



29 March 2009

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Appeals Convenor
Office of the Minister for the Environment; Youth
13th Floor Allendale Square
77 St Georges Terrace
PERTH WA 6000

Dear Appeals Convenor

APPEAL AGAINST THE DECISION OF THE EPA NOT TO ASSESS THE BURNING OF
BALDIVIS SWAMP (WOODLEIGH GROVE ESTATE) CITY OF ROCKINGHAM
Release date 16th March, 2009.

The Urban Bushland Council WA, is appealing about the decision of the EPA 'Not Assessed-
Public Advice Given – Managed under Part V of EPAct (Clearing). Please deduct the \$10 appeal
fee from our account.

EPA Position Statement No 4; *Environmental Protection of Wetlands, November 2004* states that; *A lack of knowledge should not be used as a reason for not providing for wetland protection and management. There is sufficient knowledge about wetlands, their functions and values, at least for the Swan Coastal Plain where development pressures are greatest, to make sound decisions.* (page 7)

The Urban Bushland Council is astounded that the proposal for burning Baldivis Swamp is proposed and that the EPA has said 'Not assessed'. The proposed burning might have been proposed post colonisation through ignorance but such a proposal in the twenty-first century is highly inappropriate.

Members of the community of Woodleigh Grove Estate rely on the EPA to protect their swamp from inappropriate proposals and for whatever reason, by not assessing this proposal, the EPA is not performing its function.

Our grounds of appeal are that

1. The proposal will have a major and significant environmental impact with permanent damage to the wetland which is currently in very good to excellent condition. It is the view of the UBC that wetlands should never be burnt.
2. The proposal would be devastating to the flora, fauna and fungi, and most species will not be able to recover.

3. Plants, animals and fungi are adapted to seasonal fluctuations in water level but recent unusually dry years have lowered the water table. Remaining water after burning would increase in temperature because of loss of vegetation cover causing further damage. The Swamp would end up with no undercover and be completely degraded.
4. Fire in peat-rich soils may take days or weeks to put out as sub-surface peat and organic matter continues burning. Such an event would lead to desiccation and death of micro-organisms and swamp living species. Weed invasion after fire would contribute to loss of biodiversity and make further fires more likely, more intense and destructive.
5. Burning sends out the wrong message to the community and to potential arsonists. If authorities are seen to be lighting fires in a wetland, then the subliminal or overt message is that it is OK for members of the community to light fires too. Copycat behaviour is a reality with fire lighting.
6. The Tuart trees at Baldvis Swamp and surrounds appear very healthy, in contrast to other Tuart areas and Tuart communities are generally in decline on the Swan Coastal Plain. Tuart trees do not recover well from fire and fire would degrade the values of the trees.
7. Baldvis Swamp is Bush Forever site 495 so it should be managed for its protection, that is to ensure *the continued existence and viability.....and may include preservation, maintenance and restoration.* (Bush Forever Vol 1, p9)
8. The UBC is also aware that wetlands are important places for Aboriginal heritage and we believe that approval would not be given under the Aboriginal Heritage Act.

Additional comments

UBC members visited Baldvis Swamp on 27 March, 2009 and made the following observations:

1. On the manicured grass surrounding the wetland, a spraying contractor was preparing to spray the grass for weeds. The four employees did not know what weeds they were spraying for and indicated they were spraying the plants under young sapling trees and not the fence line. There was no obvious evidence of weed growth.
2. Just inside the fence line under the Tuart trees which surround the wetland, there are dry grassy weeds which should be removed through a careful process, best determined by experts. Water from the sprinklers sprays into the edge of the wetland reserve, encouraging weeds. Moving into the interior of the wetland, the dense ground level vegetation is quite green and appears weed free apart from a few isolated fig trees and pampas grass which should be removed.
3. There was a depredation into the wetland as a result of an attempt to make a vehicle access track (presumably with a bulldozer) which has made shocking incursions into the wetland. We understand that in the initial development a board-walk was proposed and the white tipped posts indicated the pathway. The recent destruction by the bulldozer has made a path four metres wide parallel to the fence line around the Swamp (following the white tipped posts) and the driver has pushed the material towards the centre of the swamp. This material has been pushed four metres off the track so the cleared part is at least eight metres wide. Adjacent to this and for the length of the track, the tall standing Melaleucas have died. The bulldozer made a turning circle around a huge old spreading Melaleuca, leaving it isolated and with some of its limbs sawn off. We are advised that his work was carried out under the direction of the City of Rockingham. We believe that no approval from DEC or

the EPA was sought. As a Bush Forever site it is an Environmentally Sensitive Area (ESA) and is thus not exempt from approval for clearing.

The whole area is one of the worst examples of destruction and environmental harm in the name of providing an amenity, which we have seen. We have reported this to the City of Rockingham's Environmental Officer, David Mort. (mob 0401 699 836). We suggest that the work is also in breach of the Aboriginal Heritage Act.

An attempt at restoring the environmental damage should be made.

4. We were told by a resident and member of the Settlers Hills Residents Association that 46 varieties of birds have been recorded. We saw many invertebrates and one reptile and the Swamp has a significant mammal species, the quenda.
In relation to fire readiness the resident said that Council puts out a leaflet on fire awareness. This resident cleans her gutters every two months. We recommend that residents are educated about what to do in the case of fire and that this education is ongoing. There are restrictions to protect the beautiful Tuart trees on blocks and there is a big leaf canopy.
5. Should a fire start in Baldivis Swamp, because of difficult access, fire fighting should include air attack by helitankers. Access by ground level fire units around the perimeter from the grassed area would be very easy (without vehicles entering the wetland reserve itself).
6. We understand that the Department of Health has a 'no urban burning policy'

Conclusion

This proposal for burning the wetland reserve should not proceed. We appeal to the Minister to reject the advice of the EPA and under s43 of the EP Act to direct the EPA to re- assess the proposal more fully and more publicly - as PUEA or EPS (with conditions to minimise fire risk by specified means other than burning).

Yours faithfully

C Mary Gray
President

cc City of Rockingham