deter illegal access.</p>	<p>Erecting signs to inform poachers of protected areas and breeding trees may only serve to increase poaching as the poachers will no longer need to search for them.</p>

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APPENDIX Two: Scoring Table



Site	Foraging Extent (ha)	EPBC Decision	Start Score	Additions					Subtractions					Final Score	
				Swan Coastal Plain	Trees with nest hollows	Primarily Marri	Potential Breeding trees	Known Roosting Site	No feeding debris	No foraging habitat within 6km	>12km from a known breeding location	>12km from a known roosting site	>2km from a watering point		Disease present
				3	3	2	2	1	-2	-2	-1	-1	-1	-1	
Lyon Road Wandii	4.46	NCA	7	3	0	0	2	0	-2	0	-1	0	-1	0	8
Southern River Precinct 3E	4.7	NCA	7	3	0	0	0	0	0	0	-1	0	0	0	9
Hodges Drive Joondalup	4.9	NCA	7	3	0	0	2	0	0	0	-1	0	0	0	11
Thomas Road Casuarina	4.4	NCA	7	3	3	0	2	0	0	0	-1	0	-1	0	13
Shenton Park Hospital Site	3.55	NCA	7	3	0	0	2	0	-2	0	-1	0	-1	0	8
Lot 800 Brabham	29	CA	7	3	0	0	2	0	0	0	-1	0	-1	0	10
Latitude 32 DA3	20.45	CA	7	3	0	0	2	0	0	0	-1	0	-1	0	10
Banksia Road Wellard	16.25	CA	7	3	0	0	2	0	0	0	-1	0	-1	0	10
Parkerville	103	CA	7		3	3	2	0	0	0	0	0	-1	0	14